

**Special Meeting Minutes of the Town of Highlands Board of Commissioners
Meeting of June 30, 2022, at the Highlands Community Building, 71 Poplar
Street, Highlands, North Carolina**

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

Also Present: Town Manager Josh Ward, Attorney Bob Hagemann via Zoom, Police Chief Andrea Holland, Police Officer Leah McCall, Planning & Development Director Assistant Michael Mathis and Town Clerk Gibby Shaheen

1. Meeting Called to Order

Mayor Taylor called the meeting to order at 6:12pm.

Town Manager Josh Ward added number 4. Substitution of Counsel for Huff Case and the Board agreed.

2. Public Hearing: Highlands Comprehensive Plan

A. Open Public Hearing

COMMISSIONER STIEHLER MADE A MOTION TO OPEN THE PUBLIC HEARING ON THE HIGHLANDS COMPREHENSIVE PLAN AT 6:14PM, WHICH WAS SECONDED BY COMMISSIONER PIERSON AND THE VOTE WAS UNANIMOUS.

B. Staff Comments/Recommendation

Assistant Planning & Development Director Michael Mathis stated at the June 16th regular Town Board meeting, Allison Evans with the Stewart Firm gave this Board and the Community an overview of the Highlands Community Plan. Today, I want to reference state law regarding Comprehensive Plans. First, North Carolina General Statute 160D-501(a) states, "As a condition of adopting and applying zoning regulations under this Chapter, a local government shall adopt and reasonably maintain a comprehensive plan or land-use plan." Section (a1) of the same Chapter states, "A comprehensive plan sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction..." "A comprehensive or land-use plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs." Section (c) of this Chapter says, "...Plans adopted under this Chapter shall be advisory in nature without independent regulatory effect. Plans adopted under this Chapter do not expand, diminish, or alter the scope of authority for development regulations adopted under this Chapter...." According to the State of North Carolina, each municipality must adopt their Land-Use or Comprehensive Plan by July 1st, 2022. As Allison referenced at our previous meeting, the Town of Highlands began the Community Plan process in the Summer of 2020. Since then, we have engaged in several surveys, public meetings, and draft plan revisions. After taking all public input into consideration, Town Staff, along with the Stewart Consulting Firm, is proud to present the first-ever Town of Highlands Comprehensive Plan. The Planning Board reviewed this item at a Special Meeting on June 7th, 2022. Their recommendation is to approve the Highlands Community Plan as presented. Staff recommendation is to approve the Town of Highlands Community Plan as submitted.

C. Public Comments

David Bee from Save Highlands position is that the Community Plan should affect the will of all Highlanders and those who have shown support of short term rentals and the impact it has on the economy, and the Plan should reflect those goals and inform and suggest how the town regulates short term rentals.

Ellie Hogan spoke to Tier 3 of the Community Plan and the idea of short term rentals being allowed if they previously existed is not fair for those who haven't ever rented, it affects the values of the home.

Pat Allen said the whole short term rental thing had been blown out of proportion and the Board should not take homeowner's rights, but should enforce nuisance ordinances.

Denise Boothby Azalea Circle and appreciated what Pat Allen said about homeowner's rights, great ideas for developing and moving forward and asked who could be involved in that, and the Mayor responded it was a free enterprise will be open process

Ricky Siegel, short term rentals are not prohibited in Highlands in all zones, just not in residential areas, and they shouldn't be there.

D. Close Public Hearing

COMMISSIONER PATTERSON MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR THE HIGHLANDS COMPREHENSIVE PLAN AT 6:27PM, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

COMMISSIONER PATTERSON MADE A MOTION TO ADOPT THE COMPREHENSIVE PLAN AS A GUIDELINE FOR US TO USE IN OUR DELIBERATIONS IN THE FUTURE, WHICH WAS SECONDED BY COMMISSIONER PIERSON AND THE VOTE WAS 4 TO 1 WITH COMMISSIONER HEHN OPPOSING.

3. Short Term Rental Amendment Update

Mayor Taylor updated the tentative schedule for the Short Term Rental Amendments stating the attorneys are working on drafts and will present at a Special Meeting on July 14, 2022, at 6:00pm, if that works for the Commissioners, and then will be sent to the Planning Board for review on their regular meeting on July 25th and August 22nd and we will give them more time if it's needed not rushing the process, and set a Public hearing. The Board agreed.

4. Substitution of Counsel for Huff Case

Mayor Taylor stated the substitution of counsel is procedural since Attorney Craig Justus resigned his position in the Huff case.

Attorney Bob Hagemann explained that since Attorney Craig Justus resigned he needs a court order to be able to withdraw. Hagemann continued that the easiest way to accomplish this is for the Board to authorize Poyner Spruill on behalf of the Town to consent to his withdrawal by filing a substitution of counsel appointing Poyner Spruill with the Courts.

COMMISSIONER PIERSON MADE A MOTION TO APPOINT POYNER SPRUILL TO REPLACE CRAIG JUSTUS IN THE LAWSUIT HUFF CASE AND GIVE THEM AUTHORIZATION TO MAKE THAT MOTION IN COURT, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS 4 TO 1 WITH COMMISSIONER HEHN OPPOSING.

5. Adjournment

AS THERE WERE NO FURTHER MATTERS TO COME BEFORE THE BOARD OF COMMISSIONERS, MAYOR PRO TEMPORE DOTSON MOVED TO ADJOURN WHICH WAS SECONDED BY COMMISSIONER PIERSON AND UPON A UNANIMOUS VOTE, THE TOWN BOARD ADJOURNED AT 6:39PM.

Patrick Taylor
Mayor

Gilberta B. Shaheen
Town Clerk