

Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of July 27, 2017, at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina

Town Board Present: Mayor Pro Tempore John Dotson, Commissioner Amy Patterson, Commissioner Donnie Calloway, Commissioner Eric Pierson and Mayor Pat Taylor

Also Present: Town Attorney Jay Coward, Town Finance Director Rebecca Shuler, Public Works Director Lamar Nix, MIS/GIS Director Matt Shuler, Police Chief Bill Harrell, Parks & Recreation Director Lester Norris, Planning & Development Director Andrew Bowman, and Computer Support Specialist Mark Hall

Not Present: Commissioner Brian Stiehler

1. Meeting Called to Order

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

2. Public Comment Period

Richard Melvin addressed the Board in reference to the possibility of moving the Beck house from Chestnut Street to the Historical Society.

3. Review and Approve Agenda

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

4. Approval of the June 15th, 2017, Regular Meeting Minutes

Commissioner Patterson made a motion to approve the June 15, 2017, regular meeting minutes as presented, which was seconded by Commissioner Pierson and the vote was unanimous.

5. Reports

A. Mayor

Mayor Taylor welcomed Andrew Bowman, as the new Town of Highlands Planning & Development Director.

Taylor thanked the Eclipse Committee and the Chamber of Commerce for all their hard work on the eclipse planning.

Taylor gave an update of meetings he had been in with the DOT, Manager Ward and Public Works Director Nix in reference to a variety of road maintenance issue throughout town.

B. Commissioners and Committee Reports

Commissioner Calloway mentioned he would like the board to revisit cars in the park during the Saturday night singings. Police Chief Harrell informed the board the park was blocked off from 5:30pm through 9:30pm. Mayor Taylor suggested signs that state cars had to be moved by a certain time. Commissioner Patterson agreed that temporary signs stating no parking after a certain time would be beneficial.

C. Town Manager

There was no Manager's report.

6. Consent Agenda

Public Works Department
Police Department
Park & Recreation Department
Planning & Development Department
Treasurer's Report

Mayor Pro Tempore Dotson made a motion to approve the consent agenda as presented, which was seconded by Commissioner Patterson and the vote was unanimous.

7. Request Amendment to Highlands Code of Ordinances per New State Session Law 2017-87 (Senate Bill 155 – Brunch Law)

The Board was presented with the following Ordinance amendment.

ORDINANCE AMENDMENT

Pursuant to an affirmative vote of _____ yeas and _____ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the _____ day of _____ 2017, and an affirmative vote of _____ yeas to _____ nays by The Board of Commissioners at its regular meeting on the _____ day of _____, 20____ if required, the following ordinances are hereby AMENDED:

Code of Highlands ~ Chapter 9 Offenses*: Article I, Miscellaneous Offenses.

(EXISTING CODE LANGUAGE IN BLACK & PROPOSED AMENDMENTS IN RED.)

Sec. 9-1. - Hours for sale or consumption.

- (a) *Definitions.* The terms “alcoholic beverage” **means any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.**, ~~malt beverage, fortified wine, and unfortified wine~~ shall be defined as these words are **as** defined in G.S. §18B-101.
- (b) *Adoption of state law.* All the provisions of G.S. §18B, relating to the licensing and sale of malt beverages, fortified wine, unfortified wine, and other alcoholic beverages as defined therein which may be enforced by and on behalf of a city are hereby adopted and made applicable to the Town of Highlands. The privilege license authorized therein, and by G.S. §105-113.79, shall be collected by the town ~~tax collector~~ **clerk**, and the regulations therein imposed shall be enforced by the proper officers of the town as they may be authorized by said chapter and by this section.
- (c) *Privilege license required.* Every person desiring to sell, ~~at retail or wholesale~~ **or serve at permitted establishments** within the town, any malt beverage, fortified wine, ~~or unfortified wine,~~ **spirituous liquor, or mixed beverages** shall first obtain the applicable privilege license from the town ~~tax collector~~ **clerk**, as set forth in the fee schedule. No such privilege license shall be issued unless the applicant has first obtained the appropriate ABC permit from the North Carolina Alcoholic Beverage Control Commission as provided in G.S. §18B.
- (d) *Hours generally.* The hours for sale and consumption of malt beverages, fortified wine, ~~and unfortified~~ **wine, spirituous liquor, or mixed beverages** shall be as set forth in G.S. §18B-1004. At the time of adoption of this section, except as otherwise provided in the General Statutes, it shall be unlawful to sell malt beverages, fortified wine, ~~or unfortified wine,~~ **spirituous liquor, or mixed beverages** between the hours of 2:00 a.m. and 7:00 a.m., or to consume malt beverages, fortified wine, ~~or unfortified wine,~~ **spirituous liquor, or mixed beverages** between the hours of 2:30 a.m. and 7:00 a.m., in any place which has been issued a permit under G.S. §18B-1001.
- (e) *Sunday hours.* The hours of Sunday sale shall be as set forth in G.S. §18B-1004 **(c)**. At the time of adoption of this section, ~~if it shall be unlawful to sell or consume~~ malt beverages ~~and wine~~ **unfortified wine, fortified wine,**

~~and mixed beverages on any licensed premises from the time at which sale and consumption must cease on~~ **beginning at 10:00 a.m. on Sunday pursuant to the licensed premises' permit issued under G.S. § 18B-1001 morning until 12:00 noon on that day.** The adoption of this section rescinds and replaces any previous ordinances or policies of the Town of Highlands regulating the hours of Sunday sale.

- (f) *Wholesale delivery.* This section does not prohibit at any time the wholesale delivery and sale of malt beverages, fortified wine, or unfortified wine, **spirituous liquor** to retailers issued permits pursuant to G.S. §18B-1001.

~~(Ord. of 6-21-95)~~ **(Ord. of 7-27-17)**

After a brief discussion, Commissioner Pierson made a motion to approve the amendment, which was seconded by Mayor Pro Tempore Dotson and the vote was unanimous.

8. Review & Approve AIA Grant Resolution

The Town applied for AIA Grant Funding last year for mapping, hydraulic study, etc. for public works and was denied. W.K. Dickson is willing to help the Town apply for the grant again this year. In order to complete the application the Board needs to approve the following resolution.

RESOLUTION BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HIGHLANDS

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water systems, and

WHEREAS, The **Town of Highlands** has need for and intends to complete a drinking water system project described as a Drinking Water System Asset Inventory and Assessment in order to further integrate the City's asset management, data collection and infrastructure planning for its drinking water system, and

WHEREAS, The **Town of Highlands** intends to request state grant assistance for the project,

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

That **Town of Highlands** the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the **Town of Highlands** to make scheduled repayment of the loan, to withhold from the **Town of Highlands** any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That **Josh Ward, Town Manager**, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, 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.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the _____ day of _____, 2017 at Highlands, North Carolina.

Patrick Taylor

Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting **Town Clerk** of the **Town of Highlands** does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the **Highlands Board of Commissioners** duly held on the _____ day of _____, 2017; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2017.

Gilberta B. Shaheen, Town Clerk

Commissioner Patterson made a motion to approve the AIA Grant Resolution, which was seconded by Commissioner Calloway and the vote was unanimous.

9. Review & Approve Satulah Falls/Old Orchard Waterline Replacement Bid

The FY17/18 budget contains \$350,000.00 for the Satulah Falls/Old Orchard waterline replacement off Hwy 28. A bid from Stillwell Engineering was received in the amount of \$315,390.00.

After a very brief discussion in regards to Stillwell's prior work and construction length, Commissioner Calloway made a motion to approve the bid, which was seconded by Commissioner Pierson and the vote was unanimous.

10. Review & Approve Civic Center Renovation Bids

The FY17/18 budget contains \$428,000.00 for the stage and downstairs weight room renovations at the Civic Center. The plans were distributed to six contractor and on at the bid opening only two bids were submitted. The amount was over one contractor's license limit and could not be considered. Warth Construction was therefore the only bid at \$489,245, which was over budget.

In recent budget adoptions, Macon County budgeted \$350,000.00 to assist in the entire renovation and Manager Ward felt with that addition the project should be fine to proceed with.

There was one question in regards to value engineering and Mayor Taylor informed the board that Manager Ward did not prefer value engineering.

Commissioner Calloway made a motion to accept the bid for the Civic Center renovation, which was seconded by Commissioner Patterson and the vote was unanimous.

11. Solar Eclipse Update & Discussion

The Eclipse Committee was on hand to discuss and answer any questions that came up in regards to the events leading up to and the day of the eclipse. Mayor Taylor opened the discussion in regard to street closings and stated that the town did not plan on closing any roads during this event other than Pine Street for the main viewing. There was discussion as to dead in roads and the number of safety personnel to man those closing. Police Chief Harrell informed the board there was not enough man power to man those type closings and that tickets and citations issued that day would also be held to a minimum as the area of coverage with the limited staff would be impossible.

The next topic was the rental of porta potties and the placement throughout town to aid the Chamber of Commerce. It was approved for Manager Ward to rent additional porta potties to be placed strategically throughout town with Highlands Plaza being discussed a possible good location.

The final discussion was in regard to food supply for the day and turned to whether or not for profit suppliers should be allowed to sell in the park. Along with the mentioning of possibly allowing food trucks in the future for events as such.

The ending thought was to plan for the worse and hope for the best.

12. Broadband Update & Discussion

MIS/GIS Director Matt Shuler let the board know that they had a good response from the RFIs and they had been reviewed and narrowed to four finalists. Interviews have been set up with all four finalists. The responses confirmed the town has options.

After a brief discussion as to open access network versus single exclusive partners, Commissioner Pierson made a motion to seek a single exclusive partner which was seconded by Commissioner Patterson and the vote was unanimous.

13. Closed Session: Pursuant to NCGS §143-318.11(a)(6) Personnel Matters & Pursuant to NCGS §143-318.11(a)(5) Discuss Potential Contract for Acquisition of Real Property

Commissioner Pierson made a motion to go into Closed Session pursuant to NCGS §143-318.11(a)(6) to discuss personnel matters and NCGS §143-318.11(a)(5) to discuss potential contract for acquisition of real property at 8:08pm, which was seconded by Commissioner Dotson and the vote was unanimous.

Once discussion was held, Commissioner Calloway made a motion to go back into open session at 8:39pm, which was seconded by Commissioner Pierson and the vote was unanimous.

No action was taken.

14. Adjournment

As there were no further matters to come before the Board of Commissioners, Mayor Pro Tempore Dotson moved to adjourn which was seconded by Commissioner Calloway and upon a unanimous vote, the Town Board adjourned at 8:40pm.

Patrick Taylor
Mayor

Rebecca R. Shuler
Finance Director