

**Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of April 20, 2017, at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina**

Town Board Present: Commissioner Amy Patterson, Commissioner Donnie Calloway, Commissioner Brian Stiehler, Commissioner Eric Pierson and Mayor Pat Taylor

Town Board Absent: Mayor Pro Tempore John Dotson

Also Present: Town Manager Josh Ward, Town Attorney Jay Coward, Finance Director Rebecca Shuler, MIS/GIS Director Matt Shuler, Police Chief Bill Harrell, Officer Andrea Holland, Officer Mike Jolly, Parks & Recreation Director Lester Norris and Town Clerk Gibby Shaheen

**1. Meeting Called to Order**

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

**2. Public Comment Period**

There were no comments.

**3. Adjust and Approve the Agenda**

Commissioner Patterson made a motion to approve the agenda as presented, which was seconded by Commissioner Stiehler and the vote was unanimous.

**4. Approval of the March 7, 2017, Special Meeting (Retreat) Minutes**

Commissioner Patterson made a motion to approve the March 7, 2017, special meeting (retreat) minutes as presented, which was seconded by Commissioner Pierson and the vote was unanimous.

**Approval of the March 16, 2017, Regular Meeting Minutes**

Commissioner Patterson had a correction in the section requesting Use of Cemetery In the Wreaths Across America presentation, strike the sentence, Commissioner Patterson also asked if the wreaths would need to be.

Commissioner Patterson asked for a clarification in the discussion regarding the Verizon Wireless Lease it had a 10% increase at every 5 year term and Commissioner Patterson requested it to be a 15% increase at the end of every 5 year term. Commissioner Patterson also wanted to clarify that she wanted the town to continue negotiations and wasn't sure what she meant by not wanting to draw a line in the sand.

Commissioner Stiehler made a motion to approve the March 16, 2017, regular meeting minutes with the before requested corrections, which was seconded by Commissioner Pierson and the vote was unanimous.

**Approval of the March 23, 2017, Special Meeting Minutes**

Mayor Taylor asked that on page 15 the motion regarding the Coal Ash Recovery be changed from contingent upon approval of the revised Contract to contingent upon the review and approval of our legal consultants of the revised contract.

Commissioner Patterson made a motion to approve the March 23, 2017, special meeting minutes with the before requested correction, which was seconded by Commissioner Pierson and the vote was unanimous.

**5. Reports**

**A. Mayor**

Mayor Taylor announced Plateau pickup will be Saturday, April 22<sup>nd</sup>. Mayor Taylor thanked the Chamber for their hard work on the event.

Mayor Taylor stated he and Town Manager Josh Ward attended Town Hall day and gave a brief update as to what was discussed.

Mayor Taylor informed everyone that Macon County was hosting Biz Week and a session was hosted by the Ugly Dog Pub.

Mayor Taylor gave an update on the Coal Ash Recovery.

## **B. Commissioners and Committee Reports**

Commissioner Patterson stated that she would be leaving at 8:00PM. Mayor Taylor noted that Mayor Pro Tempore John Dotson was absent tonight and on a well-deserved vacation.

## **C. Town Manager**

Town Manager Josh Ward stated the Coal Ash recovery fees are projected at \$5-\$7 per month. The fees will be seen on the February 2018 utility bills. Josh Ward also reported that the town is in the middle of Budget preparation and the first work session will be held Thursday, May 4<sup>th</sup>.

## **6. Consent Agenda**

Police Department  
Parks & Recreation Department  
Planning & Development Department  
Treasurer's Report  
Scholarship Appointments – Jeremy Dooley and Jeffery Weller

Commissioner Stiehler made a motion to accept the consent agenda as presented, which was seconded by Commissioner Patterson, and the vote was unanimous.

## **7. Review & Approve Verizon Wireless Lease**

Town Attorney Jay Coward presented the Tower Lease, Memorandum of Lease and a Tax Document ready for execution if approved. Town Attorney Jay Coward stated he had renegotiated some of the terms. Verizon didn't want the clause on the premise section or termination section of the Lease that stated if the Town decided the Contract wasn't providing for the Town in the Town's view, the Town could terminate the Lease. Verizon didn't want a contract that could unilaterally terminate, they want a Lease with the Town of Highlands to make some money. So that clause is removed in the final Lease.

Town Attorney Jay Coward also renegotiated the term and percentages of increase of the Lease. The Term changed from 50 years to 3 renewals of 5 years, so termination at 20 years or sooner, with the addition of the automatic 5 year renewal. Town Attorney Jay Coward negotiated a 12% increase instead of 15% increase. Town Attorney Jay Coward state that in negotiations the contact went back to internal legal indicating in his legal opinion the Town received a good deal. The remainder of the Lease remains the same.

Mayor Taylor asked if automatic renewal was an opportunity to address issues. Attorney Jay Coward answered it was an opportunity to address issues, but if Verizon wants the renewal we couldn't terminate the Lease.

Commissioner Calloway asked if the 30 day termination was in original Lease and Attorney Jay Coward answered yes.

Commissioner Patterson made a motion to accept the Lease documents contingent upon Mayor Taylor confirming revisions as stated, before executing the document, which was seconded by Commissioner Calloway, and the vote was unanimous.

## **8. Presentation by the United States Postal Service**

Mayor Patrick Taylor expressed appreciation to the US Postal Service for coming to the meeting. Lisa Adams introduced herself and colleagues Brian Robert and Phil.

Adams stated they were contacted by the media regarding a presentation on service downtown. As part of their presentation they came early so she could familiarize her colleagues with Highlands since she was familiar with Highlands and some of the owners from working here at the beginning of her career. Lisa stated that really it was the technicalities, Highlands was classified rural route versus city delivery based on national contracts with strict guidelines, and door to door and parking loops were not an option.

Lisa Adams stated that they were interested in allowing business owners to express their opinions and concerns to see if they could offer any options.

Lisa Adams opened the floor for discussion and issues were discussed. The main concern expressed was the physical address being non-deliverable and packages being returned because of this issue.

Lisa Adams and her colleagues answered questions and was going to go back to headquarters to come up with a plan that will work for the Town, including how it can verify physical addresses as deliverable and will be in contact.

Commissioner Patterson left the meeting at 7:56pm.

### **9. Request the Use of Portions of Main Street, Founders Park & South Street for the Highlands Food & Wine Event**

Tony Potts began by saying they were looking to expand and change locations for the Highlands Food & Wine Festival. Last year they lacked the statistics and time was short so the events were held on private property. This year they would like to request the following: closing Pine Street and placing a tent from the stage back to the street from November 7, 2017 through November 12, 2017:

Thursday, November 9, 2017 last year's festivities were held at the Bascom, and this year we are requesting that it be held in a tent at Founders Park. The Grand Tasting event beginning at 7:00pm. Restaurants, beer and wine vendors will be on site.

Friday, November 10, 2017 the Truckin event will be at Old Creek Lodge and will run a shuttle from 11:00am-3:00pm. The Sip and Stroll on Main Street with specified retail locations from 11:00am - 4:00pm, and Highlands Restaurants Wine Dinner from 6:00pm until. The restaurants will have their own open menu and proceeds of the dinners will go to the individual proprietors.

Saturday, November 11, 2017 we are requesting the use of Founders Park for the Free Yoga Event from 9:00am-10:00am with a juice bar and instructors there. For the Main Event we are requesting the use of Main Street between Fourth and Fifth Streets from 11:00am to 3:00pm. We have worked with the Fire Marshall, Fire Chief Gearhart and Police Chief Harrell with regards to the fire lanes and the set up to insure everyone's safety. Set up would include a portable stage, which is a stage on a truck, will be set up in front of the trees in the middle of the street facing Fourth Street. Police Department barricades to close the street and the movable metal barricades to be used to reflect the event and need for a ticket. This will keep the sidewalks open to the public, but no food inside the barricades unless you have a ticket. The Breakdown would take place at 3:00pm so the streets would re-open before dinner. The Main Even rain location would be the tent at Founders Park.

Sunday, November 12, 2017 we are requesting to close South Street for Sunday Gospel Brunch at Piermont Cottage from 8:00am-5:00pm. Potts explained that they plan on using a shuttle to transport participants. Commissioner Calloway asked if they would use the dentist office parking lot to loop around and keep it one way. Potts stated that was the plan, and they would use police and firemen to facilitate the one way loop.

Potts also requested the ice skating rink be open two weeks early with Highlands Food & Wine paying for the operation of the rink for two weeks to facilitate it being open at the time of the festival and will coordinate that with the town.

Commissioner Calloway made a motion to approve the request as presented, which was seconded by Commissioner Stiehler, and the vote was unanimous.

**10. Financial Matters: Budget Amendments**

Town Manager Josh Ward stated that recently our auditors conducted a preliminary review of the FY16/17 financials. During the review, they compiled a short list of amendments that are necessary. The following budget amendments are required to ensure compliance: Appropriation of Funds for Final Radio Read Meter Payment, Appropriation of Funds to Clarify Broadband Funding and Appropriation of Funds for Shearl Case Settlement.

TOWN OF HIGHLANDS BUDGET AMENDMENT  
AMENDMENT # \_\_\_\_\_

April 20, 2017

FROM: Electric & Capital Projects Fund



DEPARTMENT: Electric Dept. & Capital Projects Fund  
EXPLANATION: Appropriation from Electric Fund Balance & Transfer from Electric Reserve to cover final radio read meters payment in Capital Projects Fund

<b>Account</b>	<b>Description</b>		<b>Debit</b>	<b>Credit</b>
35-3800-0910	Fund Balance Appropriated ~ Electric Fund	Increase		\$42,732.00
35-8300-9515	Transfer to Capital Projects Fund	Increase	\$42,732.00	
32-3800-0935	Transfer from Electric Reserve	Increase		\$42,732.00
32-8432-7520	Debt Repayment ~ Radio Read Meters	Increase	\$42,732.00	
<b>Totals</b>			<b>\$85,464.00</b>	<b>\$85,464.00</b>

Approved by Town Manager \_\_\_\_\_

Action by Town Board \_\_\_\_\_

Approved and Entered on Minutes Dated \_\_\_\_\_

Finance Director \_\_\_\_\_

TOWN OF HIGHLANDS BUDGET AMENDMENT  
AMENDMENT # \_\_\_\_\_

April 20, 2017



FROM: Electric Fund

DEPARTMENT: Electric Dept.  
EXPLANATION: Amendment to increase Electric Charges & Utilities

<b>Account</b>	<b>Description</b>	<b>Increase/Decrease</b>	<b>Debit</b>	<b>Credit</b>
35-3710-5120	Electric Charges	Increase		\$686,615.00
35-8300-1300	Utilities	Increase	\$686,615.00	
			<b>Totals</b>	\$686,615.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

TOWN OF HIGHLANDS BUDGET AMENDMENT  
AMENDMENT # \_\_\_\_\_

April 20, 2017



FROM: General Fund

DEPARTMENT: Planning Dept.  
EXPLANATION: Appropriation from fund balance to cover Shearl Settlement

<b>Account</b>	<b>Description</b>	<b>Increase/Decrease</b>	<b>Debit</b>	<b>Credit</b>
10-3100-0910	Fund Balance Appropriated ~ General Fund	Increase		\$35,000.00
10-4200-0410	Prof. Services ~ Legal	Increase	\$35,000.00	
			<b>Totals</b>	\$35,000.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

It is the recommendation to approve budget amendments per the auditor's direction.

Mayor Patrick Taylor asked if this was just a housekeeping issue and Town Manager Josh Ward confirmed.

Commissioner Calloway made a motion to accept the Budget Amendments as presented, which was seconded by Commissioner Pierson and the vote was unanimous.

## **11. Adjournment**

As there were no further matters to come before the Board of Commissioners, Commissioner Stiehler moved to adjourn which was seconded by Commissioner Pierson and upon a unanimous vote, the Town Board adjourned at 8:19PM.

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Patrick Taylor  
Mayor

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Gilberta B. Shaheen  
Town Clerk