

**Regular Meeting Minutes of the Town Board of Commissioners Meeting of August 20, 2015 at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.**

**Town Board Present:** Commissioner Eric Pierson, Mayor Pro Tempore Brian Stiehler, Commissioner Amy Patterson, Mayor Patrick Taylor, Commissioner Donnie Calloway, and Commissioner John Dotson.

**Also Present:** Town Manager Bob Frye, Town Clerk Rebecca Shuler, Town Attorney Jay Coward, Public Works Director Lamar Nix, Police Chief Bill Harrell, MIS/GIS Director Matt Shuler, and Parks and Recreation Director Lester Norris.

**1. Meeting Called to Order**

Mayor Taylor called the meeting to order at 7:00pm.

**2. Public Comment Period**

Cynthia Strain addressed the Board and requested that they revisit the sign ordinance. With her recent Macon County Arts Association Craft Shows attendance has been dwindling as visitors are not directed to the park. Strain strolled down Main Street and handed out flyers the day of the show and 2/3 of the people she spoke to had no idea a show was even going on. Strain suggested a sign be placed at the intersection of Pine Street and US64.

Diane Levine addressed the board in regard to dog excrement in Founders Park.

**3. Adjust and Approve Agenda**

Manager Frye asked that item 10. C. Broadband Service Request be added to the agenda. Commissioner Pierson moved to approve the agenda with the before mentioned addition, which was seconded by Mayor Pro Tempore Stiehler and the vote was unanimous.

**4. Approval of the July 16, 2015 Regular Meeting Minutes**

Commissioner Dotson made a motion to approve the regular meeting minutes of July 16, 2015 as presented, which was seconded by Commissioner Calloway and the vote was unanimous.

**Approval of the July 16, 2015 Closed Session Meeting Minutes**

Commissioner Pierson made a motion to approve the closed session meeting minutes of July 16, 2015 as presented, which was seconded by Commissioner Dotson and the vote was unanimous.

**5. Reports**

**A. Mayor**

Mayor Taylor wished Josh Ward the best with his new endeavor as the Town Manager of Bryson City.

Taylor gave an update of the sales tax situation in North Carolina, the dam project progress and mentioned a letter from the Land Stewards addressing a problem with knotweed.

**B. Commissioners and Committee Reports**

Commissioner Stiehler announced October 15, 2015 as the date of the annual scholarship golf tournament.

**C. Town Manager**

Manager Frye said that the knotweed issue would be placed on the agenda for next month.

Frye stated that the pump station is under construction and it would be complete toward the end of November.

Frye informed the Board of multiple issues with the new pool dome that were to be repaired by the manufacturer: including the underpowered motor for opening, under designed support members, and leaking window panels.

Frye informed the board that Josh Ward’s last day would be the 21<sup>st</sup> of August and that he would be the interim until the position is filled. Frye stated he would keep a close eye on signs around town.

**6. Consent Agenda**

- Public Works Department
- Police Department
- Parks & Recreation Department
- Planning & Development Department
- Treasurer’s Report
- Holiday Street Closures

Commissioner Dotson mentioned that he thought pool admission was free until Labor Day.

Commissioner Pierson moved to approve the consent agenda as presented, which was seconded by Commissioner Dotson and the vote was unanimous.

**7. Financial Matters**

**A. Public Works Equipment Purchases**

The current budget FY2015-2016 was included within it to purchase the following:

- 1. Street Department – Replace service truck
- 2. Waste Water – Replace pickup
- 3. Water/Sewer – replace Ton dump truck, trailer, and mini excavator.

The following quotes were obtained:

DEPT	ITEM	BUDGET	QUOTE	VENDOR
Street	Service Truck	\$65,000	\$49,900	Smoky Mtn. Chevrolet
Waste Water	Pickup	\$40,000	\$37,500	Piedmont Nissan
Water	Ton Truck	\$60,000	\$52,748	Ed Murdock
Water	Excavator	\$45,000	\$42,857.89	Carolina Equipment
Water	Trailer	\$5,000	\$4,718.70	Carolina Equipment
	TOTAL:	\$215,000	\$187,724.59	

Commissioner Patterson made a motion to approve the equipment purchases presented, which was seconded by Commissioner Calloway and the vote was unanimous.

**B. Budget Amendments**

Manager Frye presented the following budget amendments to the Board for approval:

Fund Balance Appropriation of \$295,180.00. These are the remaining funds from the FY 2014-15 budget that need to be appropriated to complete the pool enclosure.

Recognize and disperse fire tax funds received from Jackson County of \$25,000.

Appropriate additional donation funds from A.L. Williams for pool enclosure of \$70,000.00.

None of these amendments require new funds be appropriated form the undesignated General Fund.

Commissioner Pierson made a motion to approve the budget amendments as presented, which was seconded by Commissioner Patterson and the vote was unanimous.

## **8. Parks and Recreation Matters: Review of Kelsey Hutchinson Founders Park Policies**

Manager Frye presented the following draft policy for review:

### **Rules Governing Outdoor Recreation Areas**



Any Town of Highlands Outdoor Recreation area, including Founders Park, Zachary Park, and the Baseball Field will be subject to the following criteria:

1. Any event held at any of the outdoor recreation areas owned or operated by the Town must be issued a Permit/Rental Agreement/Waiver and Release for use by the Recreation Director or his/her designee. The permit/rental agreement/waiver and release should be submitted to the Recreation Director or his/her designee at least thirty (30) days before the event is scheduled to take place unless it needs approval by the Town Board of Commissioners, then it needs to be submitted at least sixty (60) days before the event is scheduled to take place. To assure availability, requests should be made before the submission dates.
2. Any event held at any of the outdoor recreation areas, must be public-oriented sponsored by the Town of Highlands or a non-profit organization approved by the Town of Highlands. The approval process for non-profits includes the submittal of an application to the Recreation Director or his/her designee including items such as 501(c)3 documentation and proof of a comprehensive general liability insurance policy (amount of not less than \$300,000 for bodily injury per person and \$1,000,000 per occurrence, and not less than \$1,000,000 for property damage per occurrence). Such insurance shall indemnify the Town from all claims for damages to property and bodily injury, including death, which shall arise from operations under or in connection with the permit/rental agreement/waiver and release. Such insurance shall name the Town as additional insured for any and all claims made.
3. No commercial (for profit) uses are permitted in the park(s).
4. Any tent or structure temporarily installed for any event will need to be “free-standing” meaning no stakes or pegs driven into the ground, pavement, or paving system.
5. Any vehicle on the grass area of Founders Park (other than designated parking spaces on Pine Street) shall not exceed 10,000 lbs. gross weight.

6. Parking will be permitted only in designated parking areas, unless permission has been obtained for parking in area private parking lots.
7. The applicant is responsible for arranging for traffic control, security enforcement, and crowd control, if required by the scale of the event and subject to Town of Highlands' approval.
8. The closing of Pine Street for any event held at Founders Park shall be approved by the Town of Highlands Board of Commissioners.
9. No admission to the outdoor recreation areas can be charged for any event unless approved by the Recreation Director or his/her designee.
10. No solicitation is permitted at any outdoor recreation area.
11. Signage advertising the events at any of the outdoor recreation areas must comply with the temporary sign requirements of the Town of Highlands Unified Development Ordinance, or as otherwise provided for by the Town of Highlands.
12. Designated banner spaces are available upon availability up to (2) two weeks before an event at Founders Park. Banners may not be more than 3' H or tall x 8' W or long for display in the pavilion and 4' H or tall x 4' W or long for display on the restroom building. **Availability must be** verified through the Civic Center Coordinator and banner is to be delivered to the Parks and Recreation Department for installation. (*refer to Founders Park banner diagram*)
13. On Memorial Day, the 4<sup>th</sup> of July, and Labor Day holidays, the Town of Highlands reserves Founders Park for exclusive use as deemed suitable.
14. Founders Park will not be reserved or rented for private parties or activities that restrict public use of the park. Any group is allowed to use the park upon availability.
15. Repairs to any damages to any outdoor recreation area during an event will be the responsibility of the applicant, and shall be coordinated and approved by the Recreation Director or his/her designee. The applicant shall assume full liability for all accidents or claims of accidents as a result of activities taking place associated with the use.
16. No loud and disruptive behavior, use of tobacco, possession and/or use of drugs or possession of any firearms is permitted at any outdoor recreation area.
17. No skateboarding in outdoor recreation areas not specifically designated. Town Code Sec. 7-6
18. No grilling or cooking in Founders Park on the pavilion.
19. Alcohol permitted only under the guidelines set out in the permit/rental agreement/waiver and release form.
20. The applicant is responsible for any clean up following events held at any of the outdoor recreation areas.
21. The Recreation Director or his/her designee has the authority to revoke any permit/rental agreement/waiver and release, if a violation of this policy is discovered.

Commissioner Patterson questions if the town was going to be responsible for taking down the banners.

Hank Ross informed the board that he had taken a look at the photographs of the banners on the pavilion and the restrooms and felt the coalition should have been consulted. Ross requested the item be tabled and for the designers to be consulted.

Skip Taylor said they were blindsided and the proposal takes from the overall aesthetics of the park.

Commissioner Dotson said he had several comments. He questioned if rule 4 was feasible and was responded to that they make weights to hold down the tents that do not stake into the ground.

Dotson proceed with rule 6 and asked that “unless permission has been obtained for parking in area private parking lots” be deleted. Dotson asked for rule 10 to be clarified, the second sentence in rule 14 to be deleted and “immediately following the event or no more than 24 hours after the event” to be added to rule 20.

After some more discussion in regards to how people know what the protocol is in regard to signage and banners, special event permits and the aesthetics of the park, Commissioner Pierson made a motion to table the policy until next month.

Mayor Pro Tempore Stiehler seconded the motion and the vote was unanimous.

## **9. Personnel Matters: Planning Director Hiring Process**

Josh Ward submitted his resignation as Planning Director effective August 21<sup>st</sup>.

At this time the job will be advertised locally and on both the League of Municipalities and Association of County Commissioner’s websites.

Selection process and interviews will begin in mid to late September. The Planning Advisory Committee, Commissioners Pierson and Dotson, will create a short list of three to five candidates for the Board to interview. Interviews should take place in early to mid-October.

## **10. Miscellaneous Matters**

### **A. CLE Sign Request**

The Center for Life Enrichment has requested that they be added to the wayfinding sign program.

As a reminder, the wayfinding signage was intended to direct visitor’s to those large venues that operate year round and draw a substantial number of visitor’s to Highlands. It was determined early on, that the town would not put signs up for nonprofits or churches. All of them have made similar arguments to the CLE’s as to why they should have wayfinding signage.

Since last meeting, the Planning Advisory Committee has reviewed this request once again and has determined that nothing has changed in their opinion to warrant giving the CLE a directional sign. It was decided that perhaps the CLE should work to give better directions to their location and to work with the Peggy Crosby Center to improve the visibility of the signage they do have.

In regards to the statement made concerning having over 3,000 attendees per season, it was felt that the overwhelming majority of those in attendance were drawn from the membership base attending multiple events per season and that those members were in residence during the season and not coming from other areas specifically to attend an event at the CLE.

Additionally, the situation concerning the location of the CLE (Peggy Crosby Center) has proven somewhat problematic in that the town has been contacted by the Peggy Crosby Center and been informed that if the CLE receives a sign then the Peggy Crosby Center will request one as well.

Ed Mawyer, president of the CLE, reassured the Board that the CLE had become a venue and that he felt they had been thrown into the nonprofit status as not being self-sufficient. Mawyer said he was pleased to say they had never asked the town for any money.

After some discussion, Commissioner Calloway moved to grant the CLE sign, which was seconded by Mayor Pro Tempore Stiehler and the vote was 2 to 3 with Commissioners Patterson, Dotson and Pierson voting nay.

### **B. ABC Board Appointments**

Chairman Brenda Pierson's term has expired and she has agreed to continue to serve.

Member Holly Roberts has notified the town that she is moving from the area and will no longer be able to serve.

Richard "Rick" Trevathan has expressed a willingness to serve.

Commissioner Calloway made a motion to reappoint Chairman Pierson and to appoint Rick Trevathan to fill Holly Roberts' position on the ABC Board, which was seconded by Commissioner Dotson and the vote was unanimous.

### **C. Broadband Service Request**

IT Director Matt Shuler informed the Board that a request had come from the Mountain to use the town's tower space. Shuler explained Chris Cutshaw and Nick McCall's old fixed point to point systems and that service was no longer available to people in those areas. Providing internet in this manner would be very easy to supply.

Mayor Taylor questioned the cost of this project. Shuler told the Mayor approximately \$500.00 with a great return on investment.

Commissioner Dotson said his only concern was not have an cost study done and having people ready for connection.

Shuler assured the board that the Director of Facilities and Maintenance of the Mountain was full aware of the new business and that the rate structure had not been finalized and that a temporary rate will be billed with that subject to change once the whole project is up and running.

Commissioner Patterson questioned if there was any consequence with the court and wanted to make sure that nothing prohibited us from going into business. Shuler informed them that nothing stood in the way to his knowledge. Town Attorney Coward confirmed that he agreed.

Commissioner Patterson made a motion to allow the Mountain to become the Town's first internet customer at \$100.00 a month until a fee structure is established, at which time the cost will be renegotiated. The motion was seconded by Commissioner Calloway and the vote was unanimous.

## **11. Adjournment**

As there were no further matters to come before the Board of Commissioners, Commissioner Dotson moved to adjourn, which was seconded by Mayor Pro Tempore Stiehler and upon a unanimous vote, the Town Board adjourned at 8:32pm.

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Patrick Taylor  
Mayor

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Rebecca R. Shuler, CMC, NCCMC  
Town Clerk