

Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of April 21, 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, Finance Director Rebecca Shuler, Public Works Director Lamar Nix, Police Chief Andrea Holland, Police Officer Leah McCall, 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. Moment of Silence & Pledge of Allegiance

Mayor Taylor held a moment of silence then led the Pledge of Allegiance.

3. Public Comment Period

There were no comments.

4. Adjust and Approve the Agenda

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

5. Approval of the February 24th, 2022, Special Meeting Minutes

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE FEBRUARY 24TH, 2022, SPECIAL MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

Approval of the March 10th, 2022, Special Meeting Minutes

COMMISSIONER STIEHLER MADE A MOTION TO APPROVE THE MARCH 10TH, 2022, SPECIAL MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

Approval of the March 17th, 2022, Regular Meeting Minutes

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE MARCH 17TH, 2022, REGULAR MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE DOTSON AND THE VOTE WAS UNANIMOUS.

Approval of the April 7th, 2022, Special Meeting Minutes

COMMISSIONER STIEHLER MADE A MOTION TO APPROVE THE APRIL 7TH, 2022, SPECIAL MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY PATTERSON AND THE VOTE WAS UNANIMOUS.

6. Reports

A. Mayor

Mayor Taylor mentioned the political signs at the Rec Park and suggested the Land Use Committee re-evaluate our policy in this regard. Mayor Taylor reported he had attended newly elected official workshop; he had met with the ABC Board Manager and state legislature had changed in HB890 and asked for him to brief the Town Board of changes; and Short-term rental plan and there should be a briefing soon with the second opinion.

B. Commissioners and Committee Reports

Commissioner Patterson added that with the Wilmington Short-Term Rental case decision the attorneys had to look at a couple of things and make amendments to what the attorneys were ready present to present.

Commissioner Hehn said it had been a 6-month process, but thanked the Board for honoring his request for a copy of the redline contract.

C. Town Manager

Town Manager Ward reported that the restroom remodel at the Rec Park was completed and would be inspected next week; Founder's Park restrooms were painted; and the Pickleball Court lights would be installed June 9th.

7. Consent Agenda

Public Works Department
Police Department
Parks & Recreation Department
Planning & Development Department
Treasurer's Report
PD Hummer Surplus



Agenda Item

Date: April 18, 2022
To: Mayor Patrick Taylor and Town Board of Commissioners
Prepared By: Rebecca Shuler, Finance Director
Subject: **Disposal of Surplus**

Background:

As you are aware, periodically with the purchase of new equipment and vehicles the Town has surplus items that no longer have a value to the Town. In order for the Town to dispose of these equipment/vehicles, they must be declared surplus. The Police Dept. would like to dispose of their 2008 Hummer H3. The vehicle has not been driven and no longer serves any purpose for the department.

1	2008 Hummer H3
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Recommendation:

Staff would recommend the Board approve the disposal of the items listed above.

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

8. Public Hearing:

Proposed Rezoning of Pine Holdings, LLC – B-2 Conditional Zoning

A. Open Public Hearing

MAYOR PRO TEMPORE DOTSON MADE A MOTION TO OPEN THE PUBLIC HEARING ON THE B-2 CONDITIONAL ZONING REQUEST FOR PINE HOLDINGS, LLC AT 7:19 PM, WHICH WAS SECONDED BY COMMISSONER PATTERSON AND THE VOTE WAS UNANIMOUS.

B. StaffComments/Recommendation

Assistant Planning & Development Director Michael Mathis stated a petition for a conditional zoning district was submitted to the Town of Highlands Planning Department by Pine Holdings, LLC. The subject property at 424 Pine Street (PIN 7540416044) is .977 acres (42,558 SF) and zoned B-3 (Commercial). According to the master plan created by Summit Architecture, PA, the Finished Built Upon Area (BUA) will make up less than 70 percent of the overall lot. Per § 8.4.1 (A) **General**, “When approved as a Special Nonresidential Intensity Allocation (SNIA), nonresidential uses may be permitted up to a maximum of seventy percent (70%) built-upon area in up to five percent (5%) of the balance of the watershed which is outside the critical area. Projects must minimize built-upon surface area, direct stormwater away from surface waters, and incorporate Best Management Practices to minimize water quality impacts.” Pine Holdings, LLC is requesting a change from B-3 to B-2 CZ. The Planning Board reviewed this request on February 28, 2022. Their recommendation was to approve the proposal but had concerns about traffic exiting onto Pine Street during Town sanctioned events. The developers took this recommendation under advisement and corrected the problem. The Zoning Board of Adjustment reviewed this request on March 9, 2022, and recommended approval. Please note that the “Master Plan” is a Site-Specific Development Plan. According to Section 4.5.2(D)(1) of the Town’s Unified Development Ordinance, “Changes to an approved petition or to the conditions attached to the approved petition shall be treated the same as an application for a new conditional zoning district and shall be processed in accordance with the procedures in this section.”

C. Public Comments

There were no comments.

D. Close Public Hearing

MAYOR PRO TEMPORE DOTSON MADE A MOTION TO CLOSE PUBLIC HEARING ON THE B-2 CONDITIONAL ZONING REQUEST FOR PINE HOLDINGS, LLC AT 7:22PM, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

E. Council Action



**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 160D-605
Zoning Map Amendment for PIN #7540416044**

BE IT HEREBY RESOLVED by the Board of Commissioners of the Town of Highlands, North Carolina, that in accordance with provisions of North Carolina General Statute 160D-605, the Board of Commission hereby finds and determines that the amendment to the Zoning Map of the Town of Highlands is consistent with the goals,

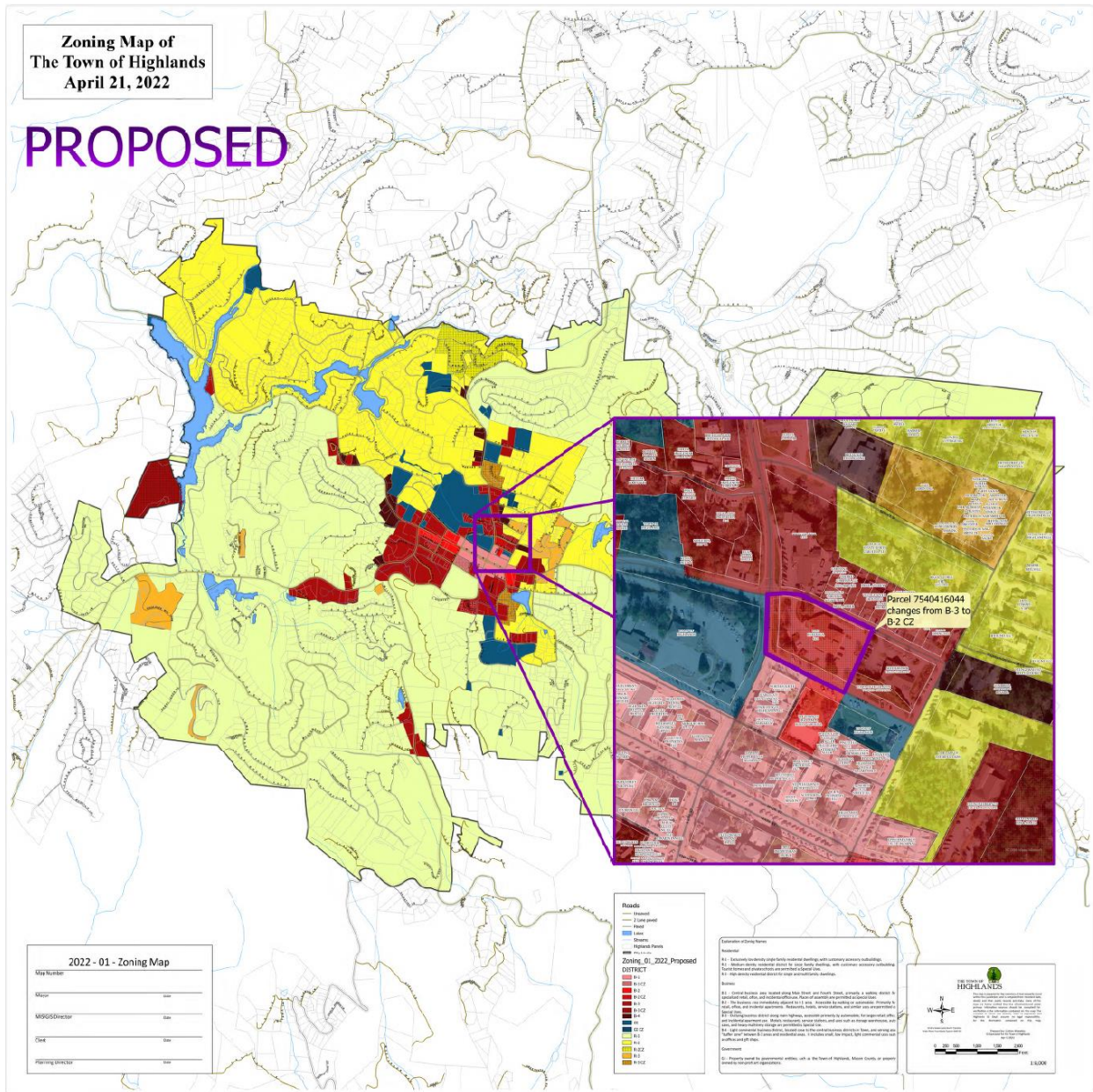
objectives, and policies of the Town's adopted Land Use Plan. Specifically, the zoning map amendment will allow for redevelopment, which will enhance the condition and appearance of the property. In addition, the proposal will decrease the amount of built-upon area on the parcel and increase the number of residential units within the commercial business district.



**STATEMENT OF REASONABLENESS
FOR THE AMENDMENT TO THE ZONING MAP OF THE TOWN OF
HIGHLANDS
PER NCGS 160D-605**

Zoning Map Amendment for PIN #: 7540416044

In accordance with NCGS 160D-605(b), *“When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board.”* The property petitioning for voluntary annexation is .977 acres and is located in the commercial business district. The conditional rezoning will allow the landowner(s) to redevelop the property, making the parcel more valuable. In addition, the redevelopment of the property will benefit the neighbors and the surrounding community by enhancing the aesthetics of an old vacant building. The conditional rezoning will eliminate the building setback requirements defined in the Town’s Unified Development Ordinance. This will improve accessibility by moving the new buildings closer to the sidewalks. It also enhances the view from N 4th Street (Hwy 64) and Pine Street by moving the parking behind the building. Currently, the structure and property are unoccupied. The proposed rezoning and redevelopment will provide more retail and residential opportunities in the commercial business district.



**An Ordinance Amending the Official Zoning Map of the Town of Highlands
Ordinance #2022-01-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 by changing the zoning designation of Parcel No 7540416044 from B-3 Zoning to B-2 Conditional Zoning including a new site-specific plan.
2. The zoning designations of Parcel No. 7540416044 from B-3 Zoning to B-2 Conditional Zoning including a new site-specific plan and is reflected on Zoning Map 2022-01-Map.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this the 21st day of April, 2022.

Patrick Taylor, Mayor

Attest:

Gilberta B. Shaheen, Town Clerk

Approved as to form:

Jay K. Coward, Town Attorney

COMMISSIONER HEHN MADE A MOTION TO APPROVE THE B-2 CONDITIONAL ZONING REQUEST FOR PINE HOLDINGS, LLC, ORDINANCE #2022-01-ORD, ZONING MAP #2022-01-MAP, THE STATEMENT OF CONSISTENCY AND THE STATEMENT OF REASONABLENESS AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

9. Electric Utility Update

Nova Energy Consultant Kevin O'Donnell updated the Board on current utility issues and felt the Town would have a rate increase by the end of the year. O'Donnell suggested a 10% increase in rates to compensate for the increases in fuel costs to Duke.

10. Commercial Pervious Parking Request

Representative of Mountain Findings Steve Mehder asked for clarification in pervious and impervious parking and what could be allowed to increase their parking. Commissioner Patterson clarified his question and said there was nothing that could be done to increase parking on that property.

11. BearWise Update

BearWise representative Cynthia Strain presented decals for the Town's bear resistant cans and dumpsters at their expense and finding volunteers to place them on the cans and dumpsters.

Discussion was held.

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE BEARWISE DECALS, WHICH WAS SECONDED BY COMMISSIONER PIERSON AND THE VOTE WAS UNANIMOUS.

12. Chamber Lease Agreement

Chamber Executive Director Kaye McHan presented the current Lease and informed the Board the Lease expired in November of this year, and asked the Board to review the Lease and consider a renewal of Lease for the Chamber of Commerce.

13. ADA Transition Plan Contract Approval

Town Manager Josh Ward said he had received two proposals for conducting an ADA Self-Assessment & Transition Plan for the Town. Both are local contractors that have assisted us with different plans in the past. WithersRavenel quoted \$45,000 to conduct the study and J.M. Teague Engineering quoted \$31,688. J.M. Teague's references have been very positive and they assisted the Stewart Firm with our recent Comprehensive Plan so they already have much of our transportation data on file. The recommendation is to move forward with J.M. Teague Engineering to conduct the ADA Self-Assessment & Transition Plan.

COMMISSIONER HEHN MADE A MOTION ACCEPT TOWN MANAGER JOSH WARD'S RECOMMENDATION OF J. M. TEAGUE ENGINEERING FOR THE ADA TRANSITION PLAN CONTRACT, WHICH WAS SECONDED BY MAYOR PRO TEMPORE DOTSON AND THE VOTE WAS UNANIMOUS.

14. Auditor Contract Discussion

Finance Director Rebecca Shuler reported the Town is required to have an annual audit pursuant to NCGS §159-34, and we have used Martin Starnes & Associates, CPAs, PA for many years. Shuler continued that she and Town Manager Josh Ward had felt like a new auditing firm may be able to give a fresh look at the financials and give opportunities for possible better practice and growth. Shuler gathered four proposals from an RFP request and all appeared to competent to do the job. Shuler asked the Board to direct staff to contract with one of the four firms after following up with references provided.

The Board discussed the process and wanted to be part of the decision making, and the Board agreed to hold a special meeting to approve an Audit Contract.

15. Radar Sign Discussion

Police Chief Andrea Holland gave a presentation of radar signs that can be wired, use batteries and be solar powered.

COMMISSIONER PATTERSON MADE A MOTION TO AUTHORIZE THE PURCHASE OF RADAR SIGNS, WHICH WAS SECONDED BY COMMISSIONER HEHN AND THE VOTE WAS UNANIMOUS.

16. Closed Session: Pursuant to NCGS §318.11(a)(5) Establishing or instructing staff or agents on the public body's negotiation position for acquisition of real property or employment contracts; Discuss Acquisition of Real Property for Public Parking

COMMISSIONER PIERSON MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS §318.11(A)(5) ESTABLISHING OR INSTRUCTING STAFF OR AGENTS ON THE PUBLIC BODY'S NEGOTIATION POSITION FOR ACQUISITION OF REAL PROPERTY OR EMPLOYMENT CONTRACTS; DISCUSS ACQUISITION OF REAL PROPERTY FOR PUBLIC PARKING AT 8:59PM, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

ONCE DISCUSSION WAS HELD, COMMISSIONER PATTERSON MADE A MOTION TO GO BACK INTO OPEN SESSION AT 9:22PM, WHICH WAS SECONDED BY MAYOR PRO TEMPORE DOTSON AND THE VOTE WAS UNANIMOUS.

17. Adjournment

AS THERE WERE NO FURTHER MATTERS TO COME BEFORE THE BOARD OF COMMISSIONERS, COMMISSIONER STIEHLER MOVED TO ADJOURN WHICH WAS SECONDED BY COMMISSIONER HEHN AND UPON A UNANIMOUS VOTE, THE TOWN BOARD ADJOURNED AT 9:24PM.

Patrick Taylor
Mayor

Gilberta B. Shaheen
Town Clerk