

REGULAR MEETING OF THE TOWN BOARD OF COMMISSIONERS OF
FEBRUARY 3, 2010

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

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

Call to Order.

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

1. Special Presentations: Retiring Firemen

Fire Chief James Manley and Mayor David Wilkes recognized retiring firemen Ricky Bryson and John Shearl for their years of service to the Town of Highlands. Also retiring was Wayne Henry who was not present. Fire Chief Manley stated that the retiring firemen have been important to the department. Each retiree was presented with a plaque.

2. Public Comments.

Police Chief Bill Harrell read a letter to the Town Board from AAA advising that the Town of Highlands had been chosen again as top in the state, for a community under 10,000 population, as a traffic safe community in reducing accidents.

There were no other public comments.

3. Approve Amended Agenda.

Vice Mayor Amy Patterson moved to Approve the Amended Agenda, was seconded by Commissioner Dennis DeWolf and was unanimously approved by the Town Board.

4. Approve Minutes of January 20, 2010.

Commissioner Larry Rogers moved to approve the Minutes of January 20, 2010, was seconded by Commissioner Dennis DeWolf and was unanimously approved by the Town Board.

5. Reports.

A. Mayor

Mayor Wilkes discussed the Town's emergency and utility response during the winter storm occurring the previous weekend. Mayor Wilkes further discussed the future and the establishment of a calling system in order to contact residents to furnish updates as to outages and response times. Mayor Wilkes also advised that the Town had declared a state of emergency which will allow the Town to recover the additional costs incurred for overtime and out of state crews.

B. Commissioners

Vice Mayor Amy Patterson advised that the Sustainability Committee met and will meet again.

Commissioner Dennis DeWolf discussed the recent storm and power outages.

Commissioner Larry Rogers discussed the Town Hall renovations and advised that it was going good and the electricians have come in. Substantial completion is slated for the end of March with the move in set for April.

C. Committees

Commissioner Dennis DeWolf reported that the Scholarship Committee held a preliminary meeting with personnel at Wild Cat Country Club to share past experiences and further advised that within the next two weeks will meet with the committee members.

D. Town Manager

Town Manager Jim Fatland discussed the recent winter storm advising that the same had arrive earlier than anticipated and reported that approximately 75% of the Town was without power. Town Manager Fatland and Fire Chief Manley also discussed the Town personnel working throughout the storm. Town Manager further discussed the implementation of an after hours emergency call number which will be manned by Gail Reese, as dispatcher. There had been some concern that Town residents were calling in and getting an answering machine. Warren Cabe has advised the Town that the number will be manned by personnel. Mayor Wilkes encouraged the citizens of the Town to go on line to the Town's website and add their telephone number so that they would be included in the mass calling system which will be implemented soon.

As to the Town issuing a state of emergency due to the storm, Vice Mayor Amy Patterson inquired as to reimbursement and was advised the same would be recouped in the next fiscal year.

Mayor Wilkes discussed the Town's cash flow, advising of its importance, as the Town has the ability to bring in outside crews for cleanup and the ability to pay. Recreation Director Selwyn Chalker discussed the community shelter and the work needed.

Vice Mayor Amy Patterson questioned the WiFi issue and was advised that the same would be discussed at the budget meeting.

6. Consent Agenda

- A. Set Budget Work Session for February 11, 2010
- B. Set Public Hearing for March 3, 2010 for Ordinance Amendment - Selection of Mayor Pro Tempore

Town Attorney William Coward advised that a public hearing was not necessary regarding the Ordinance Amendment Selection of Mayor Pro Tempore and could be placed on the February 17, 2010 agenda.

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

7. Continued Public Hearing: Temporary Development Signs

The Planning Board has reviewed the Temporary Planned Development Sign amendment once again and revised it based on the suggestions from the Town Board meeting on January 20, 2010. The revised amendment was presented to the Board members and were highlighted in red. The revised section are denoted below in italics.

It is recommended to the Town Board that it review and vote on the Temporary Planned Development Sign addition to Section 405.1(C), Sign Regulations.

Zoning Administrator Joe Cooley advised that the revised Ordinance did contain typographical errors but had been reviewed and was unanimously approved by the Planning Board.

Bill Nellis discussed with the Town Board the proposed Ordinance and advised that Section 1(c) was in fact a gray area. Mr. Nellis also discussed Section 2 (c)(i) and the wording of that paragraph. Mr. Nellis asked the Board to reconsider the wording.

There was continued discussion regarding Section 2 (c)(i), specifically marketing efforts to which Commissioner John Dotson questioned who determined market ability and voiced his concern that someone may want to "play with the system". Commissioner Dotson stated that he appreciated the addition of Section 1(f).

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) *The maximum are of sign face relating to sales contract information or identification of real estate firms or agents shall not exceed twenty-five (25) percent of each individual sign fact. The 25% maximum area is per sign face. When multiple faces or signs are allowed by this ordinance, the individual maximums per sign face may not be used in a cumulative manor to increase the area beyond 25% on any face or for a cumulative visual impact greater than 25% of the maximum sign face size.*
- (i) *Individual real estate signs, permitted under Section*

405.1(B), shall not be allowed in conjunction with or as a \ supplement to temporary development signs, or be located \ within visual proximity of temporary development signs.

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

(a) *A permit shall be issued only upon proof of a building permit having been issued by the Macon County Building Department for the development of common or community facilities to include but note limited to entrance features, or other facilities relating to the overall development; or final plat approval by the Town of Highlands.*

(b) *The term of the temporary sign permit shall be a period of three (3) years from the date of issuance of the permit.*

(c) *A permit may be renewed for one additional two (2) year period by application to the Zoning Administrator.*

(i) *Removal shall be contingent upon the continuance of the sign(s) meeting all requirements of this ordinance; continuance of active development and marketing efforts by the developer; continued maintenance of the development; and the continuance of an active building permit issued by the Macon County Building Department.*

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

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

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

(3) Sign removal shall be required on the following time frames:

(a) Single-family residential subdivision: Within thirty (30) days after the sale of ninety (90) percent of homes or lots; *or upon expiration of the permit or permit renewal*, whichever comes first.

(b) Multi-family residential developments: Within thirty (30) days after the initial sale of ninety (90) percent of the units; *or upon expiration of the permit or permit renewal*, whichever occurs first.

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

After further discussion it was decided to delete from Section 2 (c)(i) the following wording *and the continuance of an active building permit*.

Vice Mayor Amy Patterson moved to approve the Temporary Planned Development Sign Regulation, subject to typographical errors, the deletion of the continuance of an active building permit in Section 2 (c)(i) and the deletion of the word Temporary (first word) in Section 2, was seconded by Commissioner John Dotson and was unanimously approved by the Town Board.

8. Public Hearing: Highlands Methodist Church Rezoning

The Highlands United Methodist Church is petitioning the rear lot bordering Spring Street to be rezoned conditionally from B-3 to B-1 CZ. The Church came before the Town Board before petitioning only for a rezoning of the lot with on specific use. The Board was concerned about the blanket rezone and rejected the application. The Church has now petitioned for the B-1 Conditional Use Rezoning with a specific use. The Planning Board reviewed the plan and recommended the following conditions:

- 1) The use must be church related and if the use was to change the zoning would convert back to B-3.
- 2) The development must leave 30% greenspace.
- 3) Single curb cut on Spring Street.
- 4) 10 foot side setbacks, but the allowed B-1 zero setbacks on the front and back bordering the streets.

It is recommended that the Town Board review the proposed Conditional Use Rezoning and the recommendations by the Planning Board. And to vote on the Conditional Use Rezone.

Vice Mayor Amy Patterson questioned the Church's watershed category and raised her concerns regarding the contiguous greenspace. Zoning Administrator Joe Cooley advise that the plan submitted is a "potential foot print plan" and at the time of development the ordinances in effect, at that time, would have to be followed. Vice Mayor Patterson questioned parking and Jeff Weller advised that parking would be for everyday use and stated that six (6) spaces were used right now on a daily basis, with the exception of the summer season. Mr. Weller advised that he would like to have more spaces but did not have a set number in

mind. After further discussion it was ultimately decided that a condition of ten (10) spaces would be added.

Commissioner Dennis DeWolf moved to approve the Highlands Methodist Church Rezoning, adding a fifth condition of a minimum of ten (10) parking spaces, was seconded by Vice Mayor Amy Patterson and was unanimously approved by the Town Board.

9. Public Hearing: Gilbert and Tate Rezoning 2271 Dillard Road

Christopher Gilbert and Jimmy Tate have applied to rezone approximately .98 acres from R-4 (residential) to B-5 (business) and rezone approximately .92 acres from B-5 (business) to R-4 (residential). The property is located at 2271 Dillard Road. The Planning Board reviewed the rezoning application and recommends approval.

It is recommended to the Town Board that it review the application and vote on the rezoning.

Zoning Administrator Joe Cooley presented the Town Board with maps for their review and stated that this was merely a housekeeping issue and that in 2006, when the land swap took place between the parties, they failed to rezone. Zoning Administrator Cooley answered questions regarding lot sizes.

Vice Mayor Amy Patterson moved to approve the Gilbert and Tate Rezoning, was seconded by Commissioner Dennis DeWolf and was unanimously approved by the Town Board.

10. Resolution Awarding Contract for Pine Street Improvements

This agenda item has been reviewed by JP Johns, McGill Associates; Dan Blaidsell, Construction Grants & Loans; and Dianne Kelly, Local Government Commission.

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 and the second grant from CWMTF for \$90,000.

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 original \$546,517 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. The Town Board approved this recommendation at its January 6, 2010 meeting.

At the January 20, 2010 Town Board meeting, Town Manager Fatland reported that the State may have additional funding available for the Pine Street Stormwater project.

On January 27, 2010 the North Carolina Construction Grants and Loan Program official offered an additional \$200,000 for the Pine Street Stormwater Improvement Project. The Town Board was presented with a new resolution awarding the construction contract to Madden Trucking and Grading. The Local Government Commission at their regularly scheduled meeting on February 2, 2010 will consider an increase for the grant and loan for this project.

It is recommended that the Town Board approve the Resolution awarding the contract to Jeff Madden Trucking and Grading (Cashiers NC) for the revised bid amount of \$620,302.

As to the fiscal impact, the total budget increases from \$546,517 to \$746,517. The increased \$200,000 would be 50% grant and 50% no interest loan to be repaid over twenty (20) years.

The Town Board reviewed the following Resolution:

**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, and

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 Stormwater project for the amount of \$620,302.00;

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 the 3rd of February, 2010 at Highlands, North Carolina.

Attest:

Approved:

Town Clerk

Mayor

Date: February 3rd, 2010

Town Manager Jim Fatland discussed with the Town Board that although the Town was not required to use the additional \$200,000, he hoped that it could be applied for additional stormwater efforts in the future, subject to the Board's approval. Mayor Wilkes stated that in order to have the money available it would be necessary that the Town uses the Madden bid as the basis. Town Manager Jim Fatland advised that he would convince the State that the 5th Street work is important.

Commissioner Dennis DeWolf moved to approve the Resolution Awarding Contract for Pine Street Improvements, was seconded by Vice Mayor Amy Patterson and was unanimously approved by the Town Board.

11. Consider Appointments to Sustainability Advisory Committee

There were no applications to be considered for the Sustainability Advisory Committee.

12. Consider Appointments to Business Group

Marilyn DeVille submitted an application for appointment to the Business Group Committee.

After discussion of the application, Mayor Wilkes approved the appointment.

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

13. Closed Session to discuss potential litigation and personnel matter

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

14. Adjourn

Commissioner Larry Rogers moved to adjourn, was seconded by Vice Mayor Amy Patterson and the Town Board adjourned at 9:55 p.m.

James R. Fatland
Town Manager

Jane J. Capman
Recording Secretary

David Wilkes, Mayor