

# Highlands Newspaper

FREE Every Thursday

Volume 18, Number 4

Real-Time News, Weather & WebCams: HighlandsInfo.com

Thurs., Jan. 28, 2021

## Confidentiality of Town Board Closed Session was compromised

Information allegedly obtained during the Closed Session of the December Town Board

meeting, which was later released and misrepresented to an "outside" interested party, was the sub-

ject of the January Town Board Closed Session meeting.

• See **CLOSED SESSION** page 6

## MC Schools might go virtual

By Brittney Lofthouse

This week, both Clay County Schools announced students will be transitioning to virtual learning and Swain County Schools announced an additional week of virtual learning due to inadequate staffing levels within both systems due to positive COVID19 cases or quarantines due to exposures.

Monday night Macon County Superintendent Dr. Chris Baldwin told members of the Macon County Board of Education that Macon County schools are at risk of having to do the same thing.

"One of the concerns we have because of the current numbers are at Macon Middle School and MVI because those schools are struggling to find substitutes," said Dr. Baldwin.

As of Monday night's BOE meeting, there were 22 staff members and 158 students out due to quarantine or positive COVID19 test results. High-

• See **SCHOOLS** page 6



Pictured from left at the Fire Department ground breaking Friday, Jan. 19 are Ryan Bryson with Brysons Grading, Goosie Kennedy with DR Reynolds, firefighter Gary Ammons, firefighter Jeff Burnette, 2nd LT Lenny Metrick, Danny Kilby with DR Reynolds, Fire Chief Ryan Gearhart, Mayor Pat Taylor, Town Manager Josh Ward, Town Commissioner Buzz Dotson and Bob Rawson with DR Reynolds.

– Photo by Kim Lewicki

## Fire Dept. construction set to begin

It's taken a few years to orchestrate but work will begin on the new Fire & Rescue Dept. to be located on the old deVillie property on US 64 west in the next couple of weeks; it's expected to be completed in about 14 months – in June 2022.

A necessary pre-requisite for the endeavor was approval by the Local Government Commission

whose OK officially came Jan. 5; BB&T closed on the loan Jan. 8.

On Friday, Jan. 19, town staff, commissioners and those whose task it is to construct the building gathered for the ground-breaking.

The \$8.5 million loan through BB&T for the land and the building – \$1.5 million for the land and \$7 million for the building – is for 20 years. The first payment of

\$658,750 is due June 20, 2022 with the loan being paid entirely from Highlands fire tax revenues. The fire tax is part of the ad valorem property tax from the properties within the Highlands Fire District.

"We are excited to get this project started," said Mayor Pat Taylor. "This will serve this community for years to come. It will

• See **FIRE DEPT.** page 5

## Landslide closes Chowan Road

By Brian O'Shea  
Plateau Daily News

In the next two weeks, work is expected to begin to fix the landslide issue along Chowan Road where it meets US 64 west.

Chowan Road has been closed since Christmas Eve after a landslide occurred when a tree uprooted by saturated ground and high winds spilled boulders and knocked down power lines as it careened onto US 64.

"Due to the slide, the road is not safe for vehicular traffic," said Highlands Public Works Director Lamar Nix regarding Chowan's closure. "The road structure was compromised by the event."

Nix said the plan is to construct a soil nail wall similar with the successful design used seven years ago on an adjacent area along Chowan Road. Soil nail walls are used as a land stabilization technique by drilling holes

• See **CHOWAN** page 8

Congratulations, Andrea Gabbard!

Andrea closed over **\$9.8M** in real estate transactions in 2020!  
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# • THE PLATEAU'S POSITION •

## • MAYOR ON DUTY •

### Vaccine and paving update

I have two important updates this week. Both will impact our community in the coming weeks.

The Highlands/Cashiers Community Vaccination Clinic is a great success. On Sunday about 480 people were vaccinated. The clinic is a model for how volunteers and nonprofit groups can work together to provide a critical service for the community.

Tom Neal, the clinic organizer, and the volunteers were ready to vaccinate even more people yesterday. But, the clinic was closed because no vaccine was available. There appears to be a severe shortage of vaccine across the nation. While we have the system to put vaccine in arms as soon as it arrives, this supply shortage prevents us from doing so. Macon and Jackson County are dependent on vaccine allocations from the state.

I worry that our counties, as well as all of Western Carolina, may not be getting a full allocation of vaccine. There are some accounts that a higher portion of vaccine is being diverted to larger metropolitan areas. There may be a misperception that the outlying counties in Western Carolina simply don't have the systems in place to vaccinate



Highlands Mayor  
Patrick Taylor

people. Our community clinic has demonstrated that is not necessarily the case.

If you share my concern, please call the governor's office at (912) 814-2000 and let your concern be known, that equitable allotments of vaccine should be sent to the counties and programs of Western Carolina. The governor can also be contacted by entering on a search engine: governor.nc.gov.

Despite these vaccine shortages, registration for vaccinations will continue. An appointment list is being maintained, and as vaccine becomes available people on the list will be notified when to come to the clinic for vaccination.

The other big update concerns the paving of Main Street by NCDOT. Our town manager, town engineer and I met with DOT engineers and the paving contractor last Friday afternoon. The group actually walked Main Street to examine paving issues.

The contractor and DOT are developing a schedule for starting the downtown paving which will take approximately two weeks. The projected start date is sometime around the middle of March. A specific timeframe should be coming soon, and we will notify everyone, especially the downtown merchants, as soon as possible.

DOT and the contractor plan to do the paving downtown as fast as possible. They will maintain a round the clock work schedule. At night the contractor will operate a huge milling machine to remove the top 1 1/2 inch of paving. It will be very noisy and generate a substantial amount of dust. It is a tradeoff. If the milling machine was operating during the day, visitors would be encountering not only noise, but also large clouds of dusts. The milling machine will shutdown in the early morning hours, and paving equipment will come in and resurface the freshly milled section. During the paving, one side of the street will be closed for paving. The other side will remain open for two way traffic, so the downtown will never be completely closed to traffic. The contractor believes this plan will reduce in half the time for paving the downtown area.

Once the downtown paving is complete, paving of US 64 to Buck Creek will begin, as well as paving NC 28 to Clear Creek. These two projects will go into the summer months.

We will keep everyone up to date, but plan on disruptions in late March.

## • OBITUARY •

### John Deering Roberts

John Deering Roberts, 78, of Highlands, NC and formerly of Savannah, GA, died of COVID peacefully in his wife's arms on January 21, 2021.

He was a graduate of Sewanee Military Academy, past President of the Savannah Exchange Club, a member of the Sons of the Confederacy and a loving husband, father, and grandfather. He was a Lay Eucharistic Minister at Christ Church Savannah.

He is survived by his wife of over 42 years, Barbara C. Roberts; sons John Jr. (Janice), Marion Smith III (Caroline); daughters Nancy C. Keck (Matt), Rawson S. (Charlie); Grandchildren, JD Roberts (Heidi), Hart Roberts, Mayes Keck and Margaret Smith.

Final arrangements will be made at a later date.

In lieu of flowers, memorials can be made to Cashiers Highlands Humane Society, PO Box 638, Cashiers, NC 28717 or the charity of your choice.



## • VACCINE UPDATE •





According to H-C Hospital CEO/CNO Tom Neal, vaccination clinics set for each Wednesday over the next eight weeks will take place only if the Moderna vaccine comes through. He said it is a hit and miss situation at this point and he often doesn't know if he will have the vaccine until the last minute.

Last Sunday, Neal was able to orchestrate a Pfizer vaccine clinic because he surprisingly got that, but he doesn't expect to get any more.

Meanwhile, people are encouraged to register with the NC State CVMS (COVID-19 Vaccine Management System) at <https://bit.ly/highlandsvaccinepreregistration> so they can get a vaccination appointment. For assistance, e-mail: [highlandscovidvaccine@gmail.com](mailto:highlandscovidvaccine@gmail.com) or call 828-526-1310.

Neal said to remember that between the time of getting the first shot and getting the required second shot people can still contract the virus so continuing to wear a mask and practicing the three Ws is still necessary.

## • WEATHER •

Thu, 28-Jan	Fri, 29-Jan	Sat, 30-Jan	Sun, 31-Jan
			
40°F 18°F	46°F 22°F	46°F 33°F	52°F 35°F
Partly sunny	Plenty of sunshine	Increasing cloudiness	Periods of rain
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### Highlands Newspaper

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# • LETTERS •

## Kudos all around

Dear Editor,

I would like to thank HCA and in particular Greg Lowe, President of the North Carolina Division; Dr Bill Hathaway, Chief Medical Officer, Tom Neal, CEO of Highlands Cashiers Hospital, Dr. John Worthington, Dr Patti Wheeler and Dr Todd Detar for their leadership in developing a COVID vaccine clinic in our community.

Robyn Neal (Tom's wife) and Jerry Moore worked tirelessly scheduling vaccinations. I also appreciate Mayor Taylor and Town staff's support of the vaccine clinic. Having access to the rec center will allow HCA to administer the vaccine to more people in a more efficient manner.

Also, there are numerous organizations and volunteers involved in this effort.

I also want to thank the partners who are making this Highlands-Cashiers Plateau Vaccine Initiative possible: Jackson County Health Department, Macon County

Health Department, Highlands-Cashiers Health Foundation, Highlands-Cashiers Hospital staff, Local Rotary Clubs, Highlands Pharmacy, Community Cares Clinic, Blue Ridge Free Dental Clinic, Macon County EMS, Cashiers Chamber of Commerce and numerous call center volunteers.

As Members of the Highlands Cashiers Hospital Board of Trustees Chairman Peter Pavarini, Mary Adair Trumbly, Dr Nancy Dunlap, Dr. Bob Carlton, Jimmy Maurin and I have been allowed to listen to Dr Hathaway's weekly COVID Briefing.

Dr Hathaway has had the difficult job of not having quite enough vaccine in mid-December to vaccinate all of the 12,000 health care workers in Western North Carolina.

The healthcare workers in our area and the residents of the Eckerd Living Center were vaccinated the first week the vaccine was available.

Bill promised since December that HCA would help

the community as soon as front line medical staff were vaccinated and HCA is meeting the challenge.

**Marc Hehn  
Highlands**

## To be or not to be

Dear Editor,

Lately I have been thinking a lot about my obituary. It may be needed sooner than I had anticipated, so maybe I should start preparing something now, just in case.

I don't anticipate the COVID virus to be the cause of my ultimate demise, as worrisome as that is; nor the distinct possibility of slipping on ice and cracking open my head; nor the sudden appearance of some unknown dreadful disease lurking deep within my fragile and aging body; nor even the more likely scenario of death by political saturation and overload.

No, none of the above will do me in. I am convinced I will be killed on the short stretch of the Horse Cove road between the Nature Center and the turn-off onto Bowery Road. It's just a matter of time. Between the ungodly number of giant dump trucks, the unholy number of construction pick-up trucks and the infernal number of fancy, high-end, luxury cars, all traveling at diabolical speeds, I'm dead meat, plain and simple. Road-kill. And yet even these are not the biggest threats to my current life here on earth. No. It is the more than obvious fact that none of the aforementioned know what those double yellow lines down the middle of the road mean or why they are there. Because that's what's going to kill me. Not the 10-ton dump truck coming at me at a ridiculous rate of speed, but that it is halfway onto my side of the road and I have nowhere to go to avoid it. And I'm not singling out dump trucks, by the way. A sporty Porsche or shiny Lexus in my lane will flatten me just as readily. I mean, flat is flat. Road-kill.

So, as I drive that stretch of road every day, I am lightly phrasing in my mind my obituary – premature, one hopes – but I'd still better get it down on paper soon.

P.S. I'd like to hope we'll meet in the after-life, but that depends on the geography; some of us will go north, while some of us will go south.

**Alice Nelson  
Highlands**

## A 1st class operation

Dear Editor,

Wednesday night I was at the Highlands Recreation Center for my 7 p.m. appointment. From start to finish this was a FIRST CLASS experience – exceptionally well-choreographed – a well-oiled machine!

Every individual I encountered was upbeat, kind, well-informed, gracious, starting with the gentleman standing in the driveway who asked if I was there for a vaccination and ending with the paramedic who cleared me to leave.

Thank you OPERATION WARP SPEED for making this possible!

**Nan Hunter  
Highlands**

# • HIGHLANDS DINING •



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## ... LETTERS continued from page 4

### A doctor's point of view

Dear Editor,

COVID has reinforced why I love Highlands.

Having traveled outside Highlands and seen the responses elsewhere to protect from COVID far inferior to what we are doing here, I again appreciated how special Highlands is.

On Wednesday the 20th, I was even more impressed. Having missed the first opportunity of taking the COVID vaccine, I was having difficulty contacting the Macon County Health Department for an appointment. I was, therefore, very happy when I got an email saying that it was possible to get the vaccine in Highlands. Response to my reply was almost instantaneous. This, in itself, was impressive.

My wife and I received appointments on Wednesday at 5 p.m. Again, very im-

pressive that the system recognized us as a couple and scheduled us together, though we made the appointment on our separate emails.

Seeing what is happening around the country, we assumed there was going to be a long wait. Arriving early, to our great surprise, there was no line of cars or lines of people waiting. Everything was exceptionally streamlined and organized. It was, in fact, the most organized, efficient, and professional operation I have ever witnessed.

The people, including Tom Neal, the Hospital CEO, that organized and put this on should be markedly commended. The process needs to be taught and exported elsewhere.

**Robert T. Buchanan, MD  
Highlands**

### It could not have been easier

Dear Editor,

I got an appointment for the COVID vaccine for Sunday in Highlands.

I arrived on time, actually about 30 minutes early. There were people working the parking lot to show you where to go; I was checked in, got the shot, waited 30 min. and left – I was there less than an hour.

I want to commend the health department and staff -- everyone knew what to do, where to send people and how to check people in.

Really, really great management and staff. Everyone was great and it could not have easier.

Thank you so much. I am looking forward to seeing you again for the second shot.

**Jim Rogers  
Culowhee**

### Pfizer and community come through

Dear Editor,

I have been shot.

I think I should put my name at the top, rather than the bottom – Larry Brannan. This way, your readers may choose to stop reading right away or to form an early opinion before venturing further into this batch of words.

Some will wonder why it took so long for someone to take this action.

Others may think whoever did this is not a very good marksperson since I am still able to 'pen' this message.

Some, like I, will celebrate.

I am pleased to reveal that many persons participated in this incident.

The shot occurred on Sunday the 24th at the Highlands Rec Park.

Yep, you guessed it! The shot was produced by Pfizer.

I was very closely monitored for any reaction to the shot/injection

I did immediately have two reactions.

They were and are gratitude and appreciation for all the volunteers and professionals who were at the Rec Park and for those who worked behind the scenes to make this extraordinary support of the Highlands community possible.

All were extremely well organized, friendly and efficient.

I express my gratitude and appreciation for all their effort and time spent to prepare and execute this complex operation so well.

Thank you all for your selfless service to our community!

**Larry Brannan  
Highlands**

## ... FIRE DEPT. continued from page 1



As part of Friday morning's ceremony, Bryson's made the first "dig."

– Photo by Kim Lewicki

be a first-class facility where our firefighters can work, train and decontaminate their suits after a fire. This is something that is really going to be positive for Highlands."

Mayor Taylor also thanked Jane Woodruff for selling the town the property at a "very, very good price."

"That made it possible for us to put a fire department in a very strategic place in the community and the design and building will be a real plus for this area of Highlands."

He also expressed appreciation to

Chief Gearhart, the public safety committee, the commissioners on the board, the Town Manager Josh Ward and staff who coordinated the financing – "all who made this a reality."

"Thank you everyone," he said.

Bryson's Grading will be doing the excavation work, DR Reynolds is the building contractor with Danny Kilby the job superintendent and Goosie Kennedy the project manager.

– Kim Lewicki



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## ... CLOSED SESSION continued from page 1

According to state statute, a Closed Session of the board is a privileged, confidential opportunity to discuss sensitive matters of a statutorily defined nature. The information produced in a Closed Session may not be obtained in a public record request unless, in a contested court case, and a judge so orders it.

*Under N.C.G.S. 143-318.11 (a) there are three permitted purposes for going into to a closed session, relevant to the NCBG letter:*

- (3) to consult with an attorney
- (4) to discussion location of industry or business in the Town
- (5) to instruct staff about the terms of negotiation for the acquisition or property or the terms of employment

According to Town Attorney Jay Coward, it follows that a board member who is privy to this information is not at liberty to divulge it to the public.

**The Back Story**

At the end of the January 17 Town Board meeting, commissioners went into Closed Session to discuss a letter from NC Broadband Group (NCBG), one of the three companies that had submitted a Request for Proposal (RFP) to bid on running the town's broadband highway.

It should be noted that at the November Town Board meeting, it was disclosed that NCBG had withdrawn its bid prior to the November meeting leaving only Balsam West and Hotwire as contenders.

After hearing a report from the Town Manager Josh Ward concerning the references of the two companies, once back in open session the board voted 4 to 1 to enter into contract negotiations with Hotwire Communications. Commissioner Marc Hehn voted "nay."

Subsequently, town staff developed a contract for the leasing of the town's aerial dark fiber.

Hotwire is offering \$10,200,000 over 25 years – far more than the \$4.6 million loan with interest the town took out to build the aerial portion of the highway – which Mayor Pat Taylor said will be paid off in about six years therefore income from the lease thereafter will be the town's.

As part of the contract outlined by the town and in the RFPs given to all three companies, Hotwire agreed to build-out and own the underground portion of the

• See CLOSED SESSION pg 10

## ... SCHOOLS continued from page 1

lands Schools continues to have a lower number of cases than other schools, with the last new positive case at Highlands School reported

on January 26.

"Macon County is one of the few districts in the state offering in-person instruction for our students," said Dr. Baldwin. "Most schools in NC are virtual. But we are at the point to where some of our schools may have to transition to Plan C due to too many staff having to quarantine."

Dr. Baldwin said that Public Health Director Kathy McGaha has originally stated teachers could expect to receive the vaccine toward the end of January, however due to a recent change in the county's allocation of vaccine's from the state, it is no longer clear when teachers in Macon County will be eligible to receive the vaccine.

"The sooner we can get our school staff -- that's bus drivers, teachers, cafeteria personnel, the vaccine -- the sooner we can return to in-person for all of our students," said Dr. Baldwin.

Dr. Baldwin said each school's COVID19 situation varies from day to day and school to school. While as of Monday night there were enough staff for Macon Middle School and Mountain View Intermediate to remain open on Tuesday, Dr. Baldwin said that if one other teacher has to be out — things could change and the schools could switch to remote instruction due to a lack of staff.

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## ...CHOWAN continued from page 1

into the ground, filling them with steel bars (nails), then grouting the bars together.

A filter fence and rip rap stones are currently in place above US 64 for temporary erosion control. Nix said this will pro-

vide temporary stabilization needed until this project is completed.

"It's an unstable area and we are stabilizing it one project at a time," said Nix. "It's hard to say with certainty, but when we



finish this stabilization project the majority of the real scary looking stuff will be addressed."

Nix contacted three soil/rock stabilization companies and received three proposals on the repair. Highlands selected GeoStabilization International Inc.'s bid of approximately \$125,000 for the repair. He asked for a budget amendment of \$150,000 at the January Town Board meeting.

"I asked for more to give flexibility in case we need things like a construction fence, etc.," said Nix.

The project is expected to take three weeks and Nix said traffic may be affected.

"The contractor will take precautions for traffic control as necessary," said Nix. "We have discussed temporary flagging, a lane closure, and safety fencing, as warranted as the project proceeds."

## • EVENTS •

### Sat. & Sun., June 26 & 27

• Mountaintop Art & Craft Show (previously the Village Square Show) will be held in downtown Highlands at K-H Founders Park (Pine St.) from 10 to 5. The FREE event features regional potters, jewelers, woodworkers, fine artists, etc. plus food. For more info call (828) 526-9227 or visit [www.mountaintopshow.com](http://www.mountaintopshow.com). Sponsored by Highlands Mountaintop Rotary.

### Sun., Jan. 31

• PAC will screen the National Theatre of London's encore performance of Arthur Miller's A View From the Bridge at 3pm.

Tickets are available online: [www.HighlandsPerformingArts.com](http://www.HighlandsPerformingArts.com)

### Sat. & Sun., August 28 & 29

• Mountaintop Art & Craft Show (previously the Village Square Show) will be held in downtown Highlands at K-H Founders Park (Pine St.) from 10 to 5. The FREE event features regional potters, jewelers, woodworkers, fine artists, etc. plus food. For more info call (828) 526-9227 or visit [www.mountaintopshow.com](http://www.mountaintopshow.com). Sponsored by Highlands Mountaintop Rotary.

### Fridays in February

• Yoga 101 at Yoga Highlands. The essentials-online intro class with Diane Levine. Now enrolling. Call 828-526-8880.



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# • INVESTING AT 4,118 Ft. •

## To rent or not to rent...

The year 2020 changed lives throughout the entire world. It totally changed the dynamic of real estate when compared to previous years.

On the plateau, with the pandemic, we expected a downturn. No one could have prepared brokers for the surge in buyers wanting to be in Highlands and Cashiers! Inventory is now at an all-time low and people want to be a part of small-town America again for numerous reasons. Safety, less dense areas that minimize exposure to COVID, and being mandated to work from home ... many buyers have learned that home offices can be a good thing! No long commutes and fighting traffic are definitely appealing!

Now as far as rentals go in our market: We have seen an increase in VRBO and Air B&B rentals over the past few years, with buyers realizing they can purchase a home, use it when they want for their personal use, and then rent it for additional income.

There are many pros and cons to this scenario and I will discuss a few.

With most owners living in another city or state, they rely on email contacts to communicate with the potential renters and can't ask ages, don't know if the renters are "partiers," if they will fill the house with people -- even if there is a written limit -- and don't know if they will bring pets that aren't allowed per the owners.

Since there is no one to greet them, they are given an access code. Whether the renters abide by the "rules" is unknown to the owners. In most cases, all is well but there are a few incidents that have happened. There is "wear and tear" on the furniture and appliances and over time those will need to be replaced.

In 2020 we saw a large increase in buyers wanting to purchase and rent their homes this way. We also have rental companies who rent and handle your homes for you, usually for 25%, but they do handle any complaints, repairs, and have the home cleaned in a timely manner. This works well but the calendar fills up quickly



Pat Allen, BIC  
Pat Allen Realty Group  
Cell: 828-200-9179

and it's hard for the homeowners to schedule time for their own use. That brings up an important point I want to make. If you plan to sell your home do NOT have it on a rental program or VRBO and Air B&B! Because Realtors cannot get in to show your home! Renters do not want to allow potential buyers to come and look in every room of the house and ask them to leave for a specified time. They are paying top dollar and do not want to be inconvenienced!

nienced!

Furthermore, with COVID they don't want strangers coming through even if wearing a mask!

If brokers are bringing potential buyers and renters have agreed to let it be shown, the house may be filled with food on the counters, towels in the bathrooms, trash in the trash cans, dishes in the sink, beds may not be made...in other words, it will have a "too lived-in" look!

A home that is rented and is on the market can take twice as long to sell and it will more than likely need to be painted and need repairs that may wipe out the rental income.

With the longer days on market, buyers question why it hasn't sold and many will pass on it based on that factor alone.

My advice is either rent it or sell it... but not both!

• Pat Allen is owner of Pat Allen Realty Group and a Certified Luxury Home Marketing Specialist and is certified in Resort and Second home properties Her firm was recently selected as a Leading Real Estate Company of the World and is a member of prestigious Luxury Portfolio .She is consistently a top producer and award-winning broker on the plateau and she and broker Julie Osborn, were the number 1 sales team in Highlands for 2020. Visit her on the web at Pat Allen Realty Group.com, call 828-526-8784, or 828-200-9179. The office is conveniently located at 295 Dillard Road with a second location at 5121 Cashiers Road at the entrance to Wildcat Cliffs Country Club with Julie Osborn as broker-in-charge.



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## ... CLOSED SESSION continued from page 6

highway which amounts to 17% to 18% of the system. As such, the underground portion is not part of the 25-year lease agreement.

The underground portion of the highway is the area of contention for NCBG.

As per the undated letter from Chad S. Wachter, VP, General Counsel for NCBG, postmarked Dec. 31, 2020, referenced as "Protest Letter and Request for Meeting Town of Highlands Broadband Initiative,"

NCBG requested that "the town suspend or terminate negotiations and/or performance pursuant to the Town of Highlands Broadband Initiative during this submitted protest."

"A key evaluation criterion used by the Town of Highlands is a commitment by the bidders to complete the 'remaining 17%' of the network, at their own expense, by constructing the underground and aerial build-out areas inside the city limits of the Town of Highlands serviced by other electric utilities (Haywood Electric Membership Corporation and Duke Energy specifically)," reads the letter.

"The Town of Highlands made clear the importance of the selection criteria, prior to the due date for the bids being submitted, when it clarified and reinforced the requirements of its Request for Proposal (RFP) at the time the town issued to the public the requirements of its RFP.

"Subsequently, it appears, per public records and comments made by public officials, that the Town of Highlands is modifying or eliminating the criteria of the winning bidder bearing the expense described above, after the Town of Highlands has announced the winning bidder.

"In changing the terms and/or conditions of the accepted bid, the Town of Highlands is abusing its discretion to act in the best interest of the citizens of High-

lands and is using its authority in a manner that is unfair to the bids that were not accepted.

"In light of the above, by effectively amending its selection criteria after receiving the bids, the Town of Highlands' bid award should and must be reversed, and the request for bids be reissued pursuant to the revised and new criteria put forth by the Town of Highlands," continued the letter.

After coming out of the January Town Board meeting Closed Session, Mayor Taylor reported that Commissioner Amy Patterson made the motion to direct the Town Attorney to respond to the letter sent by the attorney for NCBG concerning the procedures for developing a contract with Hotwire Communications. The vote was unanimous.

Furthermore, Commissioner Patterson made the motion to direct staff to proceed with the development of the contract with Hotwire Communications following the requirements of the RFP/bid process.

The vote was 3 to 1, Commissioners Patterson, John Dotson and Brian Stiehler voted yes. Commissioner Hehn voted no. Commissioner Donnie Calloway was absent from the January Town Board meeting.

As of Jan. 21, Town Attorney Jay Coward had not responded to NCBG's letter but did present a letter to the board dated the same. It reads in part:

"In the public record the winning bidder, Hotwire, suggested in its bid that the town take over the underground infrastructure once it was completed so the network would not be 'broken.' This was outside the RFP.

"The subsequent conversation, reported to the board in a Closed Session on the 17th of December 2020, was that this would amount to a sale to the town, supported by profits earned later and paid later to Hotwire.

"Commissioner Hehn asked if this was not a substantial change to the RFP.

"The board asked the attorneys to discuss this question and report back to the board tonight [January 17].

"So, there are no public records that indicate the Town of Highlands is modifying or eliminating the criteria of the winning bidder. That allegation is false," reads Coward's letter.

In fact, according to the minutes of the Dec. 17th Town Board meeting, the board went into Closed Session to discuss matters relating to the location or expansion of industries or other in the area served to discuss the fiber lease contract negotiations, but once back in open session, it was reported that the board took no action.

In Attorney Coward's letter to the board, he reported that "after the conversation between the lawyers (Jim Baller, Gabriel Dusablon, Sean Stokes, and myself) and Josh Ward and Matt Shuler on the [January] 14th, we concluded that 1) the Hotwire suggestion was a substantial change, and 2) we would recommend to the board that it take no action on the suggestion and stick with the bid as presented."

Coward said the NCBG letter is troubling, not only for its content but because Atty. Wachter states that his letter is based on "public records and comments made by public officials."

"There are no public records that indicate the Town of Highlands is modifying or eliminating the criteria of the winning bidder, said Coward. "How that information was obtained is what troubles me. That leaves comments made by public officials."

Coward outlines in his letter two possibilities to consider since the only people at the Closed Session meetings are typically the Mayor, Commissioners Patterson, Dotson, Stiehler, Calloway and Hehn, Town Manager Josh Ward and Town Clerk Gibby Shaheen.

"First, Mr. Wachter could have obtained information based on a meeting between staff and contractors. I have attended several meetings of this nature and I cannot recall a meeting where a board member was present. Staff would also qualify as public officials. I will leave the straightening out of this possibility – which I seriously doubt – to the Town Manager and the Mayor.

"The second possibility is that Mr. Wachter would be in a position to make his allegations if he obtained information from someone who was present in the Closed Session of the board. Since I am the board attorney, I address this possibility directly to you," Coward wrote to the board.

Coward said as per the definition of a Closed Session and the purpose thereof, a board member who is privy to Closed Session information is not at liberty to divulge it to the public.

"The NCBG letter reveals to the board that some member has failed in his/her duty to follow the law. This failure is not a crime. There are no reported cases which address it. The School of Government has no meaningful guidance about what to do when it occurs. It is so fundamental a principle that it goes without saying. BUT in my opinion, it is a violation of the Oath of Office in the North Carolina Constitution Art. VI SS 7 which states that

• See CLOSED SESSION page 14

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# • SPIRITUALLY SPEAKING •

## Crucial Moments



Last week we witnessed a turning point, a “Crucial Moment,” in the life and history of our country and for the Church who follows him. America’s presidential administrations were changed. Things will never be the same. The voices and aspirations of 72 million citizens of the United States were effectively muzzled, as the media (social and otherwise) and the emboldened political power brokers have begun to wield pressure and exacerbate divisions. In terms of proclaiming the Good News of Jesus Christ, a shroud is seemingly being cast upon the light of “free speech” that disciples of Christ once enjoyed.

Nevertheless, as “resident aliens” on this earth, we do not lose heart. While the signs for continuing freedom to boldly declare the Gospel may be ominous, God’s story of salvation, recounted in the pages of the Bible, the treasure within us, will always be appropriate to bring peace, forgiveness, and eternal life. As Christians, we must redouble our efforts in prayer and witness.

The apostle Paul understood difficult situations such as the one that Christianity in the world faces today. As he wrote to the church and citizenry of Corinth, he recognized the challenge and opportunity before them, despite the circumstances. The light of Holy Spirit burned in Paul as a treasure. In his second letter to the Corinthians he wrote about the treasure now with them, “We have this treasure (the light of the Gospel) in jars of clay (our perishable bodies), to show that the surpassing power belongs to God and not to us. We are afflicted in every way, but not crushed; perplexed, but not driven to despair; persecuted, but not forsaken; struck down, but not destroyed; always carrying in the body the death of Jesus, so that the life of Jesus may also be manifested in our bodies. For we who are alive are always being given over to death for Jesus’ sake, so that the life of Jesus also may be manifested in our mortal flesh.” (4:7-11)

Paul is saying to the Corinthians something like, “When the going gets tuff, the tuff get going.” Good advice. We need not focus on obstacles, real or imagined, but on the mission: sharing the treasure within us. The apostle realizes that the battle is a spiritual one. “For though we walk in the flesh, we are not waging war according to the flesh. For the weapons of our warfare are not of the flesh but have divine power to destroy strongholds. We destroy arguments and every lofty opinion raised against the knowledge of God, and take every thought captive to obey Christ.” (ibid., 10:3-5)

As the Church of Jesus Christ we can expect tuff sledding at times. Nevertheless, we are bid to pray and witness. Pray for and witness to our leaders and citizenry that

• See SPIRITUALLY SPEAKING page 14

## Proverbs 3:5

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Wednesdays: Mid-week prayer meeting: 7 p.m.

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Rev. Aryan Williams-Reubel, Pastor 828-743-5298

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Wednesday night Dinner and Service 5:30

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Holy Communion 1st & 3rd Sundays

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Pastor Brent Metcalf • 743-5470

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Tues. Guys study 8am, Gals 10am.

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Pastor Jim Kinard

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1st & 3rd Sunday night Service: 7 p.m.

Wednesdays – Supper at 6 p.m.

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www.cbchighlands.com • 526-4685

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Sundays: 9:30am – Adult Sunday School; 9:45am (masks

required) Early Worship Service; 11:15am (masks optional)

Worship Service; Sundays 10:45am-Children’s Program,

Sunday Youth-4:30pm – 6:30pm Dinner

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Sun.; Tues: Community Supper 5:30 followed by Bible Study.

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828-526-4153 • www.fbcchighlands.org

Dr. Mark Ford, Pastor • 220 Main Street, Highlands

Sun.: Worship 10:45 am; Sun.: Bible Study 9:30 am

Wed.: Men’s Bible Study 8:30 am; Choir 5p; Prayer Mtg 6:15p

### FIRST PRESBYTERIAN CHURCH

Curtis Fussell & Emily Wilmarth, pastors

526-31 • 75 • fpcchighlands.org

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Mondays: Men’s Prayer Group & Breakfast 8 a.m.

Wed: Choir: 6p

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## John 3:16

# • PLACES TO WORSHIP •

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Wed. Kidsquest 6p.; Worship 7p.

### HIGHLANDS ASSEMBLY OF GOD

Randy Reed, Pastor 828-421-9172 • 165 S. Sixth Street

Sundays: Worship: 11

### HIGHLANDS CENTRAL BAPTIST CHURCH

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Wednesday Prayer Meeting 6:30 PM

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### SCALY MOUNTAIN BAPTIST CHURCH

Rev. Marty Kilby

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Wednesdays: Prayer Mtg.: 7 p.m.

### SCALY MOUNTAIN CHURCH OF GOD

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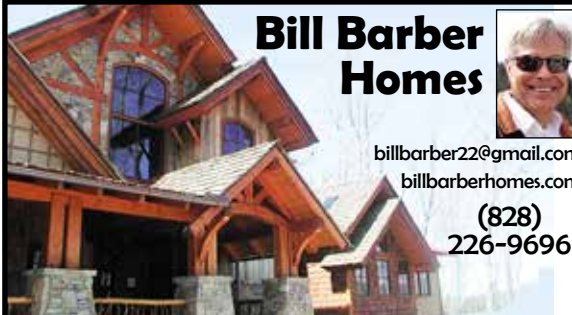
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## ... CLOSED SESSION continued from page 10

the person elected to office shall “support and maintain...the laws of North Carolina...and that I will faithfully discharge the duties of my office,” reads his letter.

Coward ended his letter by saying:

“Mr. Wachter is not licensed to practice law in North Carolina. Therefore, his letter constitutes the unauthorized practice of law in North Carolina, unless he is an owner or officer of NCBG.

“Furthermore, neither of the cases he cites to support his allegations stand for the legal theory he proposes that in awarding a contract, an agency must also follow its own rules, including the criteria contained in its own RFP and follow the appropriate statutes of North Carolina. The failure to do so is a reversible error – Humble Oil & Refining co v. Bd. Of Aldermen, 284 N.C. 458, 467, 202 S.E.2d 129, 135 (1974) and Act—Up Triangle v. Commission for Health Servs. 345 N.C. 699, 707, 483 S.E.2d 388, 393 (1997). Coward said the first case Wachter cites is a zoning case and the second one involves an HIV testing program.

Meanwhile, Town Manager Josh Ward said the Town of Highlands will continue contract negotiations with Hotwire Communications.

Per the initial contract, “Hotwire is

taking over all aspects of the of network management, service provision, infrastructure maintenance, support and all associated functions of the town’s current network and infrastructure. Hotwire will be responsible for providing its full suite of residential, commercial and enterprise services over the network – including voice, video, Internet, and home security/automation.

“All risk associated with the operation of the network – including, but not limited to headend builds and upgrades, infrastructure maintenance, labor employment and cost, broadband cost, customer premises equipment, and content costs will be borne by Hotwire.

“As consideration for its network lease, Hotwire proposes to pay the Town of Highlands \$425,000 in quarterly payments beginning in 2022 through 2045,” reads the contract.

Mayor Taylor said he is disappointed and frustrated if a board member would discuss what was said during a Closed Session with the town’s legal counsel to a third party, especially since the board took no action and was waiting for the attorneys to give the board their legal advice.

– Kim Lewicki

## ... SPIRITUALLY SPEAKING from page 11

they too may enjoy the eternal treasure that the Church does. The “Crucial Moment” is not past. Every individual alive is to be offered a crucial (from the Latin stem: crux, cross) moment of their own.

## Note:

“Muzzled” refers to any voices who might be seen as critical or not in sync w/the extant (approved) narrative of the progressive media moguls.

The “emboldened” are those in power, exercising newly acquired their political advantage.

# • POLICE & FIRE REPORTS •

**Highlands Police entries from Jan. 19. Only the names of persons arrested, issued a Class-3 misdemeanor or public officials have been used.**

## Jan. 19

• At 11:29 a.m., officers responded to a call of theft from a residence on Laurel Street where firearms valued at \$100 was stolen.

• At 2:59 p.m., officers were called about a false pretenses/swindle game involving American Airlines Mileage valued at \$9,735 at a residence on Shelby Drive which was determined to be unfounded.

**The Highlands Fire & Rescue log from Jan. 19.**

## Jan. 19

• At 3 p.m., the dept. responded to a motor vehicle accident on S. 4th Street.

• At 7:29 p.m., the dept. was first-responders to a residence on Hicks Road.

## Jan. 21

• At 11:58 a.m., the dept. was first-responders to a residence on Hudson Road.

## Jan. 22

• At 11:03 a.m., the dept. investigated smoke at a residence on Kelsey Court.

## Jan. 23

• At 10:06 a.m., the dept. was first-responders to a residence on Big View Drive.

## Jan. 26

• At 1:09 a.m., the dept. responded to a fire alarm on S. 4th Street.



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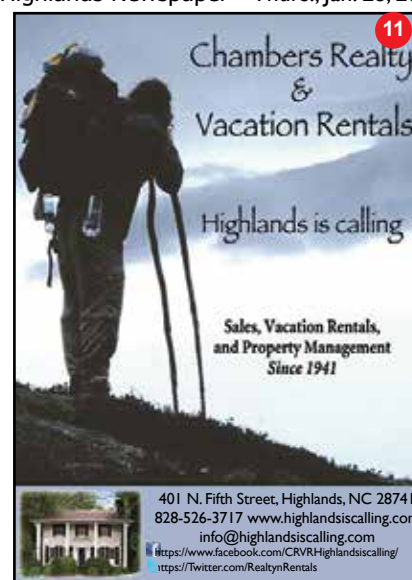
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