

Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of August 20, 2020, via Zoom, Highlands, North Carolina

Town Board Present: Commissioner John Dotson, Commissioner Amy Patterson, Mayor Pro Tempore Donnie Calloway, Commissioner Brian Stiehler, Commissioner Marc Hehn and Mayor Pat Taylor

Also Present: Town Manager Josh Ward, Town Attorney Jay Coward, Finance Director Rebecca Shuler, Public Works Director Lamar Nix, Police Chief Andrea Holland, Parks & Recreation Director Lester Norris, Planning & Development Director Assistant Michael Mathis and Town Clerk Gibby Shaheen

1. Meeting Called to Order

Mayor Taylor called the meeting to order at 7:03pm.

2. Public Comment Period

Ray Vito conveyed his frustration with Northland about the inability to provide internet to his home. Vito stated his utilities were underground and asked that the town negotiate the new contract as to provide service to him and others who are unable to get it since they were in the driver's seat.

3. Adjust and Approve the Agenda

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER HEHN AND THE VOTE WAS UNANIMOUS.

4. Approval of the July 16th, 2020, Regular Meeting Minutes

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE JULY 16TH, 2020, REGULAR MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

Approval of the July 29th, 2020, Special Meeting Minutes

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE JULY 29TH, 2020, SPECIAL MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE CALLOWAY AND THE VOTE WAS UNANIMOUS.

5. Reports

A. Mayor

Mayor Taylor complimented Commissioner Stiehler for assisting a couple whose car was hit by a falling tree. Mayor Taylor announced the violations of bear resistant garbage cans had been postponed because of the container backlog, but most residence have them already and bear issues and ordinances will be discussed at next month's meeting. Mayor Taylor also announced the RFP was out for fiber and should be receiving proposals the first of September.

B. Commissioners and Committee Reports

There were no commissioner or committee reports.

C. Town Manager

Town Manager Ward announced DR Reynolds Construction will have the guaranteed maximum price for the Fire Department Construction by August 31st, 2020. Public Safety Committee will meet and review and have a recommendation for the September meeting. Town Manager Ward also announced that Town Hall would be closed in observance of Labor Day on Monday, September 7th, 2020; Highway 106 would be closing Sunday, August 30th, 2020, in the afternoon through Monday, August 31st, 2020, to replace a culvert; and the fiber RFP will be due to the town by Friday, September 4th, 2020, and the Technology Committee will meet to review.

6. Consent Agenda

- Public Works Department
- Police Department
- Parks & Recreation Department
- Planning & Development Department
- Treasurer’s Report

COMMISSIONER STIEHLER MADE A MOTION TO ACCEPT THE CONSENT AGENDA AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

7. Public Hearing: Annexation Request for Old Edwards Inn “The Farm” Property on Arnold Road

A. Open Public Hearing

MAYOR PRO TEMPORE CALLOWAY MADE A MOTION TO OPEN THE PUBLIC HEARING ON THE ANNEXATION REQUEST FOR OLD EDWARDS INN AT 7:28PM, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

B. Staff Comments/Recommendation

Assistant Planning & Development Director Michael Mathis said on Monday, June 8, 2020, a Petition for Conditional Zoning District was submitted to the Town of Highlands Planning Department. Old Edwards Inn and Spa, LLC (OEI) submitted the application, and it concerns "The Farm" property located off Arnold Road (PIN#7530623323). OEI will be requesting annexation by the Town Board so they can access Town utilities. Currently, the property is 23.06 acres, located in Macon County, and contiguous with the Town of Highlands. Upon recommendation from the Land Use Committee and contingent on approval, OEI will add 3.55 acres, to the parcel, to comply with the Town's Watershed requirements. The Farm currently operates as a wedding venue. The use was established while the property was a part of Macon County. Staff recommendation is to annex the property.

C. Public Comments

There were no comments.

D. Close Public Hearing

MAYOR PRO TEMPORE CALLOWAY MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR THE ANNEXATION REQUEST FOR OLD EDWARDS INN AT 7:34PM, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

E. Council Action



**An Ordinance to Extend the Corporate Limits
 Of The Town Of Highlands, North Carolina
 336 Arnold Road
 2020-01-Ord**

WHEREAS, the Board of Commissioners of the Town of Highlands has been petitioned under NCSG 160A-31 to annex the property described below; and

WHEREAS, the Board of Commissioners of the Town of Highlands has directed the Town Clerk to investigate the sufficiency of the petition;

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held via Zoom, at 7pm on the 20th day of August, 2020 after due notice by The Highlander Newspaper on Thursday, August 6, 2020; and

WHEREAS, the Board of Commissioners of the Town of Highlands finds that the petition meets the requirements of NCGS §160A-31;

NOW, THEREFORE, BE IT ORDAINED, by Board of Commissioners of the Town of Highlands, North Carolina, that:

Section 1. By virtue of the authority granted by NCGS 160A-31, the following property is hereby annexed and made part of the Town of Highlands as of the 20th day of August, 2020:

336 Arnold Road consisting of the following properties:

1. Old Edwards Inn and Spa, LLC, portion of the property recorded in Deed Book G-27, Pages 1024-1027, Macon County Registry, a portion of Parcel No. 7530-62-3323; and the property recorded in Deed Book B-39, Pages 2017-2019, Macon County Registry, Parcel No. 7530-61-2987, Map Sheet 7530.00, consisting of 23.06 acres;
2. Old Edwards Inn and Spa, LLC, portion of the property recorded in Deed Book G-27, Pages 1024-1027, Macon County Registry, a portion of Parcel No. 7530-62-3323, Map Sheet 7530.00, consisting of 1.55 acres; and
3. TRI Real Estate North Carolina, LLC, a division of Old Edwards Inn and Spa, LLC, portion of the property recorded in Deed Book L-37, Pages 1394, Macon County Registry, a portion of Parcel No. 7530-42-3496, Map Sheet 7530.00, consisting of 2 acres.

Section 2. Upon and after the 20th day of August, 2020, the above described property and owner shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Highlands, and shall be entitled to the same privileges and benefits as parts of the Town of Highlands. Said property shall be subject to municipal taxes according to NCGS 160A-58.10.

Section 3. The Town Clerk of the Town of Highlands shall cause to be recorded in the Macon County Registry and the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed property, described in Section 1, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Macon County Board of Elections, as required by NCGS §163-288.1.

This ordinance is adopted this 20th day of August, 2020.

Patrick L. Taylor, Mayor

ATTEST:

Gilberta B. Shaheen, Town Clerk

COMMISSIONER STIEHLER MOVED TO APPROVE THE ANNEXATION OF THE OEI FARM AND TO ACCEPT THE ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF HIGHLANDS AS PRESENTED. THE MOTION WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

8. Public Hearing: B-3 Conditional Zoning Request for Old Edwards Inn “The Farm” Property on Arnold Road

A. Open Public Hearing

MAYOR PRO TEMPORE CALLOWAY MADE A MOTION TO OPEN THE PUBLIC HEARING ON THE B-3 CONDITIONAL ZONING REQUEST FOR OLD EDWARDS INN “THE FARM” AT 7:55 PM, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

B. Staff Comments/Recommendation

Assistant Planning & Development Director Michael Mathis said at one time, the subject property was included in the Town's Extraterritorial Jurisdiction (ETJ) and zoned B-5 commercial. In this application, OEI is applying for B-3 conditional zoning so that the use will conform with the Town's Unified Development Ordinance. The approval is site plan specific, therefore, OEI would be required to seek a Zoning Map Amendment to expand or alter this property. The Town of Highlands Planning Board reviewed and approved this application on June 22, 2020. The Town of Highlands Zoning Board reviewed and approved this item on July 15, 2020. Staff recommendation is to approve the B-3 conditional zoning.

C. Public Comments

There were no comments.

D. Close Public Hearing

COMMISSIONER PATTERSON MADE A MOTION TO CLOSE PUBLIC HEARING ON THE B-3 CONDITIONAL ZONING REQUEST FOR OLD EDWARDS INN “THE FARM” AT 7:58PM, WHICH WAS SECONDED BY MAYOR PRO TEMPORE CALLOWAY AND THE VOTE WAS UNANIMOUS.

E. Council Action



**An Ordinance Amending the Official Zoning Map of the Town of Highlands
Ordinance #2020-02-Ord**

Be it ordained by the Town of Highlands Board of Commissioners:

1. Pursuant to Article 4. Applications and Permits Sec. 4.5 Conditional Zoning Districts of the Unified Development Ordinance Highlands, North Carolina amendments of the Unified Development Ordinance and Zoning Map of the Town of Highlands is hereby amended to reflect the annexation and designation of zoning for a portion of Parcel No. 7530-62-3323, Parcel No. 7530-61-2987, a portion of Parcel No. 7530-62-3323 and a portion of Parcel No. 7530-42-3496 for B-3 conditional zoning.
2. The annexation and zoning designation for a portion of Parcel No. 7530-62-3323, Parcel No. 7530-61-2987, a portion of Parcel No. 7530-62-3323 and a portion of Parcel No. 7530-42-3496 are reflected on Zoning Map #2020-01-Map.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this the 20th day of August, 2020.

Patrick Taylor, Mayor



**STATEMENT OF CONSISTENCY
WITH THE TOWN OF HIGHLANDS LAND USE PLAN FOR THE
AMENDMENT TO THE ZONING MAP OF THE TOWN OF HIGHLANDS
PER NCGS 160A-383**

**Zoning Map Amendment for PIN #'s: 7530623323; 7530612987;
7530423496**

BE IT HEREBY RESOLVED by the Board of Commissioners for the Town of Highlands, North Carolina, that in accordance with provisions of North Carolina General Statute 160A-383, the Board of Commissioners hereby finds and determines that the amendment to the Zoning Map --of the Town of Highlands, is consistent with the goals, objectives and policies of the Town's adopted Land Use Plan. Specifically, the zoning map amendment will provide consistency with the current commercial use of the property. It will allow the existing wedding venue/outdoor entertainment area to be zoned as a conforming classification

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE B-3 CONDITIONAL ZONING ON THE NEWLY ANNEXED PROPERTY FOR OLD EDWARDS INN "THE FARM," THE ORDINANCE AMENDING THE ZONING MAP, THE 2020-01 -ZONING MAP AND STATEMENT OF CONSISTENCY WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

9. Rezoning of Fire Dept. Property at 149 Franklin Road & Oak St. B-3 Commercial to G/I Gov't - Institutional

Assistant Planning & Development Director Michael Mathis stated the Town of Highlands recently purchased two parcels, one off Franklin Road (PIN#7540214736) and one off Oak Street (PIN#7540222080). It is the Town's plan to build a future Fire Department on these properties. Currently, the parcels are zoned B-3 Commercial. Now that the Town is in possession of the land, and to promote consistency between all Town owned properties, it is recommended that we rezone these lots to G-I Government. The Town of Highlands Planning Board reviewed this item on July 27, 2020 and recommended that the properties be rezoned.

COMMISSIONER PATTERSON MADE A MOTION TO SET A PUBLIC HEARING FOR THE REZONING OF PARCEL NO. 7540214736 AND PARCEL NO. 7540222080 LOCATED AT 149 FRANKLIN ROAD AND OAK STREET FOR THE NEXT REGULARLY SCHEDULED BOARD MEETING OF SEPTEMBER 17, 2020, AT 7PM, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

10. H-C Hospital Workforce Housing Water/Sewer Request

CEO Tom Neal said he appreciated the opportunity to address the Board. Neal said the hospital was staffed fairly well with a 16-17% turnover which is good but have a 3.4% vacancy and looking to grow the hospital. Neal said they are looking to fill the beds at Eckerd with only 65 current residents to capacity of 80 beds and beginning surgery within the next 6 months.

Neal continued that with growing the hospital it would call for new staff and that becomes difficult with more than 25 miles to drive to work. Hospital staff has been working with Clemson to come up with site options for property owned by the hospital to establish workforce housing. Neal said the project would allow the hospital to serve

seasonal residents and potential to bring in more to shelter in place with housing options. Neal asked if the Board would consider providing sewer and water to the project since it is already available and provided to the hospital.

Commissioner Patterson asked about the current Woodruff building and turning it into apartments, Neal replied it housed physical therapy and cardiac rehab and the Jane Woodruff Clinic had current leases and would provide offices for health care providers that come in such as ENT, orthopedic, general surgeons. Neal said Blue Ridge Primary Care and Pisgah Legal Eagle have already leased space.

Commissioner Dotson asked if outside tenants not affiliated with the hospital were allowed, such as Pisgah Legal. Neal answered they were a valuable resource for people who don't have insurance to obtain health care.

Neal also reported that HCA was one of the strongest companies and have given the hospital 5 Million in Capital to update elevators, HVAC system and 1 million for new imaging.

Mayor Taylor suggested to continue analysis and come back to the Board next month.

11. Highlands Food & Wine Update

David Bock announced the Highlands Food & Wine Festival in November has been cancelled, but would like to move forward and present a spring event so they could extend to the November ticket holders and sponsors the ability to attend in the spring.

Events planner Casey Reid said there would be 1,000 tickets for each day of the event as previously discussed.

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE USE OF FOUNDERS PARK FOR THE SPRING EVENT APRIL 23RD – APRIL 25TH, 2021, AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE CALLOWAY AND THE VOTE WAS UNANIMOUS.

12. Chamber of Commerce Events & Budget Update

Chamber of Commerce Director Kay McHan updated the Board with several items, including postponing the fireworks again to New Year's Eve. Police Chief Andrea Holland said that was a concern for the department because it took the entire department and she has some officers that will be out of town for the holidays. The Board authorized Mayor Taylor and Police Chief Andrea Holland to discuss with McHan and make the decision regarding the fireworks.

McHan continued that the roaming musicians were a hit on the 4th of July and the Chamber would be doing that again on Labor Day weekend and all weekends in October. McHan said she had sent some information out regarding workforce housing and would like the Board to look at that and give some input.

13. PAC Drive-In Movie Request

Director Mary Adair Trumbly requested permission to have a Drive-in movie theater for the community in the Laurel Street parking lot. Trumbly continued that there would be no issue of noise because the audio will go through cell phones and cars and all COVID restrictions would be kept. Trumbly also said that tickets would be sold online and instruction sheets and trash bags would be handed out upon arrival and no alcohol would be permitted.

MAYOR PRO TEMPORE CALLOWAY MADE A MOTION TO APPROVE THE DRIVE-IN MOVIE REQUEST ON A TEMPORARY BASIS AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

14. Macon County Comprehensive Transportation Plan Review

Rose Bauguess presented the County Comprehensive Transportation Plan which identifies different needs and relevant growths in the County. Bauguess said there is a current survey to accept recommendations for the plan and can be found at

www.maconmoves2metroquest.com. Bauguess added that the final plan will come before the different County and Municipal Boards for approval.

15. Request to Relocate the Septic System for the Fire Department Substation

J. T. Fields, Member of Cashiers Road, LLC, stated the LLC is the current owner of the property where the existing drain field is located for the Fire Department Substation. Fields requested permission to move the drain field from his property to adjoining Thompson property.

Commissioner Patterson asked if Public Works Director and Town Engineer Lamar Nix say any issues with this change, and he said once Macon County Health Department gave approval and easements were in place it should be fine.

COMMISSIONER PATTERSON MADE A MOTION TO AUTHORIZE A LAWYER TO PREPARE AN EASEMENT AGREEMENT FROM CASHIERS ROAD, LLC TO RELOCATE THE DRAIN FIELD FOR FIRE DEPARTMENT SUBSTATION TO THE THOMPSON PROPERTY, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

16. Budget Amendments: Drainage Repair (former Chandler Inn) & Rec. Park Exit Repair

Public Works Director and Town Engineer Lamar Nix stated the Budget Amendments presented were out of lack of funding from the NC Department of Transportation and drainage issues at the old Chandler Inn is causing safety issues. Nix continued that the funds will be used for materials and cost of patching and we will do the work. Nix added the Budget Amendment for the Rec. Park Exit repair would also be for supplies and patching.

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

August 17, 2020

FROM: General Fund



DEPARTMENT: Streets Dept.
EXPLANATION: To repair drainage issue

Account	Description	Increase/Decrease	Debit	Credit
1. 10-3100-0910	Fund Balance Appropriated ~ GF	Increase		\$15,000.00
10-5600-1900	Maint. & Repair ~ Streets	Increase	\$15,000.00	
		Subtotal	\$15,000.00	\$15,000.00
		Totals	\$15,000.00	\$15,000.00

Approved by Town Manager _____

Action by Town Board _____

Approved and Entered on Minutes Dated _____

Finance Director _____

FROM: General Fund



DEPARTMENT: Parks & Recreation Dept.
EXPLANATION: To repair the exit concrete and drainage

	Account	Description	Increase/Decrease	Debit	Credit
1.	10-3100-0910	Fund Balance Appropriated ~ GF	Increase		\$5,000.00
	10-6200-1502	Mowing & Maintenance ~ Rec. Park	Increase	\$5,000.00	
			Subtotal	\$5,000.00	\$5,000.00
			Totals	\$5,000.00	\$5,000.00

Approved by Town Manager _____

Action by Town Board _____

Approved and Entered on Minutes Dated _____

Finance Director _____

MAYOR PRO TEMPORE CALLOWAY MADE A MOTION TO APPROVE THE BUDGET AMENDMENTS AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

17. Adjournment

AS THERE WERE NO FURTHER MATTERS TO COME BEFORE THE BOARD OF COMMISSIONERS, COMMISSIONER DOTSON MOVED TO ADJOURN WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND UPON A UNANIMOUS VOTE, THE TOWN BOARD ADJOURNED AT 9:20PM.

Patrick Taylor
Mayor

Gilberta B. Shaheen
Town Clerk