

MEETING OF THE TOWN BOARD OF COMMISSIONERS OF January 6, 2010

Town Board Present: Mayor David Wilkes, Vice Mayor Amy Patterson, Commissioner Dennis DeWolf, Commissioner Larry Rogers, Commissioner John Dotson and Commissioner Gary Drake.

Staff Present: Town Manager Jim Fatland, Planning & Development Director Joe Cooley, Police Chief Bill Harrell, Recreation Director Selwyn Chalker and Town Attorney William Coward.

1. Call to Order.

Mayor David Wilkes called the Town Board of Commissioners meeting to order at 7:00 pm.

2. Public Comments.

Michael Rogers discussed with the Town Board the statue of Bobby Jones and the desire to keep the same in the Town of Highlands. The historical society has stated that they do not have storage. This matter has been referred to the recreation Committee and will then be placed on the January 20, 2010 agenda.

There were no other public comments.

3. Approve Agenda.

Commissioner Gary Drake moved to approve the Agenda, was seconded by Vice Mayor Amy Patterson and was unanimously approved by the Town Board.

4. Approve Minutes of December 2, 2009.

The December 2, 2009 minutes are amended as follows:

Page 1, Section 3 is amended to delete the word Ross.

Page 3, Section 10 is amended to read as follows:

Mayor David Wilkes deferred Committee appointments to the next meeting. The Mayor preferred to make appointments after hearing from individual commissioners on which committees they would like to serve on. He asked the Town Manager to coordinate the process.

Vice Mayor Amy Patterson moved to approve the Minutes of December 2, 2009 as amended, was seconded by Commissioner Gary Drake and was unanimously approved by the Town Board.

5. Reports.

A. Mayor

Mayor Wilkes advised that it had been a month of learning and appreciates all of the help and guidance he has received. Mayor Wilkes also stated that if there were any members of the community that wished to serve on the business committee to pick up an application.

B. Commissioners

Commissioner Gary Drake questioned why there was no working link on the Town's website for the agenda items and the status of the proposed e-mail notification. Town Manager Jim Fatland advised it was being worked on and should be completed within a month.

C. Committees

There were no committee reports.

D. Town Manager

Town Manager Jim Fatland gave thanks for the great turnout at the employee Christmas luncheon. Mr. Fatland advised that the fireman's award ceremony was being held on January 16, 2010 and would be beneficial if members of the Board be in attendance as well as the Macon County Economic Development retreat to be held on January 22, 2010, in Highlands at Old Edwards Inn. Mayor Wilkes advised that he would not be able to attend the retreat but encouraged the Board members to attend if possible.

6. Consent Agenda

- A. Board Meeting Dates for 2010
- B. Holiday Schedule for 2010
- C. Set January 25, 2010 at 5:30 PM for Joint Meeting with Planning Board for Proposed Stormwater Ordinance

Vice Mayor Amy Patterson moved to approve the Consent Agenda, was seconded by Commissioner John Dotson and was unanimously approved by the Town Board.

7. Public Hearing: Temporary Planned Development Signs

The Town Board has been asked by people within the community to look at an addition to the sign ordinance that would allow signage for new developments. The Town Board has asked Joe Cooley, Planning Director and the Planning Board to come up with verbiage for the addition.

The Planning Board has reviewed the Temporary Planned Development Sign regulation. The regulation would be added to Section 405.1: Temporary Signs. The Planning Board voted unanimously for the recommendation of approval of the addition.

**Minutes of the Town of Highlands Planning Board/September 28, 2009**

Mr. Cooley distributed to the members of the Planning Board a preliminary draft for an addition to the Zoning Ordinance concerning temporary planned development signs.

The definition of a temporary planned development sign is “*a sign that pertains to the development of a new subdivision, planned multifamily development, planned shopping center, industrial, office, or business park, or similar land parcel where an active building and development program is underway*”. Working with Mr. Cooley in the preparation of this draft was Bill Nellis, a local builder. Mr. Nellis was present for the discussion. It was noted that the signs are necessary for marketing purposes.

Several changes were made to the preliminary draft of the addition to the Zoning Ordinance and Mr. Cooley will make these changes and e-mail the revised draft of the changes to all the Planning Board members.

**MIKE BRYSON MADE THE MOTION TO RECOMMEND APPROVAL OF THE PRELIMINARY DRAFT FOR AN ADDITION TO THE ZONING ORDINANCE CONCERNING TEMPORARY PLANNED DEVELOPMENT SIGNS SUBJECT TO THE PLANNING BOARD REVIEWING THE CHANGES DISCUSSED. SECONDED BY PATRICK TAYLOR AND UNANIMOUSLY APPROVED.**

The following is recommended to be added to the Zoning Ordinance:

**Add to 1002. Individual words or terms. (DEFINITIONS)**

Planned development sign. A temporary sign that pertains to the development of a new subdivision, planned multifamily development, planned shopping center, industrial, office, or business park, or similar land parcel where an active building and development program is underway.

**Add to Section 405.1 Temporary Signs:**

405.1(C)

(1) Planned development signs, shall be allowed subject to the following applicable standards:

- (a) One sign shall be allowed along the street utilized as the project’s

main entrance. One additional sign shall be allowed along each other public street adjacent to the project, but only if there is a minimum of eighty (80) feet of street frontage on said street.

- (b) The maximum area per sign shall not exceed twenty-four (24) square feet;
- (c) Signs shall not be placed within a dedicated street right-of-way;
- (d) Signs shall be a minimum of ten (10) feet from the street's edge of pavement.
- (e) Signs located within ten (10) feet and fifteen (15) feet of the street's edge of payment shall be allowed one (1) sign face. Signs located a distance of greater than fifteen (15) feet from the street right-of-way may have up to two (2) sign faces, each face not exceeding twenty-four (24) square feet.
- (f) The maximum height of the sign shall not exceed ten (10) feet.
- (g) Sign removal shall be required on the following time frames:

Single-family residential subdivisions: Within thirty (30) days after the sale of ninety (90) percent of homes or lots, or a period of five (5) years from date of permit, whichever comes first.

Multi-family residential developments: Within thirty (30) days after the initial sale of ninety (90) percent of the units, or a period of five (5) years from date of permit, whichever comes first.

Other planned developments: Within thirty (30) days after the issuance of certificate of occupancy of sixty (60) percent of all units or installation of permanent development signs, whichever occurs first.

(h) All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped or faded paint, broken material, missing letters, or general rundown condition shall be evidence of a lack of maintenance.

(2) Temporary planned development signs shall be allowed by granting of a temporary sign permit by the Zoning Administrator.

(a) Applications shall be on a form provided by the Zoning Administrator.

(b) An application fee shall be required as designated on the Town of Highlands schedule of fees.

(c) Prior to being issued by the Zoning Administrator, the application shall be reviewed and recommendations made by the Town of Highlands Appearance Commission.

There were no comments from the public and the public hearing was closed.

There were many questions and comments from the Commissioners including the application process, time limitations, permits, removal of illegal signs, effect within the ETJ, options for renewal and logos size proportions for the developers and realtors. Vice Mayor Amy Patterson advised that there were too many questions and that this matter should be sent back to the Planning Board for further revision.

Commissioner Gary Drake moved to continue the public hearing to the February 3, 2010 meeting, was seconded by Vice Mayor Amy Patterson and was unanimously approved by the Town Board.

#### 8. Contract Award for Pine Street Stormwater Improvements

This agenda item has been reviewed by JP Johns, McGill Associates and Town Attorney Bill Coward.

The Town of Highlands has received two (2) grants for storm water improvements for Pine and Fifth Streets. The first grant was an ARRA Grant in the amount of \$546,517.00 and the second grant from CWMTF for \$90,000.00.

The ARRA Grant reflects a grant in the amount of \$273,259.00 and a no interest twenty (20) year loan for \$273,259.00. The CWMTF Grant Award will reduce the no interest loan by \$90,000.00 to \$183,259.00. The annual pay back on the interest free loan is \$9,163.00 per year.

The low bid was submitted by Madden Trucking and Grading from Cashiers in the amount of \$657,238.97. The low bid along with engineering costs would exceed the \$546,517.00 budget. McGill Associates, the Town's Design Engineer for the project, along with staff have removed all non storm water line items from the bid to bring the project within the original budget, with the exception of stubbing out water, sewer and electric utilities for proposed future park improvements.

Plans for a future public restroom for the benefit of Downtown visitors and for special events at Pine Street Park are recommended to be built near the sidewalk on Fifth Street.

It is recommended to the Town Board that 1) Approve the Resolution awarding contract to Jeff Madden Trucking and Grading (Cashiers NC) for the bid amount of \$657,238.97; 2) Direct Engineer to deduct \$180,921.97 from the construction contract award. The revised contract amount would be \$476,317.00. 3) Direct staff to bring back to Town Board an ordinance revision to allow the proposed

public restroom to be constructed near Fifth Street sidewalk.

As to the fiscal impact, the total budget remains unchanged at \$546,517.00. As mentioned above the local costs has been reduced by \$183,259.00 with the CWMTF Grant proceeds. The annual cost will be \$9,163.00 to repay the twenty year interest free loan.

JP Johns addressed the Town Board, advised that three (3) bids were received, which is the minimum requirement, and the low bid was submitted by Jeff Madden. Mr. Johns submitted to the Board members a Potential Bid Schedule Deduction sheet showing by line item the removal of items from the bid to bring the project within the original budget. Mr. Johns explained how the tanks would be installed and how the system would be supported. Commissioner Dennis DeWolf inquired as to the construction schedule, if the proper tests were done and potential weather hold ups. Bill Nellis stated that during the construction, there would be a tremendous amount of dirt displaced and inquired where would that dirt be stored and was advised that Lamar Nix had stated that there was a place to store the dirt. Commissioner John Dotson commented as to the interest free loan and that it would ultimately cost the taxpayers and did not want to throw money away on a project that may not work. Mayor Wilkes stated that in the beginning he was against the project, that he had never witnessed a historical flooding event in the Town but after he spoke with Lamar Nix who explained the issues faced, costs involved, he changed his view and wanted to give the Town the ability to resolve the issue. Mayor Wilkes further stated that he respected Commissioner Dotson's opinion.

Commissioner Gary Drake moved to approve the Resolution awarding contract to Jeff Madden Trucking and Grading (Cashiers NC) for the bid amount of \$657,238.97 and to direct the engineer to deduct \$180,921.07 from the construction contract award, was seconded by Vice Mayor Amy Patterson and was unanimously approved by the Town Board.

TOWN OF HIGHLANDS NORTH CAROLINA  
RESOLUTION ACCEPTING CONTRACTOR BID OFFER  
PINE STREET STORMWATER TREATMENT

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of Government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water

WHEREAS, the North Carolina Department of Environmental and Natural Resources has offered an American Recovery and Reinvestment Act of 2009 loan assistance from Clean Water State Revolving Fund in the amount of \$546,517.00 for the construction of the Pine Street Storm water improvements and

WHEREAS, The Clean Water Management Trust fund has offered grant assistance in the amount of \$90,000.00 for the construction of Pine Street Stormwater Improvements, and

WHEREAS, the Town of Highlands intends to construct said project with the approved plans and specifications, and

WHEREAS, the Town of Highlands did advertise and receive bids from qualified contractors to perform the construction activity outlined in the approved documents for The Pine Street Stormwater project, and

WHEREAS, the Town of Highlands did determine Jeff Madden Trucking and Grading and their bid of \$657,238.97 as the low responsive bid,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HIGHLANDS:

That the Town Manager is hereby authorized to enter into contract on behalf of the Town of Highlands with Jeff Madden Construction and Grading for Pine Street Storm water project for the amount of \$476,317.00;

That the Town of Highlands does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan/grant offer, Section II Assurances will be adhered to in the construction of this project by the Contractor;

That Mr. Jim Fatland, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project;

To make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

Adopted this 6<sup>th</sup> of January, 2010 at Highlands, North Carolina.

Attest:

Approved:

Town Clerk

Mayor

Date: January 6<sup>th</sup>, 2010

CERTIFICATION OF RECORDING OFFICER

The undersigned duly qualified clerk of the Town of Highlands does hereby certify: That the above/attached resolution is a true correct copy of the resolution authorizing the filing of the application with the State of North Carolina, as

regularly adopted at a legally convened meeting of the Town of Highlands duly held on the 6<sup>th</sup> day of January, 2010; and further, that such resolution has been recorded in the journal of proceeding and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 6<sup>th</sup> day of January, 2010.

\_\_\_\_\_  
(Signature of Recording Officer)

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(Title of Recording Officer)

9. Board Appointments to Committees

Macon County has requested that the Town of Highlands fill vacancies on the Macon Economic Development Commission, Tourism Development Commission and Macon Program for Progress.

It is recommended for the Town Board to consider the appointment of Gary Drake to the Tourism Development Commission and the County Economic Development Commission and appoint Tony Potts to the Macon Program for Progress.

Mayor Wilkes made the above appointments as well as the below appointments for the Town Board members to serve:

Mayor David Wilkes: Business Group Committee and Economic Development Commission

Vice Mayor Amy Patterson: Sustainability Committee

Commissioner John Dotson: Finance Committee and Land Use Committee

Commissioner Larry Rogers: Public Works Committee and Recreation Committee

Commissioner Dennis DeWolf: Public Works Committee, Recreation Committee and Scholarship Fund Raising Committee

Commissioner Gary Drake: Finance Committee and Land Use Committee

10. Consider Appointments to Sustainability Committee

The Town Board at their regularly scheduled meeting on October 21, 2009 approved the formation of a Sustainability Advisory Committee. Subsequently, the Town has advertised for interested individuals to serve on this committee. We have received two completed applications to date.

The Sustainability Advisory Committee would provide feedback and advice to the Town Board on policies, ordinances and administrative procedures regarding environmental protection and the conservation of energy and natural resources.

The general scope of work is to identify and assess policy alternatives for the Town Board to consider as part of the Town's strategic plan to expand leadership and implement cutting edge applications and standards for environmental stewardship and leadership.

The Town Board at its regularly scheduled meeting on November 18, 2009 approved the appointments of Allen "Buck" Trott, Robert E. Smith, Lance Hollars and Commissioner Amy Patterson to the Sustainability Committee.

It is recommended to the Town Board to consider appointing Karen Hawk and Alan Marsh to the Sustainability Committee. Town Manager Jim Fatland also recommended Charlie Wolf be appointed to which the Town Board agreed.

Mayor Wilkes approved the above recommendations.

11. Discussion Item: Mayor Pro Tempore Selection Process

Mayor Wilkes stated that he wanted the staff to return for the January 20, 2010 Town Board meeting to discuss the Mayor Pro Tempore Selection Process as the Town of Highlands' code differs from the state code and that this matter needs to be corrected and get a formal system in place.

Vice Mayor Amy Patterson moved the Town Board to Closed Session, was seconded by Commissioner Gary Drake and was unanimously approved by the Town Board.

12. Closed Session to discuss easements for Lake Sequoyah & Azalea Circle; Lawsuit filed by John Shearl

Vice Mayor Amy Patterson moved the Town Board back into Open Session, was seconded by Commissioner Larry Rogers and was unanimously approved by the Town Board.

13. Adjourn

Vice Mayor Amy Patterson moved to adjourn, was seconded by Commissioner Larry Rogers and the Town Board adjourned at 9:15 p.m.

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James R. Fatland  
Town Manager

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Jane J. Capman  
Recording Secretary

David Wilkes, Mayor