

**Regular Meeting Minutes of the Town Board of Commissioners Meeting of April 21, 2016 at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.**

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

**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, Parks and Recreation Director Lester Norris, and Planning and Development Director Randy Feierabend.

**1. Meeting Called to Order**

Mayor Taylor called the meeting to order at 7:01pm.

**2. Public Comment Period**

There were no public comments.

**3. Adjust and Approve Agenda**

Commissioner Pierson 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 17, 2016 Regular Meeting Minutes**

Mayor Pro Tempore Patterson asked that page 4 Item 8 reflect that conditional use could not be substituted for a special use permit and also that super be added in front of majority vote. Patterson also asked that \$35,000.00 from the Fire Dept. budget be added to Item 9 in regards to the Fire Dept. upgrade/remodel. Commissioner Stiehler made a motion to approve the regular meeting minutes of March 17, 2016 with the before mentioned corrections, which was seconded by Mayor Pro Tempore Patterson and the vote was unanimous.

**5. Reports**

**A. Mayor**

Mayor Taylor informed the board that staff had met with Richard Knight from Duke Energy in reference to the annual true up.

He also mentioned that staff had met with Kevin O'Donnell in reference to the anticipated surcharges for the coal ash cleanup.

He thanked staff and volunteers for recent garbage pickup efforts and announced that on Saturday, April 23<sup>rd</sup> there would be a gorge pickup with lunch following at Cliffside.

Taylor appointed Mayor Pro Tempore Patterson and Commissioner Pierson to serve on a Broadband Committee to work with MIS/GIS Director Shuler on issues that needed addressed in a timely manner and to advise the board as to how to proceed on matters regarding broadband.

**B. Commissioners and Committee Reports**

Commissioner Stiehler said he was a little concerned with the lowering of Mirror Lake.

Town Manager Frye and Public Works Director Nix said they had not been contacted.

Commissioner Dotson addressed fining for sediment control.

Attorney Jay Coward said it would be really hard to prove or to pursue.

Mayor Pro Tempore Patterson stated there was something in the UDO in regards to draining of impoundments.

Planning and Development Director Randy Feierabend said he would followup on the matter.

Commissioner Calloway informed the board they had met with the fire architectural consultants and would be going to take a look at the Biltmore Forest fire building.

Commissioner Pierson stated after the assessment was complete they would know whether to adapt the existing building or to start over.

Mayor Pro Tempore Patterson asked for an update on the progress to turn Pine Street Alley into a one way street and was informed by Commissioner Calloway that the Public Works Committee had looked at the matter and was going to consult the property owners as to input.

### **C. Town Manager**

Manager Frye informed the board that the first budget workshop would be held Thursday, April 28<sup>th</sup> from 3pm until 5pm.

Frye also informed the board that there had been a donation granted for the rifles the board had been discussing to purchase for the police department.

### **6. Consent Agenda**

Public Works Department  
Police Department  
Parks & Recreation Department  
Planning Department  
Telecommunication Department  
Treasurer's Report  
Chamber of Commerce 4<sup>th</sup> of July Resolution  
Utility Write-off List  
Delinquent Utility Bills Advertisement

Mayor Pro Tempore Patterson moved to approve the consent agenda as presented, which was seconded by Commissioner Calloway and the vote was unanimous.



## **A Resolution Permitting the Use of Pyrotechnics in Connection with the Public Exhibition for the 4<sup>th</sup> of July Resolution No. 2016-01-Res**

**WHEREAS**, NCGS §14-413 permits the Governing Board of a city authorization to issue permits for the use of pyrotechnics in connection with concerts and public exhibitions; and

**WHEREAS**, the Macon County Board of Commissioners passed a resolution at a regular meeting on the 8<sup>th</sup> day of May, 2012 authorizing the Board of Commissioners for the Town of Highlands to issue permits for the use of pyrotechnics in connection with concerts and public exhibitions NCGS §14-413 (a1); and

**NOW, THEREFORE, BE IT RESOLVED**, the Town of Highlands Board of Commissioners grants the Highlands Chamber of Commerce permission to use pyrotechnics in connection with the public exhibit for Monday, July 4, 2016 with an alternative inclement weather date of Saturday, September 3, 2016.

Upon motion duly made and seconded, the above resolution was unanimously adopted by the Board of Commissioners at a regularly scheduled meeting held on the 21<sup>st</sup> day of April, 2016 in the Highlands Community Building, 71 Poplar Street, Highlands, NC.

This the 21<sup>st</sup> day of April, 2016.

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Patrick L. Taylor, Mayor

ATTEST:

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Rebecca R. Shuler, Town Clerk

**Write Offs 2016**

<b>Customer</b>	<b>Amount</b>
Jeff Andresen	\$ 866.33
Carlton Barker	\$ 1,570.71
Robert Carlton	\$ 805.55
Kristina Crosby	\$ 143.82
Sarah Freeman	\$ 73.20
Gate's Nursery	\$ 7,790.04
Gate's Nursery	\$ 1,630.10
William Horne	\$ 6,427.38
Robert Moreno	\$ 300.16
Andrew Quintero & Fiorella Moscoso	\$ 874.17
Jeremy Skipper	\$ 1,077.64
Creighton Sossomon	\$ 15,462.62
Zeke Sossomon	\$ 15.96
Bob Stephenson	\$ 635.42
Suzi's on Spring	\$ 58.13
Claudia Thompson	\$ 2,338.71
To the Nine's	\$ 2,713.30
Valentine's Photo Studio	\$ 162.05
<b>Subtotal</b>	<b>\$ 42,945.29</b>
<b>Collected</b>	<b>\$ -</b>
	<b>\$ 42,945.29</b>



Please publish in the April 28<sup>th</sup> edition of the paper.

PLEASE TAKE NOTICE that at the regular Board of Commissioners' meeting of February 20, 2014, the Town Board voted to list all Town of Highlands Delinquent Accounts in the newspaper every 6 months. The following accounts are over 60 days past due.

## Delinquent Utility Accounts

Gate's Nursery	\$7,790.04	Due 06/15/2012
Gate's Nursery	\$1,630.10	Due 06/15/2012
Jeremy Skipper	\$1,077.64	Due 06/15/2012
Jeff Andresen	\$866.33	Due 02/15/2013
Carlton Barker	\$1,570.71	Due 10/15/2012
Robert Carlton	\$805.55	Due 02/15/2013
Kristina Crosby	\$143.82	Due 12/15/2012
Sarah Freeman	\$73.20	Due 10/15/2012
William Horne	\$6,427.38	Due 01/15/2013
Robert Moreno	\$300.16	Due 11/15/2012
Elisa Espinosa Parra	\$923.95	Due 07/15/2013
Andrew Quintero & Fiorella		
Moscoso	\$874.17	Due 01/15/2013
Bob Stephenson	\$635.42	Due 11/15/2012
Suzi's on Spring	\$58.13	Due 12/15/12
Claudia Thompson	\$2,338.71	Due 12/15/12
To the Nine's	\$2,713.30	Due 01/15/13
Valentine's Photo Studio	\$162.05	Due 02/15/13
Ellen Agee	\$372.64	Due 06/16/14
Thomas Batson	\$110.02	Due 01/15/14
Joanne Baro	\$168.63	Due 03/18/15
Binder Biomedical	\$439.20	Due 05/15/14
Dennis Franklin	\$841.18	Due 08/15/14
Highlands Quick Mart	\$3,225.54	Due 05/15/14
L K Partners	\$1,103.49	Due 05/15/13
John Mutter	\$50.54	Due 11/15/13
Randall Peterson	\$330.60	Due 12/15/13
Connie Smith	\$105.21	Due 01/15/14
Cory Allen Talbot	\$986.81	Due 06/16/14
Stuart Thompson	\$231.44	Due 03/15/13
Charles Weatherly	\$723.71	Due 05/15/14
Charles Weatherly	\$251.41	Due 05/15/14
Jeannette Chidsey	\$407.32	Due 11/15/14
John Clyatt	\$2,172.77	Due 12/15/14
Melba Egan	\$424.59	Due 11/15/14
Pamela Lomba	\$616.72	Due 12/15/14
Pamela Lomba	\$73.52	Due 12/15/14
Jason Williams	\$293.63	Due 10/15/14
Samantha McCall	\$932.94	Due 07/15/15
Sandra Gauthier	\$266.95	Due 03/15/15
Kristin Araujo	\$700.78	Due 06/15/15
Rachael Evans	\$272.90	Due 04/15/15
Highlands Smokehouse	\$1,200.77	Due 07/15/15
Alan James	\$1,528.00	Due 11/15/15
Phillip Jennings	\$56.13	Due 10/15/15
Samantha Stauch	\$403.64	Due 11/15/15
Alicia Tremblay	\$426.54	Due 05/15/15
Mary Propst	\$1,005.91	Due 12/15/15

## Delinquent Accounts Receivable Accounts

Bates Septic Tank & Concrete Product	Sludge	\$385.00	Due 12/31/2013
Mountain Septic Service	Sludge	\$1,295.00	Due 12/31/2013

[illegible]

## AMENDMENT # \_\_\_\_\_

April 21, 2016

FROM: General Fund

DEPARTMENT: Street Dept.

EXPLANATION: Transfer of funds from one line to another to cover updating of Warehouse gate

[illegible]

## AMENDMENT # \_\_\_\_\_

April 21, 2016

FROM: General Fund

DEPARTMENT: Police Dept.

EXPLANATION: Appropriate grant funds approved by the Governor's Crime Commission and fund balance appropriation for town match

[illegible]



### **A. Motoring Festival Pine Street Closure Request**

The Literacy Council and Motoring Festival Committee have requested that Pine Street be blocked off Friday, June 10 at 7:00pm to Saturday, June 11<sup>th</sup> at 4:00pm for the annual Motoring Festival in Kelsey Hutchinson Founders Park. This will hopefully keep people from parking overnight on Pine Street and causing congestion and potential hazards since show cars begin showing up before 7:00am on Saturday morning.

Commissioner Stiehler made a motion to close Pine Street as requested for the Motoring Festival, which was seconded by Commissioner Pierson and the vote was unanimous.

### **B. Founder's Park Coalition Fund Raising Event Requests**

Friends of Founders Park has requested permission to hold two fund raisers in the park. The first fund raiser is a 5K race to benefit the Morning Rotary scholarship fund and Founders Park. The date for the proposed race is Saturday, May 28<sup>th</sup>. Pine Street would need to be blocked off from 7:00am to roughly 10:30am for the race. The second fundraiser is a Low Country Boil the fund to go toward the completion of phase two of Founder Park. With this request they are asking permission to serve and sell alcohol. The Low Country Boil will be on the Plaza. The proposed date is Saturday June 18<sup>th</sup> with a rain date of Sunday, June 19<sup>th</sup>. The event would start at 6:00 and would end at 8:00pm with the Music on Pine Street Concert. Set up will begin around 12:00 noon.

Mayor Pro Tempore Patterson said that the recreation committee had reviewed the events.

Commissioner Calloway moved to approve the 5K race on May 28<sup>th</sup>, which was seconded by Commissioner Stiehler and the vote was unanimous.

Commissioner Stiehler moved to approve the Low Country Boil with approval of a State ABC permit, which was seconded by Commissioner Pierson and the vote was unanimous.

### **C. Founder's Park Coalition Funding Request**

Hank Ross with Friends of the Park request \$12,000.00 for funding for plaza furnishings at the Park, approval to extend the pavers to Pine Street Alley and improve the sidewalk on the Oak Street side of the park.

After some discussion as to the sidewalk in regards to brick pavers and borders, Commissioner Calloway moved to accept the proposal to extend the pavers and to allow the Friends of the Park to start fundraising for this project.

As for the furniture and the sidewalk it was determined those items would be upcoming budget items to be discussed in the budget worksessions.

### **D. Recreation Agreement and Acceptance of Funds**

The Macon County Board of Commissioners has agreed to donate \$50,000.00 to the Town of Highlands for use with the construction of Founders Park. Attached is the agreement to accept the funds and outlining the procedure for accounting for the money spent.

STATE OF NORTH CAROLINA  
COUNTY OF MACON

**AGREEMENT TO PROVIDE PARK AND RECREATION OPPORTUNITIES**

THIS AGREEMENT made and entered into this the 20<sup>th</sup> day of <sup>MARCH</sup> ~~April~~, 2016, by and between Macon County ( hereinafter "County"), a North Carolina Body Politic and Corporate, and Town of Highlands, ( hereinafter "Town"), a North Carolina municipal corporation.

WITNESSETH:

THAT WHEREAS the State of North Carolina by way of N.C. Gen. Stat. § 160A-351 has established the following as policy for the State of North Carolina concerning recreation:

"The lack of adequate recreational programs and facilities is a menace to the morals, happiness, and welfare of the people of this State. Making available recreational opportunities for citizens of all ages is a subject of general interest and concern, and a function requiring appropriate action by both State and local government. The General Assembly therefore declares that the public good and the general welfare of the citizens of this State require adequate recreation programs, the creation, establishment, and operation of parks and recreation programs is a proper governmental function, and that it is the policy of North Carolina to forever encourage, foster, and provide these facilities and programs for all of its citizens."

; and

WHEREAS, N.C. Gen. Stat. § 160A-352 provides that "Recreation" means activities that are diversionary in character and aid in promoting entertainment, pleasure, relaxation, instruction, and other physical, mental and cultural development and leisure time experiences; and

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-444, the County is authorized to establish parks and provide recreational programs; and

WHEREAS, pursuant to the provisions of N.C. Gen. Stat. § 160A-353, the Town is authorized to establish parks and provide recreational programs; and

WHEREAS, the Town of Highlands is in Macon County, North Carolina, and there is a need for parks and recreation opportunities in the Highlands area of Macon County, North Carolina; and

WHEREAS, the Town does own lands upon which a park is being constructed( hereinafter referred to as the Kelsey - Hutchinson Park) located at the corner of Fifth Street and Pine Street in

Highlands, NC, for use by the general public and Town does agree with County as provided for hereinafter for such park to be used for park and "recreation" as that term is defined by N.C. Gen. Stat. § 160A-352 to provide a park and to provide recreational opportunities to the general public at such location, and County does agree with the Town as provided for hereinafter to appropriate and provide funds to the Town as hereinafter provided to carry out the public purpose of providing a park and recreation opportunities to the general public at the the Kelsey - Hutchinson Park.

NOW THEREFORE, IN CONSIDERATION OF THE COVENANTS CONTAINED HEREINAFTER, THE PARTIES DO HEREBY AGREE AS FOLLOWS:

1. That the Town shall hereafter make the Kelsey - Hutchinson Park, located at the corner of Fifth Street and Pine Street in Highlands, NC, open and available to members of the general public during reasonable days and hours as a park and for recreation as that term is defined by N.C. Gen. Stat. § 160A-352.
2. The Town shall perform its obligations hereunder in a nondiscriminatory fashion appropriate for public activity and there shall be no discrimination by it on the basis of race, sex or religion in its performance of such obligation.
3. County shall pay Town upon the execution of this Agreement the sum of \$50,000.00 for making the the Kelsey - Hutchinson Park open and available hereafter to members of the general public during reasonable days and hours for use as a park and for recreation as that term is defined by N.C. Gen. Stat. § 160A-352.
4. Town shall use the funds received hereunder from the County only for the public purpose of hereafter making the Kelsey - Hutchinson Park, located at the corner of Fifth Street and Pine Street in Highlands, NC, open and available to members of the general public during reasonable days and hours as a park and for recreation as that term is defined by N.C. Gen. Stat. § 160A-352.
5. That the Town will provide the County with appropriate invoicing from the project to show the County that such funds were in fact used in association with the Kelsey - Hutchinson Park project which it is having constructed.
6. Town is an independent contractor.
7. The laws of the State of North Carolina shall control and govern this Agreement. Any controversy or claim arising out of this Agreement shall be settled by action instituted in the appropriate Division of the General Court of Justice in Macon County, North Carolina.
8. This Agreement may be modified only by written agreement executed by the parties hereto.

IN WITNESS WHEREOF, the parties have made and executed this Agreement the day and

year first above written.


TOWN OF HIGHLANDS

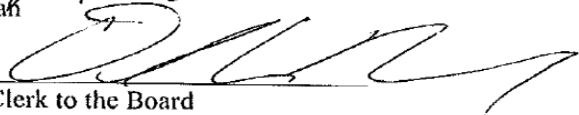
By: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Clerk to the Board

( Town Seal )

MACON COUNTY

By:  \_\_\_\_\_  
Chairman

ATTEST:  \_\_\_\_\_  
Clerk to the Board

PRE-AUDIT CERTIFICATE

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

This the \_\_\_\_ day of April, 2016.

\_\_\_\_\_  
Town of Highlands Finance Officer

PRE-AUDIT CERTIFICATE

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

This the 30th <sup>March</sup> day of ~~April~~, 2016.

  
Macon County Finance Officer

After much discussion as to the wording of the agreement and who would be in charge of the monies, Mayor Pro Tempore Patterson made a motion to approve the agreement with the County in regards to a \$50,000.00 donation for the construction of Founder's Park. The motion was seconded by Commissioner Pierson and the vote was 4 to 1 with Commissioner Dotson voting nay.

Mayor Pro Tempore Patterson then made a motion to approve the budget amendment recognizing the monies as revenue, which was seconded by Commissioner Pierson and the vote was unanimous.

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

FROM: General Fund

DEPARTMENT: Recreation Dept.

EXPLANATION: Accept and appropriate contribution funds for Founder's Park construction donated by Macon County

April 21, 2016



[illegible]

## 9. Planning Matters: Request for Public Hearings

### **A. First Baptist Church Conditional Zoning Request Withdrawn**

The town received a letter withdrawing the Conditional Zoning Request of the First Baptist Church that was scheduled for a second vote during this meeting.

## B. UDO Amendments

Planning and Development Director Randy Feierabend request the board to set a public hearing for amendments to the Unified Development Ordinance (UDO) for the next regular scheduled meeting of Thursday, May 26<sup>th</sup> at 7:00pm.

Commissioner Pierson moved to set a public hearing to review amendments to the UDO for Thursday, May 26, 2016 at 7:00pm, which was seconded by Commissioner Dotson and the vote was unanimous.

### C. Rezoning Request

Planning and Development Director Randy Feierabend request the board to set a public hearing to hear a conditional zoning request at the regular scheduled meeting of Thursday, May 26<sup>th</sup> at 7:00pm for RLR, LLC for parcel numbers 7540219011, 7540219030, 7540209968, 754020997, 7540300925 and 7540300964 from B-3 to B-2 CZ for hotel construction.

Commissioner Pierson made a motion to set a public hearing to hear a conditional zoning request at the regular scheduled meeting of Thursday, May 26, 2016 at 7:00pm for RLR, LLC for parcel numbers 7540219011, 7540219030, 7540209968, 754020997,

7540300925 and 7540300964 from B-3 to B-2 CZ for hotel construction. The motion was seconded by Mayor Pro Tempore Amy Patterson and the vote was unanimous.

**10. Miscellaneous Matters: Parking Update**

Police Chief Bill Harrell gave a brief overview of the parking ordinance with the upcoming season coming into swing.

**11. Closed Session**

Commissioner Pierson made a motion to go into Closed Session pursuant to NCGS §143-318.11(a)(6) at 8:11pm to discuss a personnel matter, which was seconded by Commissioner Calloway and the vote was unanimous.

Once discussion was held, Commissioner Dotson moved the Board back into open session at 8:52pm, which was seconded by Commissioner Stiehler and the vote was unanimous.

No action taken.

**12. Adjournment**

As there were no further matters to come before the Board of Commissioners, Commissioner Calloway moved to adjourn which was seconded by Mayor Pro Tempore Patterson and upon a unanimous vote, the Town Board adjourned at 8:55pm.

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Patrick Taylor  
Mayor

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Rebecca R. Shuler, CMC, NCCMC  
Town Clerk