

**Regular Meeting Minutes of the Town Board of Commissioners  
Meeting of May 22<sup>nd</sup> 2014 at the Highlands Community Building  
Thursday, May 22<sup>nd</sup> 2014**

Town Board Present: Mayor Patrick Taylor, Commissioner Donnie Calloway, Commissioner John Dotson, Commissioner Brian Stiehler, Commissioner Amy Patterson, Commissioner Eric Pierson

Town Staff Present: Town Manager Robert Frye, Parks and Recreation Director Lester Norris, Public Works Director Lamar Nix, Police Chief Bill Harrell and MIS/GIS Field Technician Chuck Crisp

## **1. Meeting Called to Order**

Mayor Patrick Taylor called the Town Board into session at 7:00 p.m.

## **2. Public Comment Period**

The following persons addressed the Board.

Alice Nelson stated that she found Mayor Taylor's newspaper articles to be very informative and useful to the public. She then inquired about monies placed in the proposed FY 2014-14 budget concerning sidewalk repair.

## **3. Adjust and Approve Agenda**

Commissioner Patterson requested that the water quality operations plan resolution be tabled until next meeting so that the actual plan can be included in the agenda packet for the Board's review.

Motion was made by Commissioner Pierson and seconded by Commissioner Patterson to approve the agenda as amended. Vote was unanimous.

## **4. Minute Approval**

**A. Approval of April 17<sup>th</sup> Regular Meeting Minutes:** Commissioner Patterson stated that the minutes should reflect that the vote to proceed with the pool covering was a preliminary vote subject to final approval with the FY 2014-15 budget.

Motion was made by Commissioner Pierson and seconded by Commissioner Patterson. Vote was unanimous.

**B. Approval of April 24<sup>th</sup> Special Meeting Minute:** Motion was made by Commissioner Patterson and seconded by Commissioner Stiehler. Vote was unanimous.

**C. Approval of May 8<sup>th</sup> Special Meeting Minutes:** Motion was made by Commissioner Patterson and seconded by Commissioner Pierson. Vote was unanimous.

**D Approval of May 15<sup>th</sup> Special Meeting Minutes:** Commissioner Dotson requested that the last sentence on the next to last paragraph concerning the scholarship committee's recommendation be struck.

Motion was made by Commissioner Pierson to approve the minutes as amended and seconded by Commissioner Stiehler. Vote was unanimous.

## **5. Reports:**

## **A. Mayor**

Mayor Taylor thanked the board for their condolences on the passing of his brother in law. He then gave a brief update on the recent meeting he attended at Southwestern Commission concerning the NCDOT proposed Opt In transportation plan.

## **B. Commissioners and Committees**

Commissioner Stiehler informed the board that the annual scholarship gold tournament would be held on June 19<sup>th</sup>.

Commissioner Stiehler updated the Board of current Macon County EDC activities.

## **C. Town Manager**

Town Manager Frye informed the board that Town offices would be closed on May 26<sup>th</sup> in observance of Memorial Day.

## **6. Consent Agenda**

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

Commissioner Calloway made a motion to adopt the consent agenda as amended and seconded by Commissioner Stiehler. Vote was unanimous.

## **7. Financial Matters: Presentation Proposed FY 2014-15 Budget**

Town Manager Robert Frye presented the following FY 2014-15 budget message to the Board

### **FY 2014-15 BUDGET MESSAGE**

June 19<sup>th</sup> 2014

The Honorable Mayor Patrick Taylor and Town Commissioners  
Town of Highlands, North Carolina

Dear Mayor Taylor:

I am pleased to present the FY2014-15 Budget for your review and consideration.

As required by the General Statutes of North Carolina, the revenues and expenditures presented within this budget are balanced.

In order to present a balanced budget across all funds, it was necessary to appropriate \$63,950.00 from undesignated General Fund Balance and a further \$291,300.00 from the Electric Reserve Fund for a combined total of \$355,250.00.

These funds were used to offset capital project deficits within the Water Enterprise Fund related to the replacement/upgrade of the N.C. Highway 28 waterline project.

This will leave the following amounts in the respective funds:  
\$2,166,567.00 in undesignated general fund balance  
\$2,703,992.00 in in the electric reserve fund

All other funds are self-supporting and require no outside fund transfers to enable them to operate.

## **BUDGET HIGHLIGHTS**

As presented, the overall FY 2014-15 Budget has revenues and expenditures totaling \$14,098,045.00

It is proposed to raise the Ad Valorem tax rate from its current .135 per \$100.00 valuation to .15 per \$100.00 valuation. The additional .015 will be earmarked for capital projects within the Parks and Recreation Department and will be scheduled for review and possible repeal in FY 2016-17.

The current Highlands Volunteer Fire Department tax rate of .009 per \$100 valuation remains unchanged within FY 2014-15 Budget.

In order to maintain the health of the Town's electrical fund and to protect its ability to fund capital projects across Town funds and Departments; the FY 2014-15 budget proposes to enact a 3% rate increase for electrical service.

It is proposed to increase the minimum charge for electrical service to \$20.31 per month for residential customers and \$22.67 (single phase) or \$32.69 (three phase) per month for commercial users.

The current Town of Highlands minimum charge for water and sewer service remains unchanged at \$32.00 per month for residential customers and \$42.00 per month for commercial users.

The current Town of Highlands minimum charge for residential trash pickup remains unchanged at \$18.50 per month for residential customers.

The FY 2014-15 Budget includes a new position within the Police Department which will be classified as an Investigator/Detective; and the budget provides a 1.5% Cost of Living Adjustment (COLA) for all full time employees.

## **TOTAL EXPENDITURES**

Total Expenditures for all funds is split between the individual funds as follows:

General Fund	\$4,680,924.00
Scholarship Fund	\$50,000.00
Fire and Rescue Special Revenue Fund	\$383,522.00
Cemetery Fund	\$41,200.00
Water Enterprise Fund	\$2,061,660.00
Sewer Enterprise Fund	\$615,000.00
Capital Projects Fund	\$158,140.00
Sanitation Enterprise Fund	\$666,299.00
Electric Enterprise Fund	\$5,441,300.00
Total Expenditures	\$14,098,045.00

## **GENERAL FUND**

Total expenditures for the FY 2014-15 General Fund Budget is \$4,895,227.00. These funds are split between the individual departments/funds as follows:

Governing Body	\$30,098.00
Administration	\$940,476.00
Planning/Zoning	\$96,155.00
MIS/GIS	\$342,676.00
Police Department	\$1,205,101.00
Street Department	\$1,157,950.00
Public Buildings	\$62,826.00
Parks and Recreation	\$845,642.00
Total Expenditures	\$4,680,924.00

## **ENTERPRISE FUNDS**

The Town of Highlands operates the following operates the following Enterprise Funds:

Water  
Sewer  
Sanitation  
Electric

### **WATER FUND**

Total expenditures for the FY 2014-15 Water Utility Enterprise Fund is 2,061,660.00

It is proposed to maintain water usage rate charges at the current FY 2013-14 levels. A detailed listing of all water utility charges can be found in the accompanying Town of Highlands FY 2014-15 Fee Schedule.

One major capital improvement/construction project is included within the Water Fund Budget for FY 2014-15; the replacement/upgrade of the NC 28 Highway water line.

It is proposed to transfer \$637,051.00 from the Electric Fund to cover the costs associated with this project.

### **SEWER FUND**

Total expenditures for the FY 2014-15 Sewer Utility Enterprise Fund is 615,000.00.

One major capital project is included within the Sewer Fund Budget for FY 2014-15; the refurbishment of one of three waste holding tanks at the waste water treatment plant;

It is proposed to maintain sewer usage rate charges at the current FY 2013-14 levels. A detailed listing of all water utility charges can be found in the accompanying Town of Highlands FY 2014-15 Fee Schedule.

### **ELECTRIC FUND**

Total expenditures for the FY 2014-15 Electric Enterprise Fund is \$4,678,079.00

It is proposed to transfer \$637,051.00 from the electric fund reserves into the Water Utility Fund to cover the cost of the N.C. Highway 28 waterline replacement project.

It is proposed to transfer \$126,170.00 from the electric fund reserves into the Sanitation Fund to cover the cost of a new 4x4 10 yard trash truck and for the construction of 16 new commercial cardboard recycling drop points around town.

It is proposed to increase the minimum charge for electrical service to \$20.31 per month for residential customers and \$22.67 (single phase) or \$32.69 (three phase) per month for commercial users.

Please refer to the Town of Highlands FY 2014-15 Fee Schedule for a detailed listing of all Town electrical charges.

### **SANITATION FUND:**

Total expenditures for the FY 2014-15 Sanitation Enterprise Fund is \$666,299.00

It is proposed to transfer \$126,170.00 from the electric fund into the Sanitation Fund to cover the cost of the purchase of a new 4x4 10 yard trash truck and for the construction of 16 new commercial cardboard recycling drop points around town.

## **SPECIAL REVENUE FUNDS**

The FY 2014-15 Budget includes the following Special Revenue Funds:

Fire Department  
Capital Projects

### **FIRE DEPARTMENT FUND**

The Highlands Volunteer Fire Department provides service to Town of Highlands and a portion of unincorporated areas of Macon and Jackson Counties.

As 100% of the revenue for the Fire Department is generated through the Fire District Ad Valorem property tax and not the Town of Highlands General Fund; a Special Revenue Fund was established proved accountability.

The current Highlands Volunteer Fire Department tax rate of .009 per \$100 valuation remains unchanged within FY 2014-15 Budget.

### **CAPITAL PROJECTS FUND**

Total expenditures for the FY 2014-15 Capital Projects Fund is \$158,140.00 and includes the following fund transfers:

General Fund	\$15,698.00
Sewer Fund	\$99,704.00
Electric Fund	\$42,738.00

These funds are allocated to various projects to pay for debt service on the Kelsey-Hutchison storm water project (\$15,698.00), debt service on the town's new radio read water meters (\$85,475.00), and debt service on the Mirror lake sewer project (\$56,967.00).

### **LONG TERM OUTLOOK**

At the current time, the financial outlook for the Town of Highlands remains upbeat.

The Town's undesignated General Fund Balance remains strong and all Enterprise Funds are stable and covering all of their operating costs.

The Electric Fund; thanks to the series of significant rate increases enacted over the last 2 years; is now stable and has begun to slowly replenish itself and is now able to resume transfers to other funds to offset their capital project costs.

Given the extent to which the Town depends upon the Electric Fund to finance significant portions of its capital improvement program; it is critical for the town to closely monitor the rate increase estimates provided each year by Duke Energy and adjust its rates accordingly so as to avoid a repeat of the very large rate increase the town was forced to enact in FY 2011-12.

It is important to remember that the Water, Sewer, and Sanitation Funds are reliant on transfers from the Electric Fund in order to fund either in part; or in entirety; the capital project needs of those funds. Without these offsetting transfers, the town would be forced to significantly increase the fees charged for water, sewer and sanitation services to incorporate the capital; project and equipment needs of these funds.

Additionally, due in large part to the ability to transfer funds from the Electric Reserve the town has been able to keep its long term debt load extremely low.

### **CLOSING COMMENTS**

I would like to commend Mayor Patrick Taylor and the Town Board for their guidance in working with staff as the budget evolved from its first drafts to its final form. Clear concise directives from our elected officials made developing the budget much easier.

I would also like to commend town staff for the diligent work they put into the budget and the diligence with which they worked to hold the line on expenses.

In closing, I would like to say that I look forward to implementing this budget and in so doing I hope that we achieve our goal of providing quality public services to our community.

Sincerely,

**TOWN OF HIGHLANDS**

Robert A. Frye Jr.  
Town Manager

**TOWN OF HIGHLANDS  
BUDGET ORDINANCE  
FISCAL YEAR 2015  
JULY 1, 2014 THRU JUNE 30, 2015**

**BE IT ORDAINED** by the Board of Commissioners of the Town of Highlands, North Carolina, assembled this 17<sup>th</sup> day of June 2014, that the following fund revenues and department and/or fund expenditures be adopted:

**TOTAL EXPENDITURES**

Total Expenditures for all funds is split between the individual funds as follows:

General Fund	\$4,680,924.00
Scholarship Fund	\$50,000.00
Fire and Rescue Special Revenue Fund	\$383,522.00
Cemetery Fund	\$41,200.00
Water Enterprise Fund	\$2,061,660.00
Sewer Enterprise Fund	\$615,000.00
Capital Projects Fund	\$158,140.00
Sanitation Enterprise Fund	\$666,299.00
Electric Enterprise Fund	\$5,441,300.00
Total Expenditures	\$14,098,045.00

**GENERAL FUND**

Total expenditures for the FY 2014-15 General Fund Budget is \$4,895,227.00. These funds are split between the individual departments/funds as follows:

Governing Body	\$30,098.00
Administration	\$940,476.00
Planning/Zoning	\$96,155.00
MIS/GIS	\$342,676.00
Police Department	\$1,205,101.00
Street Department	\$1,157,950.00
Public Buildings	\$62,826.00
Parks and Recreation	\$845,642.00
Total Expenditures	\$4,680,924.00

**SECTION III. TAX RATES ESTABLISHED**

An Ad Valorem tax rate \$.15 per \$100 valuation is hereby established for the General Fund purposes for the Town of Highlands for FY14. This rate is based on an approximate valuation of \$1,881,281,265.00 and an estimated collection rate of 98.6%.

An Ad Valorem tax rate of \$.009 per \$100 valuation is hereby established for Fire & Rescue for the Town of Highlands for FY15.

**SECTION IV. BUDGET ORDINANCE**

This ordinance shall be the basis of the financial plan for the Town of Highlands during the fiscal year 2015. The approved annual budget for all funds, which shows line item detail, will be used for tracking revenue and expenditures.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Robert A. Frye, Jr., Town Manager

\_\_\_\_\_  
Patrick Taylor, Mayor

**FY 2014-15 Capital Projects**

**Street Department**

**Street Work (Paving)**

Oak Street U.S. 64 to 3 <sup>rd</sup> Street	\$75,000.00
Oak Street 1 <sup>st</sup> street to U.S 64	\$40,000.00
Sub Total	\$115,000.00

**Repairs**

Wall on 3 <sup>rd</sup> Street at Main Street Inn	\$120,000.00
Sidewalks (various)	\$50,000.00
Chowan Drive	\$150,000.00
Sub Total	\$320,000.00

**Equipment**

Replacement Dump Truck	\$100,000.00
Mowing/Snow Pushing Tractor	\$20,000.00
Sub Total	\$120,000.00

**Total \$555,000.00**

**Sanitation Department**

Replacement Cardboard Stations	\$30,000.00
4x4 10yard Side Loading Trash Truck	\$95,000.00
<b>Total</b>	<b>\$125,000.00</b>

**Water Department**

**Waterline Replacement Projects**

N.C 28 Upgrade Project	\$690,000.00
------------------------	--------------

<b>Total</b>	<b>\$690,000.00</b>
--------------	---------------------

**Wastewater Treatment**

Treatment Plant Storage Tank Rehab (1 tank)	\$62,000.00
---	-------------

<b>Total</b>	<b>\$62,000.00</b>
--------------	--------------------

**Police Department**

Replacement Police Vehicles (Ford Taurus) x2	
--	--

<b>Total</b>	<b>\$83,000.00</b>
--------------	--------------------

**MIS/GIS**

Water System Communications Upgrade	\$73,000.00
-------------------------------------	-------------

<b>Total</b>	<b>\$73,000.00</b>
--------------	--------------------

**Parks and Recreation**

Civic Center Upper Level Restrooms Renovations	\$64,800.00
--	-------------

Park Restrooms	\$161,000.00
----------------	--------------

<b>Total</b>	<b>\$225,800.00</b>
--------------	---------------------

**Miscellaneous**

Christmas Decorations	\$25,000.00
-----------------------	-------------

Storage Building for Christmas Decorations	\$25,000.00
--	-------------

Salary/Position Classification Study	\$8,000.00
--------------------------------------	------------

<b>Total</b>	<b>\$58,000.00</b>
--------------	--------------------

**Electrical Department**

Additional Wire Pulling Equipment	<b>Total</b>	<b>\$10,000.00</b>
-----------------------------------	--------------	--------------------

Commissioner Dotson made a motion to set a public hearing for the FY 2014-15 budget for the June 19<sup>th</sup> 2014 regular board of commissioners meeting at 7:00 p.m. Commissioner Dotson's motion also included modifying the Budget ordinance to state that the proposed 1.5 cent tax increase would sunset in three years. Motion seconded by Commissioner Calloway. Vote was unanimous.

**8. Request to Address Council: Highlands PlayHouse**

Horst Winkler, Tammy Hernandez, William Patty, and Wanda Drake, addressed the Board in regards to the Board's recent decision to rescind free utilities for the PlayHouse, ABC store, and the Chamber of Commerce. Each asked the Board to reconsider this decision on the grounds of the financial hardship that it would place on the PlayHouse

No action was taken on this matter.

## **9. Presentation of Kelsey-Hutchison Park Final Design Concept**

Skip Taylor and Hank Ross of the Founder's Park Coalition presented the group's final design concept for the completion of the Kelsey-Hutchinson Park.

Commissioner Stiehler made a motion to approve the plan as presented. Motion was seconded by Commissioner Calloway. Motion passed 4-1 with Commissioners Calloway, Pierson, Patterson, and Stiehler voting for and Commissioner Dotson voting against.

In voting against the motion, Commissioner Dotson wanted it known that he was not in opposition to the completion of the park, but felt that what the Founder's group had come before the board to approve was the concept for the construction of the proposed restrooms and not for approval of the entire park plan.

## **10. Interruption of Meeting**

At this point, Wanda Drake of the PlayHouse contingent stood and demanded that the board give her a decision concerning free utilities for the PlayHouse. After several minutes of discussion, a motion was made by Commissioner Dotson and seconded by Commissioner Pierson to consider extending free utilities for the PlayHouse until December 31<sup>st</sup> of 2014 to coincide with the PlayHouse fiscal year. At this point, PlayHouse supporter Horst Winkler stood and offered to pay the PlayHouse's utility bill for them. Mayor Taylor then asked Commissioner Dotson if he wished to withdraw his motion. Commissioner Dotson indicated that he wished to do so and the board returned to the next item on the agenda.

## **11. Planning Matters:**

### **A. Request for Public Hearing: Section 6.5.1 of the Unified Development Ordinance**

Planning and Development Director Josh Ward presented a request from the Planning Board that a public hearing be called for the June 19<sup>th</sup> Board meeting to amend Section 6.5.1 of the UDO to allow non-buffed copper to be used as an approved exterior siding within town.

A motion was made by Commissioner Patterson to call for a public hearing on this matter for the June 19<sup>th</sup> Board meeting and was seconded by Commissioner Pierson. Vote was unanimous.

### **6.5.1 Commercial Building Exterior Materials**

All exterior siding materials for commercial buildings shall conform to the following standards:

- A.** A maximum use of three of the following materials shall be used on any façade of a commercial building. Approved materials include:
  - 1.** Stucco, float finish, smooth or coarse, machine spray, dash and troweled, and limited to thirty percent (30%) on any one (1) façade;
  - 2.** Wood Clapboard, five inches plus (5"+) to the weather;
  - 3.** Wood Shingles, five inches plus (5"+) to the weather;
  - 4.** Wood Board or Batten Board, eight to twelve (8 to 12) inches;
  - 5.** Wood Shiplap Siding, four inches plus (4"+) to the weather;
  - 6.** Unpolished natural regional stone w/ashlar or random ashlar pattern;
  - 7.** Clay brick, antique or unglazed; or
  - 8.** Simulated Materials: Simulated permitted materials from the above list, may be used, provided such materials are reviewed and approved by the Planning and Development Director.
  - 9.** Uncoated sheet copper, limited to thirty percent (30%) on any one (1) façade.

All colors for commercial buildings shall generally conform to the official Color Chart, which shall be maintained in the office of the Planning and Development Director. Approved colors need not match specific colors in the chart, but the given shades shall fall within the parameters defined by the chart as determined by the Planning and Development Director.

## **B. Request for Public Hearing: Corrections/Updates to the Unified Development Ordinance**

Planning and Development Director Josh Ward presented a list of minor corrections and inconsistencies currently within the UDO and requested that a public hearing be called for the June 19<sup>th</sup> Board meeting in order to amend the UDO and make these changes.

A motion was made by Commissioner Pierson to call for a public hearing on this matter for the June 19<sup>th</sup> Board meeting and was seconded by Commissioner Calloway. Vote was unanimous.

### UDO List of Corrections & Amendments April 2014

#### 1.) Remove Section 3.4.2 (1) – Reference to ETJ

All members appointed as representatives of any extra territorial area, either for regular terms or to fill the vacancies of any unexpired term, shall be appointed pursuant to N.C.G.S. 160A 362.

#### 2.) Amend Section 4.2.4, Notice and Public Hearings:

A. Before enacting an amendment to this Ordinance or Zoning Map Change, the Board of Commissioners shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two (2) successive weeks in a newspaper having general circulation in the Highlands area. The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. For Zoning Map changes, all abutting property owners shall receive written notice by first class mail to the address shown on the county tax listing. The day of publication is not counted in computing these times, but the day of the hearing is included.

B. For Zoning Map changes, the Board of Commissioners shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two (2) successive weeks in a newspaper having general circulation in the Highlands area. The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. The day of publication is not counted in computing these times, but the day of the hearing is included. All abutting property owners shall receive written notice by first class mail to the address shown on the county tax listing. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

C. For Special Use Permit, Variance, and Appeal applications, public notice shall be given once, prior to the meeting, in a newspaper having general circulation in the Highlands area. All abutting property owners shall receive written notice by first class mail to the address shown on the county tax listing. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

#### 3.) Correction to Section 6.2, Use Table:

Remove “S” for Special Use Permit under Electronic Gaming Operations for R-1, R-2, & R-3

#### 4.) Correction to Section 7.3.1 (C)(1):

Any lot which currently complies with the minimum lot size required by the Zoning Ordinance this Ordinance, and has been used as a building site, may not thereby be reduced in size below the minimum lot size

#### 5.) Amend Section 8.2.1, Dimensional Standards:

Building Setback from property zoned residential district lines

6.) Correction to 8.2.1, Dimensional Standards, Multifamily Specific:  
Lot Size (acres) Density Per Dwelling Unit (acres)

7.) Corrections to Section 8.3.1, Dimensional Requirements:  
Residential Lot Size Density (acres unless noted) (square feet per unit), 0.5 21,780 (B-3 & B-4)

8.) Corrections to Section 8.3.1, Dimensional Requirements:  
Parcel size for multi-family (acres)  
Building Area for multi-family

9.) Corrections to Section 8.3.1, Dimensional Requirements:  
Incidental Apartments (sf) (square feet per unit), 2,400 (B-1), 6,000 (B-2), 6,000 (B-3), 21,780 (B-4)

10.) Amend Section 8.3.1, Dimensional Requirements:  
Nonprofit Visual Art Centers Total Built Upon Area of Parcel Size, 70%

11.) Amend Section 8.3.1, Dimensional Requirements, Hotel or Motel Unit gross floor space (square feet): Add "250" under B-2 (min)

12.) Amendment to Section 10.5.1 (A), Sidewalks, Responsibility to Construct: "Whenever a new commercial building is constructed on property that adjoins a segment of "Town of Highlands Master Sidewalk Plan" identified as "Future Commercial Sidewalks," it shall be the responsibility of the owner of the property to construct that segment of sidewalk which adjoins its property.

13.) Amendment to Section 13.5.2 (C):  
Single Business in the B-1 Business Districts  
Each single business in the B-1 Business District, not located in a shopping center, is permitted the following signs:

1. One (1) or more wall signs, as defined by this Ordinance, provided that the total aggregate surface area does not exceed a ratio of one-half (1/2) square foot for each one (1) linear foot of building frontage, nor a maximum of thirty-two (32) square feet for any single sign. Consistent with Sec. 13.3.2 Roof Signs, no sign placed under these circumstances shall project above the mansard roof or project more than twelve (12) inches from the building wall at the base of the sign; and

2. Businesses providing ingress and egress for public use from the rear of the building, are permitted one (1) or more wall signs on the rear of the building, as defined by this Ordinance, provided that the total aggregate surface area does not exceed a ratio of one-half (1/2) square foot for each one (1) linear foot of building frontage, nor a maximum of thirty-two (32) square feet for any single sign. Consistent with Sec. 13.3.2 Roof Signs, no sign placed under these circumstances shall project above the mansard roof or project more than twelve (12) inches from the building wall at the base of the sign.

3. Businesses not providing ingress and egress for public use from the rear of the building, are permitted one (1) sign on the rear of the building, wall or hanging, not to exceed two (2) square feet in surface area per sign face.

4. One (1) hanging sign provided a clearance of at least seven (7) feet is established between the bottom of the sign and any pedestrian walking surface. Such signs may extend no more than four (4) feet from the right-of-way line over the walking surface, and may not exceed eight (8) square feet in surface area per sign face.

Rearrange Numbering (to clarify):

1. One (1) or more wall signs, as defined by this Ordinance, provided that the total aggregate surface area does not exceed a ratio of one-half (1/2) square foot for each one (1) linear foot of building frontage, nor a maximum of thirty-two (32) square feet for any single sign. Consistent with Sec. 13.3.2 Roof Signs, no sign placed under these circumstances shall project above the

mansard roof or project more than twelve (12) inches from the building wall at the base of the sign; and

2. One (1) hanging sign provided a clearance of at least seven (7) feet is established between the bottom of the sign and any pedestrian walking surface. Such signs may extend no more than four (4) feet from the right-of-way line over the walking surface, and may not exceed eight (8) square feet in surface area per sign face; and

3. Businesses providing ingress and egress for public use from the rear of the building, are permitted one (1) or more wall signs on the rear of the building, as defined by this Ordinance, provided that the total aggregate surface area does not exceed a ratio of one-half (1/2) square foot for each one (1) linear foot of building frontage, nor a maximum of thirty-two (32) square feet for any single sign. Consistent with Sec. 13.3.2 Roof Signs, no sign placed under these circumstances shall project above the mansard roof or project more than twelve (12) inches from the building wall at the base of the sign; or

4. Businesses not providing ingress and egress for public use from the rear of the building, are permitted one (1) sign on the rear of the building, wall or hanging, not to exceed two (2) square feet in surface area per sign face.

14.) Amendment to Section 13.5.2 (D):

A. Single Business in the B-2, B-3, Business, and GI Governmental/Institutional Districts  
Each single business in the B-2, B-3, and GI Governmental/Institutional District, not located in a shopping center, is permitted the following signs:

1. One (1) free-standing sign, provided it shall not be located within any public right-of-way, nor within fifteen (15) feet of the wear surface of any public thoroughfare if no right-of-way is defined among the public records of Macon County, shall not exceed eight (8) feet in height; and shall not exceed thirty-two (32) square feet in surface area per sign face. Businesses which adjoin more than one (1) of the four (4) major highways serving Highlands--US-28, NC-106, US-64E, and US-64W--and which are served by entrances from said highways, shall be permitted two (2) free-standing signs thirty-two (32) square feet in surface area per sign face, one (1) on each highway; and

2. Businesses providing ingress and egress for public use from the rear of the building, are permitted one (1) or more wall signs on the rear of the building, as defined by this Ordinance, provided that the total aggregate surface area does not exceed a ratio of one-half (1/2) square foot for each one (1) linear foot of building frontage, nor a maximum of thirty-two (32) square feet for any single sign. Consistent with Sec. 13.3.2 Roof Signs, no sign placed under these circumstances shall project above the mansard roof or project more than twelve (12) inches from the building wall at the base of the sign.

3. Businesses not providing ingress and egress for public use from the rear of the building, are permitted one (1) sign on the rear of the building, wall or hanging, not to exceed two (2) square feet in surface area per sign face.

4. A choice between wall signs or one (1) hanging sign meeting the requirements of Sec. 13.5.2, Permanent Regulated Signs Requiring a Permit, Item C, Single Business in the B-1 Business District, Items 1 and 2.

Rearrange Numbering (to clarify)

1. One (1) free-standing sign, provided it shall not be located within any public right-of-way, nor within fifteen (15) feet of the wear surface of any public thoroughfare if no right-of-way is defined among the public records of Macon County, shall not exceed eight (8) feet in height; and shall not exceed thirty-two (32) square feet in surface area per sign face. Businesses which adjoin more than one (1) of the four (4) major highways serving Highlands--US-28, NC-106, US-64E, and US-64W--and which are served by entrances from said highways, shall be permitted two (2) free-standing signs thirty-two (32) square feet in surface area per sign face, one (1) on each highway; and

2. A choice between wall signs or one (1) hanging sign meeting the requirements of Sec. 13.5.2, Permanent Regulated Signs Requiring a Permit, Item C, Single Business in the B-1 Business District, Items 1 and 2; and

3. Businesses providing ingress and egress for public use from the rear of the building, are permitted one (1) or more wall signs on the rear of the building, as defined by this Ordinance, provided that the total aggregate surface area does not exceed a ratio of one-half (1/2) square foot for each one (1) linear foot of building frontage, nor a maximum of thirty-two (32) square feet for any single sign. Consistent with Sec. 13.3.2 Roof Signs, no sign placed under these circumstances shall project above the mansard roof or project more than twelve (12) inches from the building wall at the base of the sign; or

4. Businesses not providing ingress and egress for public use from the rear of the building, are permitted one (1) sign on the rear of the building, wall or hanging, not to exceed two (2) square feet in surface area per sign face.

### **C. Amendments to Section 13-18 of the Town of Highlands Code of Ordinances and the Town Fee Schedule**

Planning and Development Director Josh Ward presented a request from the Planning Board to amend Section 13-18 of the Town of Highlands Code of Ordinances and the Town Fee Schedule To limit the closure of town sidewalks and parking for construction projects during the May to December tourist season.

After a myriad of minor changes were discussed, it was decided to table this item and bring it back to the Board at the June meeting with all the discussed changes for consideration at that time.

Code of Highlands ~ Chapter 13 Streets and Sidewalks Sec. 13-18. Use of streets and sidewalks during construction activities.

### **ORDINANCE AMENDMENT**

**Pursuant to an affirmative vote of \_\_\_ yeas to \_\_\_ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, and an affirmative vote of \_\_\_ yeas to \_\_\_ nays by the Board of Commissioners at its regular meeting on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_ if required, the following ordinances are hereby AMENDED:**

**(EXISTING CODE SECTIONS, FOLLOWED BY *PROPOSED AMENDMENTS IN RED ITALICS, SHOWING CHANGES.*)**

#### **Sec. 13-18. Use of streets and sidewalks during construction activities.**

(a) Any person engaged in construction activities (as defined below, and sometimes referred to herein as "construction") who requires the use of any portion of a public street right-of-way (as described below) for such construction shall first make written application to the town ~~clerk~~ *manager*. Applications shall be made at least forty-eight (48) hours prior to the proposed construction. Application shall include a description of the use of the street; the number of parking spaces that will be required to be occupied during the activity, if any; a description of the method of re-directing vehicular and pedestrian traffic during construction; and the period of time required for the activity.

***That section 13-18 (a) of the Code of Highlands, North Carolina, is hereby amended to read as follows:***

***(a) Any person engaged in construction activities (as defined below, and sometimes referred to herein as "construction") who requires the use of any portion of a public street right-of-way (as described below) for such construction shall first make written application to the town***

*manager. Applications shall be made at least forty-eight (48) hours prior to the proposed construction. Application shall include a description of the use of the street; the number of parking spaces that will be required to be occupied during the activity, if any; a description of the method of re-directing vehicular and pedestrian traffic during construction; and the period of time required for the activity.*

~~(b) — The town clerk is authorized to permit use of public street right-of-ways immediately adjacent to a construction site for a period of time not to exceed three (3) days, provided such use does not interfere with traffic flow, adversely affect the public health or safety, or create an unreasonable inconvenience to property owners or businesses in the immediate vicinity. In accordance with section 13-16, adequate passageways shall be constructed for pedestrians where sidewalks are present.~~

~~(c) — The town clerk may in his sole discretion deny permission for use of public street right-of-way when in his opinion such use does not conform to the provisions of the preceding paragraph. Appeals from his decision may be taken to the board of commissioners at the next regularly scheduled meeting.~~

~~(d) — Application for use of public street right-of-way for a period of time exceeding three (3) days, or appeals of denial of use by the town clerk, shall be made directly to the board of commissioners and shall be scheduled at the next regularly scheduled meeting. Applications shall include a description of the use of the street; the number of parking spaces which will be required to be occupied during the activity, if any; a description of the method of re-directing vehicular and pedestrian traffic during construction; and the period of time required for the activity. Use of the streets during pendency of the appeal shall not be allowed.~~

~~(e) — The board of commissioners is authorized to permit use of public street right-of-ways immediately adjacent to a construction site for stipulated periods of time, provided such use does not interfere with traffic flow, adversely affect the public health or safety, or create an unreasonable inconvenience to property owners or businesses in the immediate vicinity. In accordance with section 13-16, adequate passageways shall be constructed for pedestrians where sidewalks are present.~~

***NEW Sec. 13-18 (b & c) of the Code of Highlands, North Carolina, is to read as follows:***

*(b) Any construction activities requiring the use of public sidewalks and/or public parking spaces that are conducted within the B-1 zoning district should be carried out between the dates of November 1<sup>st</sup> & April 30<sup>th</sup>, Monday through Friday from 7:30am to 6:00pm with the issuance of a permit from the Town Manager. In order to complete an ongoing construction activity, the Town Manager may grant an extension to the permit beyond April 30<sup>th</sup>. The Permit holder shall schedule a pre-construction meeting with the Highlands Police Department, in order to secure a safe pedestrian access of four (4) feet around the construction site within the public parking spaces blocked for the construction.*

*The Town Manager may grant a permit for the general maintenance activities of façade repair / painting, and awning installation between the dates of May 1<sup>st</sup> & October 30<sup>th</sup> within the B-1 zoning district, with the following conditions:*

*1. Work hours shall be Monday through Wednesday from 6:00am until 9:00pm. No working Thursday through Sunday.*

*2. The Permit holder shall schedule a pre-construction meeting with the Highlands Police Department, in order to secure a safe pedestrian access of four (4) feet around the construction site within the public parking spaces blocked for the construction.*

*(c) If the construction activities requires the use of police officers for traffic control, the applicant must use off duty Highlands police officers in coordination with the chief of police.*

***Sec. 13-18 (f, g & h) TO BE RECODIFIED AS Sec. 13-18 (d, e & f)***

~~(d)~~ Use of public street right-of-way for longer than the period permitted by either the town clerk manager or the board of commissioners shall be punishable by a civil penalty of one hundred dollars (\$100.00) per day; each day continuing violation shall constitute a separate offense. In addition, for good cause shown, including repeated violation of this ordinance, the board of commissioners may order that the zoning certificate for the construction activity shall be revoked.

~~(e)~~ Persons using public street right-of-way shall be responsible for removing all broken materials and other debris and returning the street or sidewalk to its original condition. Failure to do so shall be punishable by a civil penalty of one hundred dollars (\$100.00) per day; each day continuing failure to restore the street or sidewalk to its original condition shall constitute a separate offense. The town may in its discretion elect to remove broken materials and other debris and return the street or sidewalk to its original condition, and in the event of such election, the adjacent property owner shall be liable for the reasonable costs of such remediation.

~~(f)~~ Definitions.

*Construction activities.* As used herein, the term "construction activities" shall be construed to include any and all activities in any way related to the improvement of properties as contemplated by the zoning certificate, including by way of example and not by way of limitation, surveying, grading, construction, blasting, demolition of existing structures, installation of utilities, landscaping, disposal of waste materials and other debris.

*Public street right-of-way.* As used herein, the term "public street right-of-way" shall mean the areas lying adjacent to the owner's boundary along the streets and alleys of the town, as shown on the survey of the owner presented in connection with the zoning certificate.

***That section 13-18 (d, e & f) of the Code of Highlands, North Carolina, are hereby amended to read as follows:***

*(d) Use of public street right-of-way for longer than the period permitted by the town manager shall be punishable by a civil penalty of one hundred dollars (\$100.00) per day; each day continuing violation shall constitute a separate offense. In addition, the zoning certificate for the construction activity shall be revoked.*

*(e) Persons using public street right-of-way shall be responsible for removing all broken materials and other debris and returning the street or sidewalk to its original condition. Failure to do so shall be punishable by a civil penalty of one hundred dollars (\$100.00) per day; each day continuing failure to restore the street or sidewalk to its original condition shall constitute a separate offense. The town may in its discretion elect to remove broken materials and other debris and return the street or sidewalk to its original condition, and in the event of such election, the adjacent property owner shall be liable for the reasonable costs of such remediation.*

*(f) Definitions.*

*Construction activities.* As used herein, the term "construction activities" shall be construed to include any and all activities in any way related to the improvement of properties as contemplated by the zoning certificate, including by way of example and not by way of limitation, surveying, grading, construction, blasting, demolition of existing structures, installation of utilities, landscaping, disposal of waste materials and other debris.

*Public street right-of-way. As used herein, the term "public street right-of-way" shall mean the areas lying adjacent to the owner's boundary along the streets and alleys of the town, as shown on the survey of the owner presented in connection with the zoning certificate.*

## **12. Discussion: Appointment of ABC Board Member**

On a motion by Commissioner Calloway and seconded by Commissioner Stiehler, Leslie Cook was appointed to replace Thomas Craig on the ABC Board. Vote was unanimous.

## **13. Adjournment**

As there were no further matters to come before the Board of Commissioners, Commissioner Dotson moved to adjourn, which was seconded by Commissioner Calloway and upon unanimous vote, the Town Board adjourned at 8:20 p.m.

---

Patrick Taylor  
Mayor

---

Robert A. Frye Jr.  
Town Manager