

REGULAR MEETING OF THE TOWN BOARD OF COMMISSIONERS OF  
JANUARY 20, 2010

Town Board Present: Mayor David Wilkes, Commissioner Dennis DeWolf, Commissioner Larry Rogers, Commissioner John Dotson and Commissioner Gary Drake. Vice Mayor Amy Patterson was not present.

Staff Present: Town Manager Jim Fatland, Public Services Director Lamar Nix, Planning & Development Director Joe Cooley, Police Chief Bill Harrell and Town Attorney William Coward.

1. Call to Order.

Mayor David Wilkes called the Town Board of Commissioners meeting to order at 7:05 pm.

2. Public Comments.

Jim Lewicki appeared before the Town Board and questioned why the Chamber of Commerce was looking to the Town of Highlands to subsidize the July 4<sup>th</sup> fireworks display.

Patrick Taylor appeared before the Town Board to raise his concerns regarding the Scholarship Committee Policy and Procedures currently on the agenda and stated that the program is good for the students in their quest for higher education. Mr. Taylor also questioned if the Scholarship Committee would base their recommendations on what school the student would attend and the major they were to pursue.

3. Approve Agenda.

Commissioner Larry Rogers moved to Approve the Agenda, was seconded by Commissioner Dennis DeWolf and was unanimously approved by the Town Board.

4. Approve Minutes of January 6, 2010.

Commissioner Gary Drake moved to approve the Minutes of January 6, 2010, was seconded by Commissioner Larry Rogers and was unanimously approved by the Town Board.

5. Reports.

A. Mayor

Mayor Wilkes advised that he had met with the Economic Development

Committee and discussed what direction they were going. He advised that it is a continuing dialogue, with good communication, and will be obtaining criteria for large industries. Mayor Wilkes also advised that he attended the County Commissioners meeting and advised that nothing appeared to pertain to the Town of Highlands. Mayor Wilkes states that a resolution was passed to protect the Upper Cullasaja. He also met with the County Sheriff and advised that he is looking forward to working together. Mayor Wilkes stated that he also met with the Chamber of Commerce to discuss parking, restrooms, utilities and how to advise people of emergency situations.

#### B. Commissioners

Commissioner John Dotson inquired as to the health screening process and Town Manager Jim Fatland advised that approximately 2/3 of the employees have already been screened and further advised that feedback has been positive. .

Commissioner Gary Drake discussed the February 3, 2010 budget meeting and inquired as to the taxpayer costs of taking company vehicles home.

Commissioner Larry Rogers stated that it appeared that the remodel of Town Hall was moving along and that it looked much better than a month ago.

#### C. Committees

Mayor Wilkes stated that the Business Group was considering two (2) applications and further advised that the Chamber of Commerce would also publicize the opening and requested the local newspapers to also advertise. Mayor Wilkes also stated that the group would be meeting within the next sixty (60) days.

Commissioner John Dotson advised that the Land Use Committee had not yet met and that the Finance Committee would have their first meeting on February 3, 2010.

Commissioner Dennis DeWolf advised that there was no place in the Town of Highlands for the Bobby Jones statute to which Commissioner Larry Rogers stated that hopefully a citizen would come forward. Commissioner DeWolf also advised as to the Scholarship Committee and that nothing had yet taken place but that there was a need to do something soon.

#### D. Town Manager

Town Manager Jim Fatland advised that the Town has been ranked number one in the State as to the storm water project and there is now extra money that can be put back into the project and possibly add back the line items that were previously

deleted.

Mr. Fatland also discussed the REPS charge and the new line item to be included on the power bills. A handout was given to the Town Board detailing the same.

With regards to the damage to the rock wall at Harris Lake, Mr. Fatland advised that Lamar Nix was working on the same. Mr. Fatland also stated that Mr. Nix was also looking into the freezing water issue in the area of the ballpark on Highway 64E.

6. Consent Agenda

- A. Public Services Department
- B. Police Department
- C. Parks & Recreation Department
- D. Planning & Zoning Department
- E. Treasurer's Report for Month Ended December 31, 2009
- F. Monthly Calendar
- G. Grant Status Report
- H. County Commission Meetings
- I. Set February 3, 2010 at 4 PM for FY11 Budget Work Session

Commissioner John Dotson requested that Consent Agenda Item E (Treasurer's Report for Month Ended December 31, 2009) of the Consent Agenda be removed for discussion.

Commissioner Gary Drake inquired of Police Chief Harrell's report that there were 56 alarm calls, that all were false and asked if the owners were being charged for false calls. Chief Harrell advised that the owner is bill \$25.00 after the second false alarm. Commissioner Larry Rogers voiced his concern that more policemen and firemen are injured responding to false alarms.

Commissioner Gary Drake moved to approve the Agenda and the removal of item E (Treasurer's Report for Month Ended December 31, 2009), was seconded by Commissioner John Dotson and was unanimously approved by the Town Board.

Discussion Item: Treasurer's Report for Month Ended December 31, 2009

Commissioner John Dotson questioned Chief Harrell as to the progress of the (old) ABC store and was advised that he has been working on the architectural drawings and would have information by the time the budget meeting set for February 3, 2010.

7. Public Hearing: Voluntary Annexation Petition filed by Nancy Hester

The Nancy Hester Annexation Application was presented to the Town Board on

July 15, 2009. The Board reviewed the annexation request and voted unanimously for approval of the annexation. After reviewing the paperwork, before being sent to the N.C. Secretary of State, it was noticed that the public hearing was not properly advertised. The public hearing was then added to the January 20, 2010 agenda and was properly advertised in the Highlander Newspaper.

Planning Director Joe Cooley addressed the Town Board and advised that nothing had changed that that the re-advertisement was merely for legal purposes.

Commissioner John Dotson moved to approve the Voluntary Annexation Petition filed by Nancy Hester, was seconded by Commissioner Dennis DeWolf and was unanimously approved by the Town Board.

8. Resolution in Support of Upper Cullasaja River Restoration Project

Hugh Dillingham appeared before the Town Board and advised that this matter was presented to the County and was passed. He advised that the Upper Cullasaja Watershed Association and the Cullasaja Club have partnered to perform a stream restoration project on the Upper Cullasaja River on 4,300 lineal feet of impaired stream section located on the golf course at the Cullasaja Club. Mr. Dillingham stated that the impairment occurred in the 1990s. Mr. Dillingham further stated that the portion of the Cullasaja River flows through the town's water supply watershed. He stated that the banks would be redone and would be realigned to avoid the lakes that warm the river waters. The Association is in the process of obtaining grants. Mr. Dillingham stated that he was looking for the Town Board's support.

Mayor Wilkes stated "for himself" that they had his unanimous support and that once the project was finished it would be an example of "what we can do". Mayor Wilkes also stated that they had his personal support.

The following Resolution was presented to the Town Board for approval:

A RESOLUTION OF SUPPORT FOR A STREAM RESTORATION  
PROJECT ON AN IMPAIRED SECTION OF THE  
UPPER CULLASAJA RIVER

WHEREAS, The Town of Highlands supports clean water initiatives in the waters of the town and Macon County, North Carolina, and

WHEREAS, the upper portion of the Cullasaja River, Macon County flows through the Town of Highlands' public water supply watershed and is currently designated as impaired waters on the North Carolina and EPA 404(d) list, and

WHEREAS, the Upper Cullasaja Watershed Association is a nonprofit corporation located in Highlands, North Carolina, and supports Macon County initiatives by providing members of the Macon County Watershed Council, and

WHEREAS, the Upper Cullasaja Watershed Association and the Cullasaja Club have partnered to design and create a significant stream restoration project to be conducted on the Upper Cullasaja River on 4,300 lineal feet of impaired stream section located on the gold course at the Cullasaja Club, Highlands, North Carolina, and

WHEREAS, the Upper Cullasaja Watershed Association is filing an application with the North Carolina Clean Water Management Trust Fund for funding support of this important water quality construction project in Macon County, North Carolina.

NOW THEREFORE, be it resolved that the Town of Highlands hereby expresses its full support for the aforementioned project and recommends the Trustees of the North Carolina Clean Water Management Trust Fund give full consideration for the approval of project grant funding as soon as the funds before available.

Adopted by the Town of Highlands  
Board of Commissioners on the  
\_\_\_\_ of January, 2010.

Town of Highlands

By: \_\_\_\_\_  
David Wilkes  
Mayor

Attest:

\_\_\_\_\_  
Jim Fatland  
Town Manager, Clerk to the Board

Commissioner Gary Drake moved to approve the Resolution in Support of Upper Cullasaja River Restoration Project, was seconded by Commissioner Dennis DeWolf and was unanimously approved by the Town Board.

9. Recreation Center Improvements

The Recreation Committee met on Monday, January 11, 2010 and discussed

capital improvements for the Recreation Center Gymnasium. Director Selwyn Chalker presented proposals to replace and upgrade the gymnasium lighting as well as painting the gymnasium. The Recreation Committee approved the following recommendation. The proposals were presented for the Board's review.

The Recreation Committee recommends:

1. Gymnasium Painting: Approve proposal with Jeff James Painting in an amount not to exceed \$19,760;
2. Gymnasium Lighting:
  - A. Approve proposal with Calloway Electric to install thirty (30) T8 Florescent linear fixtures with protective guards in an amount not to exceed \$7,000, and
  - B. Authorize the Town to purchase lights fixtures in an amount not to exceed \$9,475

As to the fiscal impact, the funds are available in the Recreation Fund Capital Reserves. The Town Board was advised that there is \$100,000.00 in reserves.

Commissioner Dennis DeWolf stated that there is a need for the improvements. Commissioner John Dotson inquired with the new lights if there would be better lighting on the floor. Commissioner Larry Rogers stated that the new lights are like the ones used at Lowes. There were no further comments.

Commissioner Larry Rogers moved to approve the Recreation Center Improvements, was seconded by Commissioner John Dotson and was unanimously approved by the Town Board.

10. 4<sup>th</sup> of July Fireworks

Bob Kieltyka, Executive Director of the Highlands Chamber of Commerce presented the Town Board the following request:

The Highlands Chamber of Commerce & Visitor Center, sponsors of the July 4th fireworks, proposes an equal partnership beginning in 2010 and going forward with the Town of Highlands for this event. July 4<sup>th</sup> in Highland is one of the three busiest commercial days, if not the busiest commercial day of the year. The day

is

celebrated with events and festivities throughout the community. The featured event is the evening fireworks display which has entertained locals and visitors for many years.

In 2010, new licensing, certification and logistical requirements at the State and Federal levels may result in the elimination of this event.

The town has generously provided Recreation Park facilities as a firing site and local volunteers under the director of Selwyn Chalker, Recreation Park Director, have been certified to execute the show.

In 2010, however, North Carolina is in the process of developing a new licensing program and tighten federal controls of explosives will create additional logistical difficulties in the storing, securing and handling of pyrotechnics.

East Coast Pyrotechnics can address all of the new requirements with a turnkey \$10,000 budget contract. At this level they will provide the appropriately licensed and certified technical team, an increase in product for a larger show, liability insurance and all logistical support in the storing, transporting and handling of the product.

The Chamber's last three year contact with Melrose (now East Coast Pyrotechnics) expired in 2009 and provided product only with Highlands supplying everything else to support the show. The Chamber & Visitor Center alone can not support an expenditure of \$10,000 for this very important event.

The Chamber of Commerce proposes a 50/50 partnership with the Town of Highlands of up to \$5,000 each for a total of \$10,000 to contract with East Coast Pyrotechnics for a fireworks display. Any additional third party contributions received would be applied in equal shares to reduce the Town and Chamber contributions.

Bob Kieltyka addressed the Town Board about the proposal and stated that there has been difficulty in coming up with sponsors for the event. Commissioner John Dotson stated that he believed that the local business would come up the necessary funds. Mayor Wilkes stated that this matter could be addressed by the Business Committee.

Commissioner Dennis DeWolf stated that he felt the 50/50 partnership was inappropriate and did not want to Town to accept the proposal. Commissioner Larry Rogers stated that he would want to see who came on board while Commissioner Dotson stated that a contract needed to be signed quickly and not to wait. Mr. Kieltyka discussed with the Town Board security issues, of the new law in effect, that the Town is a "small account", and that the Town would receive a guarantee that there would be a certified technician present. Mayor Wilkes questioned if the Chamber of Commerce had carried the \$5,500.00 fee in the past and was advised that it had been and due to the economy, it was looking for help. After continued discussion Mayor Wilkes proposed suggestion that the Town give \$5,000.00 and through fundraising efforts, \$5,000.00 would first be repaid and anything raised over that \$5,000.00 would go to the Chamber. The Town Board

was receptive to this proposal. Commissioner John Dotson stated that he would like to see in the future the fireworks event budgeted and voted on an annual basis.

Commissioner John Dotson moved to approve \$5,000.00 from the Town, less any funds raised with all monies received over \$5,000.00 going to the Chamber of Commerce, was seconded by Commissioner Gary Drake and was unanimously approved by the Town Board.

#### 11. Scholarship Committee Policy and Procedures

Town Attorney William Coward spoke to the Town Board and discussed the Policy and Procedures Memorandum, put together by the Scholarship Committee. Through discussion Mr. Coward discussed how the policies are administered and advised that scholarship applications are due April 15, 2010. Mr. Coward was asked by the Town Board why there was going to be a change in the procedure and he explained that it was not really a change but a clarification as to the criteria. Commissioner John Dotson inquired as to the committee members and the staggered terms. Mr. Coward discussed the basis of the awards (class ranking, SAT scores, financial needs which can be submitted for consideration, curriculum rigor, extra-curricular activities and community involvement). Also discussed were the "special awards" of \$1,500.00 given to the class valedictorian, class salutatorian and a student demonstrating a special gift or an interest in music.

As to the members that comprised the committee, it was suggested that the guidance counsel be involved as he may have more information than the principal. Mayor Wilkes stated that he preferred to have the principal rather than the counselor. Mr. Coward advised that Principal Brian Jetter was very involved and knows the students. Commissioner Dennis DeWolf stated that he wanted to make sure that the committee had the best information available about the students. Mr. Coward advised the Board that he felt having both the principal and counselor would take away for their work at the school. As to the SAT score consideration in determining the award amount, Commissioner Larry Rogers stated that there are some students are not good at taking tests. Commissioner Dennis DeWolf inquired if a student were to attend a technical school, if it appeared to sway the committee's decision and was advised that it was not taken into consideration.

Kim Lewiski stated that she has been told that many people are not happy with the amounts given as scholarships as they are not equal and why not divide the amounts equally and questioned what was the thought process behind the awards. Mr. Coward advised that the thought behind the award was to reward for academic achievement. The only instance a scholarship is not awarded is for an incomplete application. Mayor Wilkes stated that if everyone received the same amount, it would resolve any issue. Mayor Wilkes asked if the Town wanted a



system that every student received the same monetary scholarship or did they want a system that rewarded the student for the work they had done in school and in the community.

Mr. Coward discussed with the Town Board Senate Bill 626 enacted in 1975, the procedures within the bill, the process of repealing the same and amending the Town Charter. Mr. Coward advised that he could handle repealing the present bill.

Commissioner John Dotson advised that he has been interested in the program and stated that he has taken advantage of the program. Commissioner Dotson also agreed to the flat “across the board” award verses awarding different amounts which would force the committee to make hard choices. A flat across the board award would relieve the “arbitrary” judgment of a committee member. Mr. Coward stated that his job would be “so much easier” if everyone got the same amount. The Board also inquired how the checks were made payable and was advised that the checks are written directly to the school.

Commissioner Dotson discussed high school criteria verses college criteria and suggested that a college student’s parent should be on the committee as they know the “ins and outs” of the college system. Commissioner Dotson also stated that he felt that graduating high school students had more opportunity for scholarships over college students and that college students were more “needy” the longer they stayed in school.

Mr. Coward further advised that tax deductible donations could be made to the fund and that the legislation had no effect with contributions. Mayor Wilkes stated that the legislation should be repealed and that discussion be continued as to distribution of the scholarship awards.

Mr. Coward suggested that at the beginning of the Scholarship Committee meeting, the public should be invited, that a memorandum be posted on the Town’s website on how decisions are made and that the legislation be repealed as it is not needed.

Commissioner Larry Rogers moved to instruct the Town Attorney to begin the process of repealing the current legislation and amending the Town Charter, was seconded by Commissioner John Dotson and was unanimously approved by the Town Board.

## 12. Consider Appointments to Sustainability Advisory Committee

The Town Board at its regularly scheduled meeting on October 21, 2009 approved the formation of a Sustainability Advisory Committee. Subsequently, the Town advertised for interested individuals to serve on this committee. The Town has 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. The Town Board at their regularly scheduled meeting on January 6, 2010 approved the appointments of Karen Hawk, Alan Marsh and Charles Wolfe.

It is recommended to the Town Board that it consider appointing Steve Abranyi to the Sustainability Advisory Committee.

Mayor Wilkes approved the appointment of Steve Abranyi to the Sustainability Advisory Committee.

13. Consider Appointments to Business Group

The Town Board approved at their regularly scheduled meeting on December 2, 2009 the establishment of a Business Group Committee. The success of the businesses depends on good communication and the establishment of a Business Group Committee can greatly assist us in achieving this goal. Most recently the Downtown merchants and supporters of Downtown have come together on promoting Winter Events. Establishing a Business Group can greatly assist us in achieving the goal of improved communication.

The Business Group Committee would serve in an advisory capacity to the Highlands Chamber of Commerce and Town Board.

It is recommended to the Town Board to consider the appointments of Harry Bears and Kim Lewicki to serve on the Business Group Committee.

Mayor Wilkes approved the appointment of Harry Bears and Kim Lewicki to the Business Group Committee.

14. Process of Electing Mayor Pro Tempore

The Town Board at their regularly scheduled meeting held on December 3, 1997 approved changing the procedure on the selection of Mayor Pro Tempore. Mayor Buck Trott opened the floor for nominations for Mayor Pro Tempore explaining

that the policy of electing the Commissioner with the highest vote no longer applied since the institution of staggered terms was now in place. Consistent with this policy, Amy Patterson was elected unanimously by the Town Board at its regularly scheduled meeting on December 2, 2009.

Prior to the Board policy change in 1997, the Commissioner receiving the highest number of votes, as a matter of policy, was elected Mayor Pro Tempore. The Town Board at their regularly scheduled meeting held on December 6, 1995 discussed the selection of Mayor Pro Tempore in light of the first election under the amendment of the Town Charter providing for staggered terms. It was agreed at that time, as a matter of policy, the Commissioner receiving the highest number of votes should be elected Mayor Pro Tempore, but only for two (2) years.

According to NCGS 160A-70, at an organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the pleasure of the council.

It is recommended that the Town Board consider the following options on the selection of Mayor Pro Tempore:

1. Continue with current policy of electing Mayor Pro Tempore from the Commissioners at large every two years
2. Return to former policy of electing Mayor Pro Tempore following each election for a two-year term and electing the Commissioner who received the highest number of votes
3. Adopt new policy of electing Mayor Pro Tempore from the Commissioners at large on an annual basis

Commissioner John Dotson moved to adopt (option 3) a new policy of electing Mayor Pro Tempore from the Commissioners at large on an annual basis to take place at the last meeting of the year and to serve for one (1) year, was seconded by Larry Rogers and was unanimously approved by the Town Board.

Commissioner Larry Rogers moved the Town Board to Closed Session, was seconded Commissioner Gary Drake and was unanimously approved by the Town Board.

15. Closed Session to discuss potential litigation and personnel matter

Commissioner Gary Drake moved the Town Board back into Open Session, was seconded by Commissioner Larry Rogers and was unanimously approved by the Town Board.

16. Adjourn

Commissioner Gary Drake moved to adjourn, was seconded by Commissioner Larry Rogers and the Town Board adjourned at 9:25 p.m.

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James R. Fatland  
Town Manager

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Jane J. Capman  
Recording Secretary

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David Wilkes, Mayor