

Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of December 16, 2021, at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina

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

Also Present: 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 7:00pm.

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

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

5. Approval of the November 18th, 2021, Regular Meeting Minutes

Commissioner Hehn asked the reference in Item 5. state that the liquidated damages would apply effective 300 days from the date of Contract, instead of that the project was effective 300 days from the date of Contract.

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO APPROVE THE NOVEMBER 18TH, 2021, REGULAR MEETING MINUTES AS AMENDED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

Approval of the November 22nd, 2021, Special Meeting Minutes

Commissioner Dotson and Commissioner Calloway asked the minutes reflect they were absent from the meeting.

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO APPROVE THE NOVEMBER 22ND, 2021, SPECIAL MEETING MINUTES AS AMENDED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

Approval of the November 22nd, 2021, Special Meeting Minutes

Commissioner Dotson and Commissioner Calloway asked the minutes reflect they were absent from the meeting.

COMMISSIONER STIEHLER MADE A MOTION TO APPROVE THE NOVEMBER 22ND, SPECIAL MEETING MINUTES AS AMENDED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

6. Reports

A. Mayor

Mayor Taylor reported the paving had been completed on Upper Lake Road; thanked the Chamber of Commerce for the town lighting and the Christmas parade, and Franklin and Rosman Highschool Bands for their participation in the parade and a job well done; Hotwire taking over Altitudes accounts in January and upgrading headend with FS

control, security and air conditioning; and the Planning Board had a productive meeting on the STR ordinance.

B. Commissioners and Committee Reports

There were no commissioner or committee reports.

C. Town Manager

There was not a Town Manager report.

7. Consent Agenda

Public Works Department
Police Department
Parks & Recreation Department
Planning & Development Department
Treasurer's Report
2022 Meeting & Holiday Calendar
PD Disposal Items



Agenda Item

Date: December 16, 2021
To: Mayor Patrick Taylor and Town Board of Commissioners
Prepared By: Gilberta B. Shaheen, Town Clerk
Subject: **Meeting Schedule for 2022**

Background:

According to NCGS §143-318.12 the board “shall cause a current copy of that schedule, showing the time and place of regular meetings, to be kept on file as follows: (4) For each other public body, with its clerk or secretary, or, if the public body does not have a clerk or secretary, with the clerk to the board of county commissioners in the county in which the public body normally hold its meetings.” Please note the Code of Highlands North Carolina Sec. 2-26 Regular Meetings lists out that the regular meeting of the mayor and the board of commissioners shall be held on the third Thursday of each month at 7:00pm, year-round at the community building unless otherwise designated by the board. The only date that doesn't follow suit is the December meeting and historically it has been earlier to avoid the busy holiday season.

Recommendation:

Approve the following monthly regular meeting schedule for 2022 at the will of the Board.

<u>Month</u>	<u>Date</u>
January	20 th
February	17 th
March	17 th
April	21 st
May	19 th
June	16 th
July	21 st
August	18 th

September	15 th
October	20 th
November	17 th
December	8 th



Agenda Item

Date: Thursday, December 16, 2021
To: Mayor Patrick Taylor and Town Board of Commissioners
Prepared By: Gilberta B. Shaheen, Town Clerk
Subject: **Holiday Schedule for 2022**

Background:

The Town of Highlands Employee Personnel Manual sets forth that the Town Manager will prescribe holidays to be observed and also lists the following holidays: New Year’s Day, Martin Luther King Day, Easter Friday (Good Friday), Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and the Day After, and Christmas -Two (2) Days as the Board of Commissioners designates. The state and county holiday schedules are also referenced. Annually the Board of Commissioners reviews and approves the dates on which the holidays will be observed.

Recommendation:

Approve the following observance dates for the approved holidays at will of Town Board of Commissioners.

<u>Holiday</u>	<u>Observance Date</u>	<u>Day of the Week</u>
New Year’s Eve	December 31, 2021	Friday
Martin Luther King Day	January 17, 2022	Monday
Good Friday	April 15, 2022	Friday
Memorial Day	May 30, 2022	Monday
Independence Day	July 4, 2022	Monday
Labor Day	September 5, 2022	Monday
Veteran’s Day	November 11, 2022	Friday
Thanksgiving	November 24 & 25, 2022	Thursday & Friday
Christmas	December 23 & 26, 2022	Friday & Monday


 THE TOWN OF
HIGHLANDS
 2022 Calendar of Meetings/Holidays

January							February							March							April						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					31	1			1	2	3	4	5			1	2	3	4	5						1	2
2	3	4	5	6	7	8	6	7	8	9	10	11	12	6	7	8	9	10	11	12	3	4	5	6	7	8	9
9	10	11	12	13	14	15	13	14	15	16	17	18	19	13	14	15	16	17	18	19	10	11	12	13	14	15	16
16	17	18	19	20	21	22	20	21	22	23	24	25	26	20	21	22	23	24	25	26	17	18	19	20	21	22	23
23	24	25	26	27	28	29	27	28						27	28	29	30	31			24	25	26	27	28	29	30
30	31																										

May							June							July							August						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4						1	2		1	2	3	4	5	6
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30	28	29	30	31			
														31													

September							October							November							December							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
					1	2	3						1			1	2	3	4	5						1	2	3
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10	
11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17	
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24	
25	26	27	28	29	30		23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31	
							30	31																				

- 2 Town Board (3rd Thursday of each month @ 7:00 p.m.)
- 8 Zoning Board of Adjustment (2nd Wednesday of each month @ 5:30 p.m.)
- 10 Planning Board (4th Monday of each month @ 5:30 p.m.)
- 25 Holiday

PC #	Description	Device Status	Appraised Val
00255	US Flag in Soft Case 9.5x5	New/Like New	
003010	30 Caliber Rifle Magazine labeled "SEY"		
00093	Pellet Gun E9A Series 5mm		
00045	CASE Knife		
003146	Sony CyberShot Camera with Black Case	Like New	
002091	Saks 5th Ave Tortleshell Glasses (Prescription)	Good	
01159	Vera Bradley Tablet Case with Floral Pattern	Good	
12070448	Maui Jim "Baby Beach" Titanium Sunglasses MJ-245-16	Good	
002568	Steve Madden Green and Brown Purse		
002867/ 002322	{2} Mercedes Key		
12070609	Brown Leash		
090793	Tasco Microscope		
090793	Pocket Poker Game		
002366	iPhone A1428 (black)	LOCKED	
1906-002	iPhone A1662 (white) with brown case and cracked camera	LOCKED	
002358	iPhone A1532 (blue) with cracked screen	LOCKED	
002041	iPhone A1387 (white) with cracked back glass	LOCKED	
00242	Samsung Galaxy Express Prime	Call Speed Family?	
00258	Amazon tablet Model: SX034QT with tree-pattern case	Not Working	
003413	iPad A1701	LOCKED	
00078	Yellow metal ring with clear and red stones.		
00108	Silver colored metal mesh bracelet	Sergio Gutierrez Liquid Metal	
002116	Gold Bracelet		
002139	Sterling Silver Rings	{1 Sterling} other Costume	
01346	Gold colored Bracelet with 5 small "hoops"		
0907093	manila box with multiple cuff links and tie tacks	(\$25) from Mirror Lake Antiques	
1907-001	Silver-in-color chain with five charms	White Gold with (2) Diamonds, (1) White Topaz, (1) Sapphire, (1) Peridot	\$750
1907-002	Gold-in-color watch (Citizen)		
1907-002	Gold-in-color pineapple-shaped earrings		
1907-002	Gold-in-color earrings with diamond-shaped tassels		
1907-002	Gold-in-color hoop earrings (1.5")		
1907-002	Gold-in-color hoop earrings approx. .5"		
1907-002	Gold-in-color ring with multiple colored stones		
1907-002	Gold-in-color ring with textured metal inlay		
	\$25 Olive Garden Gift Card		
	\$25 Red Lobster Gift Card		
	\$25 Red Lobster Gift Card		
	\$95.92 Free People Gift Card		
	\$15.41 Target Gift Card		
	\$10 Walmart Gift Card		

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

Old Business:

**8. Public Hearing:
Proposed Annexation of Ellis Property**

A. Open Public Hearing

COMMISSIONER CALLOWAY MADE A MOTION TO OPEN THE PUBLIC HEARING ON THE ANNEXATION REQUEST OF THE ELLIS PROPERTY AT 7:11PM, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

B. Staff Comments/Recommendation

Assistant Planning & Development Director Michael Mathis stated On July 13, 2021, a petition for annexation into the Town of Highlands was submitted by Wiley Ellis. Currently, Mr. Ellis owns a 44.36-acre tract (PIN # 7449741987) that is contiguous with the Ravenel Subdivision (Ravenel is zoned R-1 Residential). Attached to this memo is:

1. A proposed Zoning Map showing the subject property;
2. A survey by L. Stephen Foster & Associates (Drawing # F140-38C);
3. A letter addressed to the Town of Highlands from Attorney Fred Jones explaining Mr. Ellis's position;
4. A letter of endorsement from the Ravenel Owners Association; and
5. An aerial image showing the subject property in relation to the town limits.

C. Public Comments

There were no comments.

D. Close Public Hearing

COMMISSIONER CALLOWAY MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR THE ANNEXATION REQUEST OF ELLIS PROPERTY AT 7:12PM, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

E. Council Action



**An Ordinance to Extend the Corporate Limits
Of The Town Of Highlands, North Carolina
Walhalla Road
2021-06-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 at the Highlands Community Building, 71 Poplar Street, at 7pm on the 16th day of December, 2021, after due notice by The Highlander Newspaper on Thursday, December 2, 2021; 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 16th day of December, 2021:

1. J. Wiley Ellis, Trustee (Walhalla Road) as recorded in Deed Book D-41, Pages 1300-1301, Macon County Registry. Parcel No. 7449741987, consisting of 44.36 acres.

Section 2. Upon and after the 16th day of December, 2021, 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 16th day of December, 2021.

Patrick L. Taylor, Mayor

ATTEST:

Gilberta B. Shaheen, Town Clerk

COMMISSIONER HEHN MOVED TO APPROVE THE ANNEXATION OF THE ELLIS PROPERTY AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS 4 TO 1 WITH MAYOR PRO TEMPORE PATTERSON OPPOSING.

**9. Public Hearing:
Proposed Zoning of Ellis Property – R-1 Residential**

A. Open Public Hearing

COMMISSIONER CALLOWAY MADE A MOTION TO OPEN THE PUBLIC HEARING ON THE ZONING OF THE ELLIS PROPERTY AT 7:14PM, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

B. StaffComments/Recommendation

Assistant Planning & Development Director Michael Mathis stated The Planning Board reviewed this item on August 23, 2021, and recommended that the property be zoned R-1 Residential if annexed into the Town.

C. Public Comments

There were no comments.

D. Close Public Hearing

COMMISSIONER CALLOWAY MADE A MOTION TO CLOSE THE PUBLIC HEARING ON THE ZONING OF THE ELLIS PROPERTY AT 7:15PM, WHICH WAS

SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

E. Council Action



**An Ordinance Amending the Official Zoning Map of the Town of Highlands
Ordinance #2021-07-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. 7449741987 for R-1 zoning.
2. The annexation and zoning designation for Parcel No. 7449741987, reflected on Zoning Map #2021-05-Map.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this the 16th day of December, 2021.

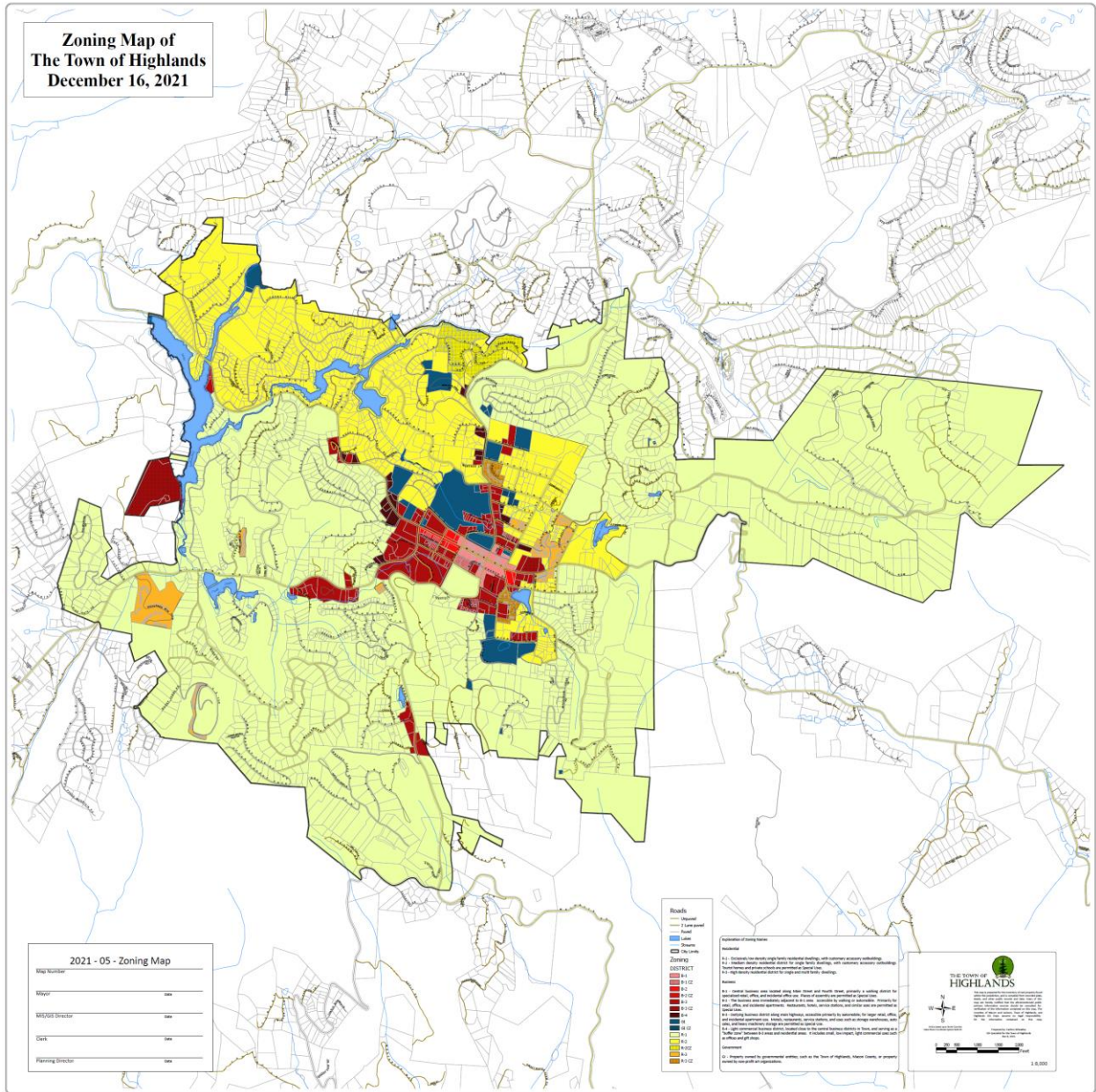
Patrick Taylor, Mayor

Attest:

Gilberta B. Shaheen, Town Clerk

Approved as to form:

Jay K. Coward, Town Attorney



**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 #: 7449741987

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 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 is a voluntary annexation that will provide consistency with the residential characteristic of the adjoining neighborhood.



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

Zoning Map Amendment for PIN #: 7449741987

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 44.36 acres and is contiguous to the Ravenel Subdivision. The landowner will benefit from the annexation by being considered part of the Ravenel Subdivision and having access to the Ravenel and Town of Highlands infrastructure, including roads and utilities. The neighboring community will benefit from the annexation through an increase in homeowner’s dues and having the Town regulate all future development activities. Currently, the property is located in Macon County, which doesn’t have a zoning ordinance to govern the type and use of future development. If annexed, the applicant is petitioning for an R-1 residential zoning designation. According to the Town of Highlands Unified Development Ordinance (UDO), *“The R-1 Residential District is exclusively a low-density residential district for single-family dwellings with customary accessory outbuildings, together with such other related uses which are of a residential character or contribute to the residential character of the district.”* The Town’s ordinances will restrict the property by establishing minimum lot sizes, setbacks, built upon area (impervious surface), max building heights, habitable stories, etc. If the annexation is approved, it will be in the public’s best interest in regard to the restrictions placed on the property by the Town’s UDO and Code of Ordinances.

COMMISSIONER HEHN MOVED TO APPROVE THE ZONING OF ELLIS PROPERTY TO R-1 RESIDENTIAL AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

10. Snow Fest Update

Director Kaye McHan updated the Board on the Snow Fest scheduled in January and asked if the lights at the park could remain in the park to help with the lighting for the event to be turned on for the event, and the Board agreed.

New Business:

11. Swearing In of Newly Elected Mayor & Board Members

Macon County Clerk of Superior Court Victor H. Perry gave the Oath of Office to Patrick Taylor, Amy Patterson and Eric Pierson who were elected to the Board of Commissioners on November 2, 2021.

12. Review of Board Procedures & Protocols

Mayor Taylor reminded that we have a Manager/Board council and the Commissioners should work with Town Manager Josh Ward and the Committees with any issues. Mayor Taylor also said there was a policy in place that the Board used iPads or tablets as opposed to copies that the Town purchased for the commissioner’s use and if any of the members needed upgraded devices to let it be known.

13. Audit Presentation

Beau Hildebrand from Martin, Starnes & Associates presented the annual audit overview, with pending approval of LGC.

14. Budget Amendment: Arnold Road Pump Station Rehab

Public Works Director and Town Engineer Lamar Nix said the Arnold Road Sewer Pump Station started having problems in August and in trying to make repairs found the motor and frame from 2000 were pretty much obsolete and the Budget Amendment would provide for the rehab of the station.

TOWN OF HIGHLANDS BUDGET AMENDMENT
 AMENDMENT # _____

December 16, 2021

FROM: Sewer Fund



DEPARTMENT: Sewer Fund
 EXPLANATION: Arnold Road Pump Station Rehab

Account	Description	Increase/Decrease	Debit	Credit
1. 31-3800-0910	Fund Balance Appropriated	Increase		\$350,000.00
31-8210-7300	Capital Outlay/Other Improvement	Increase	\$350,000.00	
			Subtotals	\$350,000.00 \$350,000.00
			Totals	\$350,000.00 \$350,000.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO APPROVE THE BUDGET AMENDMENT AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

15. Adjournment

AS THERE WERE NO FURTHER MATTERS TO COME BEFORE THE BOARD OF COMMISSIONERS, COMMISSIONER DOTSON MOVED TO ADJOURN WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND UPON A UNANIMOUS VOTE, THE TOWN BOARD ADJOURNED AT 8:02PM.

 Patrick Taylor
 Mayor

 Gilberta B. Shaheen
 Town Clerk