

Regular Meeting Minutes of the Town Board of Commissioners Meeting of April 18, 2013 at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.

Town Board Present: Commissioner John Dotson, Commissioner Amy Patterson, Commissioner Gary Drake, Mayor David Wilkes, Mayor Pro Tempore Eric Pierson and Commissioner Brian Stiehler.

Also Present: Town Manager Robert Frye, Town Clerk Rebecca Shuler, Town Attorney Bill Coward, Parks and Recreation Director Lester Norris, MIS/GIS Director Matt Shuler, GIS Field Technician Chuck Crisp, Police Chief Bill Harrell, Public Works Director Lamar Nix and Planning and Development Director David Clabo.

1. Meeting Called to Order

Mayor Wilkes called the meeting to order at 6:59pm.

2. Public Comment Period

Judy Michaud of Meadows Mountain Realty asked the Board to reconsider their decision to restrict parking on the end of Church Street closest to Highlands Cashiers Child Development Center.

Susie Schiffli of White Oak Realty reiterated to the Board that it worked very well when they were allowed to park on the end of Church Street because their clients didn't have to walk as far and this had become a burden with the new restriction.

After a brief discussion as to the number of spaces in the parking regulation that were already allotted to Realtors, the Mayor request this topic be added to next month's agenda for discussion.

Planning and Development Director David Clabo presented an award to the Mayor that was given to John Lupoli and the Town for the Town Square Project that was funded through the Small Town Main Street Program.

3. Adjust and Approve Agenda

Manager Frye stated that he would like to remove Item 8A from the agenda as it needed to be discussed at next week's budget work session.

Commissioner Patterson made a motion to approve the agenda with the before mentioned deletion. The motion was seconded by Mayor Pro Tempore Pierson and the vote was unanimous.

4. Approval of Minutes

Regular Meeting Minutes of March 21, 2013

Commissioner Drake made a motion to approve the regular meeting minutes of March 21, 2013 as presented, which was seconded by Commissioner Stiehler and the vote was unanimous.

5. Reports

A. Mayor

Mayor Wilkes wanted to congratulate all the arts organizations for the Town's ranking as "one of the top 12 art places in the Country" by The Art Place. He felt the ranking was to be commended.

B. Commissioners & Committees

There were no Commissioner or Committee reports.

C. Town Manager

Manager Frye wanted to remind the Board that on Tuesday, April 23rd the joint meeting with the Macon County Board of Commissioners will be held at 6:00pm at the Boiler Room Steak House in Franklin. Also, on Thursday, April 25th we will be having our first budget work session at the Community Building from 3 to 5 pm.

6. Consent Agenda

Public Works Department
Police Department
Parks & Recreation Department
Planning & Development Department
Treasurer's Report
Mountain Lakes 5K Race
Resolution Requesting the Closure of a Portion of 5th Street Amendment

Commissioner Stiehler moved to approve the Consent Agenda, which was seconded by Commissioner Dotson and the vote was unanimous.

7. Planning Matters:

A. Request for Amendment/Addition to UDO: Micro Breweries

One of the basic tenants of zoning is that if a particular land use is not listed in the Ordinance, or cannot be clearly included in a broader category, then it is prohibited. The Town Planning Staff has received an inquiry from an individual who wants to set up a small craft brewery or microbrewery/brewpub. Staff's research indicates that many cities treat this use similar to a restaurant. Allowing them in areas where a restaurant would be located. An amendment to the UDO appears to be in order to accommodate this new use. The Planning Board considered the item at the April 8, 2013 meeting and made some revisions to the original ordinance amendment, and voted to send the information to the Town Board for consideration.

After some discussion as to the barrel production and the % of beer sold on-site versus the % of beer sold off-site, the Mayor asked to drop the word restaurant from the Brewpub definition.

Mayor Pro Tempore Pierson made a motion to set a public hearing on the amendment to the UDO to allow Brewpubs and Microbreweries for the May 23rd regular Board of Commissioners meeting at 7:00pm, which was seconded by Commissioner Drake and the vote was unanimous.

B. Request for Public Hearing: Update to UDO

At the time the Unified Development Ordinance (UDO) was adopted in April, 2012, the Town realized there would be some minor adjustments and corrections to be made. As the document has been used over the past year, staff has identified several minor corrections and reference numbers, as well as some references to items inserted in the Ordinance to accommodate this ETJ. The Planning Board was meticulous in the review of staff's findings. This is a good "first sweep" through the UDO.

Mayor Pro Tempore Pierson made a motion to set a public hearing on the amendments to the UDO for the May 23rd regular Board of Commissioners meeting at 7:00pm, which was seconded by Commissioner Stiehler and the vote was unanimous.

8. A. Gym Equipment Donation Recommendation

This item was deleted from the agenda.

B. Request for Fund Balance Appropriation for Pool Repair

In order to open the pool this spring, there are a series of structural repairs that must be carried out. Without these repairs, the pool will not be safe to put into operation this season.

Cost of these repairs is approximately \$13,000.00. Staff has been able to find \$3,500.00 of this amount within the current year's Parks and Recreation budget, leaving a balance of \$9,500.00 to be appropriated. Staff requests that the Board appropriate the remaining \$9,500.00 from the Town's undesignated General Fund Balance.

Commissioner Patterson moved to approve the budget amendment for \$9,500.00, which was seconded by Commissioner Stiehler and the vote was unanimous.

9. Miscellaneous Matters: Utility Pole Attachment Policy

MIS/GIS Director Matt Shuler addressed the Board and told them this was the follow up to the retreat discussions. Staff has added different language to handle utilities that were not cooperating with each other. With providers starting to offer double or triple plays, competition is getting tighter and tighter. Most utilities find it in their best interest to move slow when relocating to allow space for each other. 99.9% of the poles within the City Limits are town owned poles and staff wants to manage them so that they are user friendly. If the Town manages the pole from the ground up it eliminates utilities having to move. This amendment should make the process much faster, during the last pole attachments, which affected approximately 15 poles, it took approximately 6 months to complete and this could be minimized.

Mayor Wilkes asked if any of this amendment would be retroactive. Shuler stated that they did want section 15-312 (4) to be retroactive. Power supplies, amplifiers, meters, or other equipment to be installed on auxiliary poles would need to be inspected and they have not been in the past and it would be nice to bring all of those up to date to eliminate any safety issues.

Commissioner Drake asked if we could strike "by town staff" at the end of Section 15-310 (7) and have it simply be regulated by the Town of Highlands Pole Attachment Schematic. Shuler showed Drake the schematic and explained to him how staff really needed to remain in the equation in regards to poles of different heights and how the schematic was just a sample of placement and heights would actually have to be measured on different poles.

Commissioner Drake then questioned on Sec. 15-319 the deletion of every five (5) years for a requirement of a system wide audit. Shuler informed Drake this five (5) year requirement was from the days when the Town didn't have a MIS/GIS Director and a GIS Field Technician and they system had to be updated at least every five years. Now the system is updated continually as the poles are attached to or changed eliminating the need for the every five (5) year clause.

After a brief discussion as to whether there were any state utility commission requirements that mandated the system be audited every five years, Commissioner Patterson had one formatting change in that number 1 in section 15-310 (3)b be eliminated.

Mayor Pro Tempore Pierson made a motion to approve the Utility Pole Attachment Policy as presented with Commissioner Patterson's one format elimination change as before mentioned. The motion was seconded by Commissioner Drake and the vote was unanimous.

Commissioner Drake wanted to thank Lamar for the good job on all the paving projects that were completed recently.

Mayor Wilkes also wanted to relay some comments citizens thanking the Street Crew on what a great job they did during the snow and ice storms.

10. Adjournment

As there were no further matters to come before the Board of Commissioners, Commissioner Drake moved to adjourn, which was seconded by Commissioner Patterson and upon unanimous vote, the Town Board adjourned at 7:53pm.

David Wilkes
Mayor

Rebecca R. Shuler, CMC
Town Clerk