

Regular Meeting Minutes of the Town Board of Commissioners Meeting of August 15, 2013 at the Highlands Community Building, 71 Poplar St., 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, Public Works Director Lamar Nix, and Interim Planning and Development Director Josh Ward.

1. Meeting Called to Order

Mayor Wilkes called the meeting to order at 7:00pm.

2. Public Comment Period

Rick Siegel asked the board to take another look at giving free utilities to the Chamber of Commerce, the Highlands Playhouse and the Highlands ABC Store.

3. Adjust and Approve Agenda

Commissioner Stiehler made a motion to approve the agenda as presented, which was seconded by Mayor Pro Tempore Pierson and the vote was unanimous.

4. Approval of Minutes

Regular Meeting Minutes of July 18, 2013

Commissioner Drake made a motion to approve the regular meeting minutes of July 18, 2013 as presented, which was seconded by Commissioner Stiehler and the vote was unanimous.

Closed Session Minutes of July 18, 2013

Commissioner Dotson made a motion to approve the closed session minutes of July 18, 2013 as presented, which was seconded by Commissioner Patterson and the vote was unanimous.

Special Meeting Minutes of August 2, 2013

Commissioner Stiehler made a motion to approve the special meeting minutes of August 2, 2013 as presented, which was seconded by Commissioner Drake and the vote was unanimous.

5. Reports

A. Mayor

Mayor Wilkes announced that Ms. Jane Woodruff had proposed the construction of a Performing Arts Center. Wilkes said there would be a special meeting sometime in the future for the official presentation of plans and discussions.

B. Commissioners & Committees

Commissioner Stiehler informed the Board that the Recreation Committee had met and that there needed to be discussion as to a charge for the afterschool program in place at the Rec. Park that is currently free to the public. Commissioner Patterson said that a nominal fee did need to be looked at soon.

C. Town Manager

Manager Frye reminded the Board of the Fireworks on Saturday, August 31, 2013 that were rescheduled from the Fourth of July. He also informed everyone there would be a singing afterward at Pine Street Park.

6. Consent Agenda

Public Works Department
Police Department
Parks & Recreation Department
Planning & Development Department
Treasurer's Report
Request for Disposal of Surplus Vehicle

Mayor Pro Tempore Pierson moved to approve the Consent Agenda, which was seconded by Commissioner Drake. Commissioner Patterson asked that June 29th on the Planning and Development Department Report page 15 be changed to July 29th. Commissioner Drake made a motion to approve the Consent Agenda with the mentioned correction, which was seconded by Mayor Pro Tempore Pierson and the vote was unanimous.

7. Public Hearing: Amendment to Article 3 Section 3.3.2(A): Planning Board Term Limits and Section 3.5.2(A): Appearance Board Term Limits of the UDO

A. Open Public Hearing

Mayor Pro Tempore Pierson made a motion to open the public hearing for Amendment to Article 3 Section 3.3.2(A): Planning Board Term Limits and Section 3.5.2(A): Appearance Board Term Limits of the UDO at 7:12pm which was seconded by Commissioner Patterson and the vote was unanimous.

B. Staff Comments/Recommendation

Interim Planning and Development Director Josh Ward presented the following amendments to the UDO:

Amendments to the Town of Highlands Unified Development Ordinance
Article 3, Administration and Review Authority

Article 3, Section 3.3.2(A) Planning Board: Terms

Currently states, "The regular term of office for each member shall be three (3) years. A member cannot serve more than two terms consecutively."

Proposed, "The regular term of office for each member shall be one (1) year, effective January 1st of each year. Each member whose current term is ending and would like to continue to serve will be placed back into the list of applicants on file with the Town Clerk. The Town Board will review all the applications and appoint the most qualified members from the list."

Article 3, Section 3.5.2(A) Appearance Commission: Terms

Currently states, "The regular term of office for each member shall be three (3) years. A member cannot serve more than two (2) consecutive terms."

Proposed, "The regular term of office for each member shall be one (1) year, effective January 1st of each year. Each member whose current term is ending and would like to continue to serve will be placed back into the list of applicants on file with the Town Clerk. The Town Board will review all the applications and appoint the most qualified members from the list."

C. Public Comments

Pat Taylor, a Veteran of the Zoning Board, wanted to clarify first off that he was not grandstanding for public office. If that were the case he had been doing so for five to six years. Taylor wanted to voice his opinion that restructuring the term limits of the Planning Board and the Appearance Commission could be viewed as a political ploy to get rid of certain people. Instead of changing the ordinance, Taylor feels the Board should improve its search for applicants including sending out invitations, letters acknowledging applications, asking previous members to reserve, and acknowledging volunteers with plaques or proclamations.

D. Close Public Hearing

As there were no further public comments, Commissioner Drake made a motion to close the public hearing, which was seconded by Mayor Pro Tempore Pierson and upon a unanimous vote the Public Hearing was closed at 7:19pm.

E. Council Action

Commissioner Patterson said she thought Taylor's comments were very well thought out and that he had some good points. However, she had never seen the restructuring as a political strategy but as a better way to get good quality members that were on both ends of the spectrum. If you are a good member the town wants to keep you, but if not then this will allow the town to look for better members. Manager Frye said the Town just wanted full boards and over the last year the town had experienced quorum problems. After a further brief discussion, Commissioner Dotson made a motion to adopt the changes to the UDO as written, which was seconded by Commissioner Drake and the vote was unanimous.

8. Financial Matters:

A. Budget Amendment: MIS/GIS Department

B. Budget Amendment: Sewer Department

C. Budget Amendment: Fire Department

D. Budget Amendment: Scholarship Fund

Manager Frye presented the Board with the following information:

A portion of the landfill tipping fee charges are for sludge. In the past these charges have been budgeted in Sanitation, however these charges should be budgeted in Sewer. The budget amendment is necessary to transfer \$30,000 from Sanitation to Sewer to cover the charges for sludge.

Salaries and wages in the Fire Department included \$50,000 for fire calls in error. The budget amendment is necessary to move the funds from salaries and wages to other line items. No fund balance appropriation is necessary for the Fire Department.

The amount necessary for computer programming charges in MIS/GIS was not included in the approved budget. A fund balance appropriation of \$13,500 is needed to provide adequate funding for computer programming in FY 2013-14.

Recently within the last couple of years, the Development of the Three Rivers Fly Fishing Tournament to benefit the Scholarship Fund became a reality. The amount budgeted for fundraising expenses hasn't been increased to support the expenses of two fund raising events. A budget amendment is necessary to cover the charges for these events. A fund balance appropriation of \$1,750 is needed to provide adequate funding for the scholarship fundraising expenses.

Commissioner Stiehler made a motion to approve the budget amendments, which was seconded by Commissioner Drake and the vote was unanimous.

E. Bid Approval: Main Street Sidewalk

Included in the FY2013.14 budget was \$115,000.00 allotted for the sidewalk project on Main Street from Third to First Street. Staff sent bids out and only received one back. MJM Poured Wall, Inc. returned their bid at \$98,466.00 which is under budget.

Commissioner Patterson questioned the impervious surface options and was informed that the Public Works Committee felt the project should remain as brick to keep continuity with the rest of Town. Commissioner Pierson said there was a new impervious surface the Town should experiment with in a less prominent location.

Commissioner Drake made a motion to award the Main Street Sidewalk bid to MJM Poured Wall, Inc., which was seconded by Mayor Pro Tempore Pierson and the vote was unanimous.

9. Planning Matters:

A. Subdivision Approval: Lot 6A Hardscrabble Ridge

The first phase of the Hardscrabble Ridge Subdivision off of Bowery Road was originally approved by the Town Board of Commissioners in 2002. Since that time, several lots within the Hardscrabble Ridge Development have been subdivided & approved by the Town Board. The new application is requesting the same type of approval. The proposed lot 6A, is currently part of a large parcel of land within the Hardscrabble Development owned by Steve Pierson. The proposed lot complies with the Unified Development Ordinance requirements for a subdivision. All required roadways & utilities have been installed. The septic system has been approved by the Jackson County Environmental Health Dept. The Planning and Development Staff and the Planning Board recommend the approval of the preliminary & final plat of the Hardscrabble Ridge Subdivision, Lot 6A.

Mayor Pro Tempore Pierson asked that the Board recuse him from voting on this matter, but stated if the Board had any questions he would be glad to answer. Commissioner Patterson moved to approve the preliminary & final plat of the Hardscrabble Ridge Subdivision, Lot 6A, which was seconded by Commissioner Stiehler and the vote was unanimous.

B. Zoning Board Appointment

The Zoning Board of Adjustment is a five member board with two alternate members. For months now, the Board has been lacking one alternate member. Recently, Appearance Commission member, Samuel Green III, requested to be appointed to the Zoning Board to fill the unoccupied alternate seat. Mr. Green has been a valuable member of the Appearance Commission for the last two years. He has an excellent attendance record and has taken his position seriously. The Planning and Dev. Staff and the Planning & Dev. Liaison Group recommend the Town Board appoint Samuel Green III to the Zoning Board of Adjustment as alternate member.

C. Recommendation: Discontinuance of the Appearance Commission

The Appearance Commission was established by the Town Board of Commissioners in the 1990's to review the aesthetics of new commercial building construction. Since the establishment of the Appearance Commission, standards to regulate the types and colors of exterior materials of commercial buildings have been adopted. With the continued struggle to locate members to serve on the Appearance Commission, Staff and the Planning & Dev. Liaison Group (Commissioner Dotson & Commissioner Pierson) feel the Planning Board should review these standards, as they currently do with all other standards within the Unified Development Ordinance.

Mayor Pro Tempore Pierson made a motion to send this topic to the Planning Board and bring back to September's meeting to set public hearing, which was seconded by Commissioner Stiehler and the vote was unanimous.

D. Discussion: New Gateway/Welcome Signs

Commissioner Dotson stated he had numerous citizens approach him with negative comments in regard to the gateway signs coming into town. Dotson said they are much less than what he expected. The main concern is that the tree is nonvisible. He would like the Town to potentially look at recoloring the tree and adding the words, "Welcome to Highlands" at the top.

Mayor Wilkes addressed Dotson's concern by telling the Board they were redoing the color of the tree. After a further brief discussion, the Mayor suggest waiting to bring the topic back to next month's meeting after the correction had been made and the Town could view the results.

E. Update: Conditional Zoning Change Discussion

Interim Planning & Development Director Josh Ward presented the following Conditional Zoning Example:

TOWN PLACE CONDOMINIUMS

CURRENT CONDITIONAL USE DISTRICT ZONING PROCESS

1. Application including Site Plan to Planning Board for Review & Recommendation.
2. Application and Planning Board Recommendation to Town Board to set Public Hearing.
3. Town Board holds Public Hearing and Approves the Conditional Use Zoning District.
4. Application is submitted to the Zoning Board of Adjustment for Special Use Permit.
5. Application to Appearance Commission for Review & Recommendation on the Aesthetics.
6. Zoning Board of Adjustment has Public Hearing & Approves the Special Use Permit.

STANDARD CONDITIONAL ZONING PROCESS

1. Application including Site Plan to Planning Board for Review & Recommendation.
2. Application to Appearance Commission for Recommendation on Aesthetics.
3. Application with Planning Board & Appearance Commission Recommendations to Town Board to set Public Hearing.
4. Town Board has Public Hearing and Renders a Decision on the Conditional Zoning District.

PROPOSED CONDITIONAL ZONING DRAFT

(Recommendation from the Planning & Dev. Liaison Group)

1. Application including Site Plan to Zoning Board of Adjustment for Review & Recommendation.
2. Application to Planning Board for a Review & Recommendation.
3. Application with Recommendations from Zoning Board of Adjustment and Planning Board to Town Board to set Public Hearing.

4. Town Board has Public Hearing and Renders a Decision on the Conditional Zoning District.

Manager Frye said staff was still gathering more information and would like a decision at the next Board meeting.

10. MIS/GIS Matters

A. Proposal from D-Net

MIS/GIS Director Matt Shuler talked to the Board about the Town's fiber optic cabling and informed them of a proposal from D-Net to bring a great service to the citizens of Highlands at no cost to the Town.

Commissioner Drake informed the Board he used D-Net service and they were phenomenal. He also informed the Board that Judy of D-Net had presented at the last EDC meeting and had told them they were trying to reach remote areas. Drake felt the Town should definitely follow through with this proposal. Commissioner Stiehler made a motion to accept the proposal, which was seconded by Commissioner Drake. After a brief further discussion of fiber, wireless and fixed wireless options, the vote was unanimous.

B. Pole Attachment Ordinance Amendment

Attorney Coward said he had sent a correction to this amendment that wasn't included. Mayor Wilkes asked for Attorney Coward's amendments to be represented at next month's meeting.

11. Adjournment

As there were no further matters to come before the Board of Commissioners, Commissioner Stiehler moved to adjourn, which was seconded by Commissioner Dotson and upon unanimous vote, the Town Board adjourned at 8:36pm.

David Wilkes
Mayor

Rebecca R. Shuler, CMC, NCCMC
Town Clerk