

Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of October 18, 2018, at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina

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

Also Present: Town Manager Josh Ward, Town Attorney Jay Coward, Finance Director Rebecca Shuler, MIS/GIS Director Matt Shuler, Officer Andrea Holland, Parks & Recreation Director Lester Norris, former Planning & Development Director Andrew Bowen, and Town Clerk Gibby Shaheen

1. Meeting Called to Order

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

2. Public Comment Period

Ansley Dawson stated she read in the paper about the idea of bear proof garbage cans and suggested they be purchased by donors and the local artist paint them.

3. Adjust and Approve the Agenda

Mayor Pro Tempore Pierson requested to add a Closed Session for Personnel Matters.

Commissioner Stiehler made a motion to approve the agenda as amended, which was seconded by Commissioner Patterson and the vote was unanimous.

4. Approval of the September 20, 2018, Regular Meeting Minutes

Commissioner Patterson made a motion to approve the September 20, 2018, regular meeting minutes as presented, which was seconded by Mayor Pro Tempore Pierson and the vote was unanimous.

5. Reports

A. Mayor

Mayor Taylor thanked Commissioner Stiehler, Commissioner Calloway and Finance Director Rebecca Shuler for the organization of another successful Golf Scholarship fund raiser. Mayor Taylor also thanked Wildcat Cliffs Country Club for hosting the Golf Tournament again.

Mayor Taylor stated he had traveled to Asheville to meet with a group supporting the rural community in asking questions and expressing concerns regarding the impending sale of the Hospital. Mayor Taylor stated Jay Nixon, former governor and Attorney General of Missouri, agreed to meet with North Carolina Attorney Josh Stein and the Governor in Asheville to advocate for concerned citizens.

Mayor Taylor announced that at the Community Coffee at the library on Friday, October 26th at 11:00am there would be a discussion/forum about bears and trash cans. Mayor Taylor added that a group of experts will join, Mr. Ashe from NC DNR, the Biological Station, and the Police Department and everyone is encouraged to attend.

B. Commissioners and Committee Reports

Commissioner Stiehler stated it was a great day for the Golf Scholarship Fund Raiser and it raised just shy of \$22,800.00 with some costs that still had to be paid.

Commissioner Stiehler stated the Recreation Committee had met and it recommends not allowing alcohol in Founder's Park on the 4th of July, it would encourage all day drinking in a family atmosphere. Commissioner Stiehler stated the committee also recommend that tents would only be allowed to be used in Founders Park for craft

shows and farmer's market, but would be banned during concerts and line of sight events to prevent impeding peoples view.

C. Town Manager

Town Manager Josh Ward stated that the Calendar showed the Veteran's day holiday for Friday, November 9th and it should be Monday, November 12th and to observe the correct day the Board should vote to make it official.

Commissioner Patterson made a motion to amend the Calendar to reflect Monday, November 12, 2018 to observe Veteran's Day, which was seconded by Mayor Pro Tempore Pierson and the vote was unanimous.

Town Manager Josh Ward stated there had been some issues with fences down US64 main corridor. All amendments to the UDO included side streets, yards - rear and front yard setbacks. These questions would need to be reviewed by the Planning Board.

Mayor Pro Tempore Pierson stated the Land Use Committee had more issues to come before the Planning Board as well.

6. Consent Agenda

Public Works Department
Police Department
Parks & Recreation Department
Planning & Development Department
Treasurer's Report
Highlands AIA Grant Application Resolution

RESOLUTION BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HIGHLANDS

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of planning and construction of drinking water and wastewater system projects, and

WHEREAS, The **Town of Highlands** has need for and intends to complete an asset inventory and assessment of its drinking water system project described as **Highlands Water System Asset Inventory and Assessment project**, and

WHEREAS, The **Town of Highlands** intends to request state grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HIGHLANDS:

That **Town of Highlands**, the **Applicant**, will arrange financing for all remaining costs of the project including required matching funds, if approved for a State grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to comply with the all conditions contained in the grant agreement.

That the **Applicant** will provide for efficient operation and maintenance of the project upon completion thereof.

That **Josh Ward, Town Manager**, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the completion of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 18th day of October, 2018 at Highlands, North Carolina.

Patrick L. Taylor, Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting **Town Clerk** of the **Town of Highlands** does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the **Board of Commissioners of the Town of Highlands** duly held on the 18th day of October, 2018; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of October, 2018.

Gilberta B. Shaheen, Town Clerk

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

7. Resolution Supporting PTSD from Vietnam Veterans Assoc.

Mayor Patrick Taylor introduced Macon County Board of Commissioner and decorated veteran Gary Shields.

Shields thanked the Mayor and Board for the invitation to speak. Shields stated that the Brothers Like These program began in 2014. Dr. Bruce Kelly associated with Asheville VA hospital and Appalachian State University developed the program to work with veterans with Post Traumatic Stress Disorder to help them identify and share about their disorder.

Mayor Taylor thanked Vietnam Veterans of America, VFW, American Legion of Franklin and Highlands for their support of those who suffer trauma all their life.



Resolution Observing Post-Traumatic Stress Disorder Resolution No. 2018-08-Res

WHEREAS, the veterans of the United States Armed Forces have, and continue, to risk their lives to protect our national interest around the world and deserve the fullest resources of our Nation to ensure their physical, emotional and mental health; and

WHEREAS, stress can occur after experiencing a severely traumatic event such as: combat, sexual assault, child abuse, high impact collisions, natural disasters and terrorism, leading to injuries characterized as Post-Traumatic Stress Disorder (PTSD); and

WHEREAS, PTSD is a complex and serious disorder affecting veterans from every American conflict;

WHEREAS, The United States Department of Veterans Affairs reported in 2012 that nationally, more than 500,000 veterans with primary or secondary diagnosis of PTSD received treatment at Veterans Administration Medical Centers and Clinics; and

WHEREAS, PTSD significantly increases the risk of depression, suicide, drug and alcohol related disorders and death; and

WHEREAS, the suicide rate of Veterans is presently 20 a day where a high percentage do not engage with any treatment and are isolated from any support network; and

WHEREAS, there has been scientific research that has made significant advances in the prevention, diagnosis and treatment of PTSD, although many challenges remain; and

WHEREAS, the designation of October 27th, 2018, as Macon County, North Carolina, Post-Traumatic Stress Disorder Awareness Day will increase community consciousness, reduce any stigma, and help promote proper treatment of those veterans suffering the invisible wounds of war diagnosed with PTSD; and

WHEREAS, all citizens of Macon County are encouraged to take cognizance of this day and participate fittingly in its' observance; and

WHEREAS, this day is sponsored and supported by the Vietnam Veterans of America Chapter 994, the Veterans of Foreign Wars Post 7339, the American Legion Post 108 and the Highlands American Legion Post 370; and

NOW, THEREFORE, BE IT RESOLVED, the Town of Highlands Board of Commissioners passed a resolution at a regular meeting on the 18th day of October, 2018, do hereby proclaim October 27th, 2018, to be: Post-Traumatic Stress Disorder Awareness Day.

Upon motion duly made and seconded, the resolution was unanimously adopted by the Board of Commissioners at a regular meeting held on the 18th day of October, 2018, in the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.

This the 18th day of October, 2018.

Patrick L. Taylor, Mayor

ATTEST:

Gilberta B. Shaheen, Town Clerk

8. Public Hearing for UDO Amendments Sec. 6.2.1(4), 6.2.2 Use Table, Sec. 6.5, 6.5.1(A)(1) and adopting the Community Design Standards supplement

A. Open Public Hearing

Commissioner Patterson made a motion to open the public hearing on the revisions to the Unified Development Ordinance at 7:26pm, which was seconded by Commissioner Dotson and the vote was unanimous.

B. Staff Comments/Recommendation

Former Planning & Development Director Andrew Bowen stated the he was at the meeting to answer questions. Bowen stated the changes are for non-intensive use and as long as the guidelines are met the details can be completed administratively. Bowen added changing the process of the Special Use Permits except with hotels, motels and restaurants with outdoor seating will prevent having to go through a process.

C. Public Comments

There were no comments.

D. Close Public Hearing

Mayor Pro Tempore Pierson made a motion to close the public hearing at 7:31pm, which was seconded by Commissioner Patterson and the vote was unanimous.

E. Council Action

Commissioner Patterson made a motion to accept the adoption of the Community Design Standards Supplement and the UDO Amendments with the following corrections: in 6.5 Commercial Design strike through “shall also,” strike current 4.7.3(B) and remove number 5 out of 6.2.1 and move to 4.7.3(B), “BLANK CELL” in the Key should be indicated with an “X,” strike Special Events, under Educational Research and Nonprofit Facilities add a separate section for Libraries and Museums maintaining its original usage, and change Arts & Craft fair to be permitted in GI, which was seconded by Mayor Pro Tempore Pierson and the vote was unanimous.



Town of Highlands
Community Design Standards



Architectural and Site Plan Checklist

Criteria	Met
Pre-proposal Meeting	
Submission Requirements	
Structural Elevations Submitted	
Site Plan Submitted	
Parking and Circulation Plan Submitted	
Vegetation and Buffering Plan Submitted	
Storm Water Plan (If Required)	
Review Fee Submitted	
Structure Criteria List	
Structure Placement and Scaling	
Building Orientation Requirements Met	
Scale and Massing Requirements Met	
Façade Design Requirements	
Monotony Avoidance Requirements Met	
Window Percentage Requirements Met	
Exterior Building Materials Requirements Met	
Exterior Color Requirements Met	
Roof Structure Requirements	
Roof Style Requirements Met	
Roof Pitch Requirements Met	
Roof Decoration Requirements Met	
Roof Utility Placement Requirements Met (If Required)	
Exterior Lighting Requirements Met	
Site Criteria List	
Parking Plan Requirements Met (See Full at UDO Article 9)	
Parking Structure Requirements Met (If Proposed)	
Circulation and Connectivity Requirements Met	
Vegetation and Buffering Requirements Met	
Pedestrian and Bicycle Requirements Met	
Retaining Walls	
Communications Access	

Submitted by: _____ Date: _____

Submission and Criteria Notes: _____

Approved by: _____ Date: _____

Reviewer Notes: _____



Guideline Summary

In looking towards the future of development and redevelopment of properties on Highland's Main Street and adjacent commercial corridors, the Town has created a list of architectural standards to bolster community aesthetics. It is not the intent of these guidelines to set a formal architectural theme for the Town of Highlands, in contrast, the Town encourages architectural creativity and eclecticism within commercial zoning districts.

Design Review Process

Pre-proposal Meeting While not required, a pre-proposal meeting with the Town Planning and Development Director is suggested in order to clarify the standards within this document and its review process therein.



Administrative Review: When all preliminary architectural and sites plans and elevations have been drafted, a mandatory meeting shall be required with the Town Planning and Development Director. In this meeting, all plans will be reviewed by the director to insure compliance.



Submission Requirements:

- All Architectural Elevations
- All Site Plans Including: Parking, Lighting, Vegetation and Storm-water
- A Completed Design Standard Checklist



Planning Board Review When the Planning and Development Director has insured full standard compliance, the Planning Board shall be required to review all final elevations and plans. At this meeting the Planning Board will provide community feedback and offer any suggestions for design if needed.



Final Approval: Upon meeting with the Planning Board, all final proposals shall be approved by the Planning and Development Director.

Parcel Applicability

All commercially zoned parcels and Multifamily Housing Complexes

Development Applicability

- All currently built structures within Town may exist in their current design.
- **Facade Alterations:** Where a facade of a building is to be altered, only the cosmetic aspects of this chapter such as color and exterior materials shall be required. **(No Planning Board Review is Necessary)**
- **Partial Redevelopment:** Where a property is to be remodeled or redeveloped, where said construction will add at least twenty-five (25) percent more gross floor space, all aspects of this chapter shall be adhered to except for existing roof structures.
- **Complete Redevelopment:** Where a property is completely remodeled in a way that alters the original roof structure of the building, such as adding stories, all requirements of this chapter shall be adhered to.
- **New Construction:** All new commercial structures shall be built to the design specifications set forth in this chapter.

Aesthetic Criteria

Building Orientation

In order to support a safe and attractive pedestrian environment the primary façade and main building entry shall face the primary public right-of-way.



Scale and Massing



Downtown "Walking District Standards"

Intricate Scaling

In its simplest explanation, all structures built within the Walking District should be built for view at the pedestrian level, as pedestrians view all structures within this district from the sidewalk.



Commercial Corridors (B3)

Wide Scaling

Within the B3 Zoning District, all structures should be scaled for view from the street as they are located within the Town's transportation corridors. This means that the viewer sees the entire structure and how it interacts with its site and the surrounding area, thus elevations and site plans should reflect this wide view.

Facade Design

In order to avoid facade monotony in all commercial zoning districts, building facades shall be designed with the designated facade treatments found below. Where an architectural feature is proposed but not listed below, the Planning Board shall be consulted with to insure community design consistency:

Building Offsets, Alcoves and Niches



Permanent Awnings and Canopies



Covered Entry



Pilasters



Arbors



Timber Framing



Varied Building Materials



Window Planters



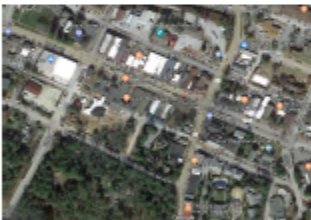
Planter Boxes



Trellises



Downtown Walking District (Choose Two)	
Architectural Feature	Facade Frequency
Building Offsets, Alcoves and Niches	Every 12'
Permanent Awnings and or Canopies	Over 75% of Doors and Windows
Covered Entry	At Main Entrance
Pilasters, Arbors and Timber Frames	Designer Discretion
Varied Building Materials	Three Materials*
Window Planters	Under Every Window*
Planter Boxes and Trellises	30% of Façade's Linear Footage*



B3 District (Choose Four)	
Architectural Feature	Facade Frequency
Building Offsets, Alcoves and Niches	Every 18'
Permanent Awnings and or Canopies	Over 75% of Doors and Windows
Covered Entry	At Main Entrance
Pilasters, Arbors and Timber Frames	Designer Discretion
Varied Building Materials	Three Materials*
Window Planters	Under Every Window*
Planter Boxes and Trellises	30% of Façade's Linear Footage*

*A maximum of three exterior materials may be used on any one facade. The ratios for variation are as follows: (60-20-20).
* Window planters within this category shall be permanently affixed to the structure. Planters shall be properly maintained.
* Planter Boxes and Trellises shall be permanently affixed to the ground or structure and shall not be built within the public right-of-way. Planters shall be properly maintained.

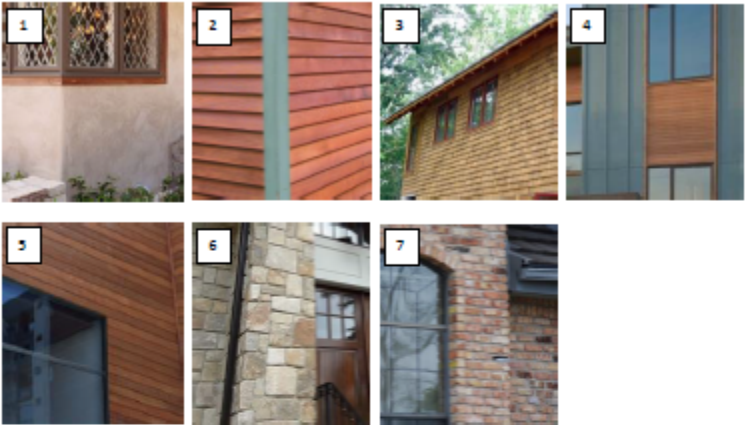
Windows and Wall Façade Percentages

Windows and doors also help to properly scale a building and avoid façade monotony. It is for this reason that the following façade percentages shall be required. All glass shall be non-reflective or may not be heavily tinted.

Linear Feet	Square Footage of Windows
18'	40 sq. ft.
50'	60 sq. ft.
100'+	100 sq. ft.

Exterior Building Materials

All exterior siding materials shall conform to the following standards



1. Stucco, float finish, smooth or coarse, machine spray, dash and troweled, pebble dash and limited to thirty percent (30%) on any one (1) facade
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) facade. Such copper shall remain unpolished and unfinished, in order to reflect a weathered, oxidized appearance.



Exterior Building Colors

All colors for commercial buildings shall conform to the official Color Chart. The official chart 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.

Roofs

As roofs are such a large part of a building's aesthetic appeal, the following roof standards shall be required:

Permitted Roof Styles



Within the Downtown Walking District, flat roofs may only be utilized if the area is to be used for habitable space such as roof-top dining. Where utilities are to be placed and a flat roof is required a parapet or some other screening style shall be utilized.

Where a shed roof is proposed, said structure may not encroach into the public right-of-way.

Within the B3 Zoning District, flat roof designs may not be used in any function.

Pitch

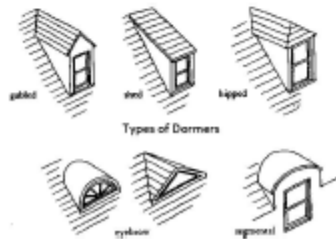
No roof constructed within the Downtown Walking District shall have a pitch lower than 7/12 unless said structure style meets the style criteria above. All roofs constructed within the B3 Zoning District shall have a minimum roof pitch of 4/12.



Roof Decoration

For larger buildings with longer right-of-way frontage, roof top decorations (shown below) shall be utilized to avoid monotony. These standards shall apply to roofs with ridges longer than 30'.

Dormers



Cupolas



Roof Lanterns



A choice of the features above shall be used for every 30' of ridge span. Chimneys are not counted as decorations.

Roof Utility Placement

Where a use requires utilities such as HVAC systems, ventilation systems and cooking hoods to be placed on the roof of a structure, said placement shall occur on the pitch of the roof that is not facing a public right-of-way. Where a building abuts right-of-way on both sides of the roof structure, all utilities must be completely screened from public view.

Note: This shall exclude the placement of solar panels, where placement is conducive to higher energy collection.



Exterior Lighting

The purpose of this section is to provide direction in controlling exterior lighting so as to enhance the areas being lit and not adversely affect motorists, pedestrians, and adjacent properties. Lighting intensities should be controlled to assure that light spillage and glare are not directed at adjacent properties, neighboring areas, motorists, or the sky. Exterior lighting shall be integrated with the architectural character of the building. Downcast, fully shielded, or cut-off

type lighting fixtures shall be used to illuminate pedestrian or traffic circulation corridors and signage.

Standards for Exterior Commercial Lighting

All exterior commercial lighting shall conform to the following standards:

1. Outdoor lighting from commercial venues shall not shine directly into the yard or windows of a residence.
2. Outdoor lighting shall be designed, located and mounted at heights no greater than twenty-seven (27) feet above grade (including a base maximum height of two (2) feet) for fully shielded, cut-off lights.
3. All parking lot and security lighting fixtures, regardless of output, shall be full cut-off fixtures.
4. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed [1.5](#) for full cut-off or fully shielded lights. The average intensity illumination for outdoor lighting shall not exceed six (6) foot-candles in intensity as measured at grade.
5. Fixtures should be placed to provide uniform distribution of light and to avoid intense lighting that produces excessive glare.
6. Light fixtures used to light building and landscaping shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, or other site features and away from adjoining properties, the sky, and the street right-of-way.
7. Lighting fixtures in scale with pedestrian activities shall provide for uniform distribution of lighting to produce minimal shadows.
8. Trees and lighting in parking areas should be coordinated. Landscape plans should show lighting and tree locations.
9. String lights in commercial zoning districts may not intentionally accent signage.
10. The maximum permitted illumination shall be measured in average maintained foot-candles from ground level in accordance with the standards in this Section and chart within. These standards are required of all exterior lighting with the exception of street lighting.

11. The quantity of fixtures to be provided shall be based upon the desired level of uniform illumination as established by the current standards of the Illuminating Engineering Society. Fixture locations should be chosen to minimize the hazards of glare.
12. The level on illumination shall be based upon the primary activity in each area to be lighted. The following standards for various activities prescribed by the Illuminating Engineering Society within, represents a number of exterior lighting uses for general reference. Foot-candle designations represent measurements for the average intensity at grade.

Illuminating Engineering Society Regulatory Chart	Foot-candles Maximum	Foot-candles Minimum
Use - Utility Lighting		
Minimum Visibility	-	0.3
Driving	1	0.3
Pedestrian Ways	1	0.3
General Landscape Areas	2	1
Use - Area Lighting		
Parking Lots	4	1
Use - Building Exteriors		
Entrances (frequent use)	6	2
Entrances (infrequent use)	1	0.3
Building Surroundings	2	1

Holiday Lighting

Holiday lighting may only be displayed between November 15 and January 15. No permit is required in order to hang lights during the permitted time.



Accent Lighting

Accent lighting may be permitted if the following standards are met:

1. Lights must meet electric and fire code
2. White or clear lights may only be used. If LED or colored lights are to be proposed, said use shall be approved by the Planning Board
3. Accent lighting may on be used in dining areas and private property walkways
4. Accent lighting may not be located on or over publicly owned property



ORDINANCE AMENDMENT

Pursuant to an affirmative vote of _5_ yeas and __0__ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the 18th day of October, 2018, 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:

Unified Development Ordinance of Highlands, NC (UDO) – Article 6. Use Regulations,
Sec. 6.2 – Use Table and Sec. 6.2.1 - Key

(EXISTING CODE LANGUAGE IN BLACK & **PROPOSED AMENDMENTS**
IN RED.)

Sec. 6.5 - Commercial Uses

Commercial Uses shall include Indoor Recreation and Entertainment, Overnight Accommodations, Retail or Wholesale Business and Restaurants, Professional Office or Studio and Industrial Businesses. Commercial shall be permitted in accordance with Sec. 6.2, Use Table, **adherence to the Community Design Standards, and** be subject to the following standards.

6.5.1 Commercial Building Exterior Materials

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

- A. A maximum of three (3) of the following materials can be used on any facade of a commercial building. Approved materials include:
 1. Stucco, float finish, smooth or coarse, machine spray, **pebble** dash and troweled, and limited to thirty percent (30%) on any one (1) facade;
 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) facade. Such copper shall remain unpolished and unfinished, in order to reflect a weathered, oxidized appearance.
- B. 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.



ORDINANCE AMENDMENT

Pursuant to an affirmative vote of 5 yeas and 0 nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the 18th day of October, 2018, 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:

Unified Development Ordinance of Highlands, NC (UDO) – Article 6. Use Regulations,
Sec. 6.2 – Use Table and Sec. 6.2.1 - Key

(EXISTING CODE LANGUAGE IN BLACK & **PROPOSED AMENDMENTS**
IN RED.)

Sec. 6.2 - Use Table

6.2.1 Key

A. *Types of Uses*

1. *Permitted (P).* A "P" in the Use Tables indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable requirements of this Ordinance.
2. *Special (S).* An "S" in the Use Tables indicates that a use is allowed only by a Special Use Permit, provided that the use meets the additional requirements imposed by the reference sections in the "Notes" column of the table. Such uses are subject to all other applicable requirements of this Ordinance.
3. *Limited (L).* An "L" indicates that a use shall be permitted by right, provided that the use meets the additional requirements imposed by the referenced sections in the "Notes" column of the table. Such uses are subject to all other applicable requirements of this Ordinance.
4. *Not Allowed (~~Blank Cell~~**X**).* An **"X"** ~~blank~~ cell in the Use Table indicates that a use is not allowed in the respective district.

6.2.2 Use Table

KEY: "P" = PERMITTED "S" = SPECIAL "L" = LIMITED BLANK CELL "X" = NOT ALLOWED		RESIDENTIAL			NONRESIDENTIAL					
USE CATEGORY	SPECIFIC USE	R-1	R-2	R-3	B-1	B-2	B-3	B-4	GI	NOTES:
RESIDENTIAL USES										
HOUSEHOLD LIVING	Single-family dwellings detached	P	P	P	P	P	P	P	X	Sec. 6.3.1.A
	Modular homes	P	P	P	P	P	P	P	X	Sec. 6.3.1.B
	Manufactured homes	X	L	L	X	X	X	X	X	Sec. 6.3.1.C
	Multi-family dwellings	X	X	S	X	X	X	X	X	Sec. 6.3.2
ACCESSORY USES	Customary accessory outbuildings	L	L	L	L	L	L	L	X	Sec. 6.3.3.A
	Storage outbuildings on vacant lots	L	X	X	X	X	X	X	X	Sec. 6.3.3.B
	Fences	L	L	L	L	L	L	L	L	Sec. 6.3.3.C
	Exterior residential security & area lighting	L	L	L	L	L	L	L	L	Sec. 6.3.3.D
	Camping trailer, motor home, or similar recreational vehicle	L	L	L	X	X	X	X	X	Sec. 6.3.3.E
	Customary incidental home occupations	X	L	L	X	L	L	L	X	Sec. 6.3.3.F
PUBLIC AND CIVIC USES										
OUTDOOR RECREATION/ ENTERTAINMENT	Parks and playgrounds	P	P	X	P	P	P	P	P	Sec. 6.4.1
	Golf and tennis clubs	P	P	X	X	X	X	X	X	Sec. 6.4.2
PLACES OF WORSHIP	Churches and other places of public worship	S	S	S	S	S	S	S	S	Sec. 6.4.3
EDUCATIONAL, RESEARCH AND NONPROFIT FACILITIES	All state-owned research and education-related institutions including new construction and	X	S	X	X	X	X	X	S	Sec. 6.4.4.A

	additions to existing buildings									
	Private schools	X	S	X	X	S	S	X	S	Sec. 6.4.4.B
	Day care centers	X	X	X	X	S	S	X	S	Sec. 6.4.4.C
	Public schools	X	X	X	X	X	X	X	P	Sec. 6.4.4.D
	Nonprofit visual art centers	X	X	X	X	X	X	X	S	Sec. 6.4.5
	Libraries and museums	X	X	X	P	P	P	P	X	Sec. 6.5.11
GOVERNMENT BULDINGS	Government buildings of any kind	X	X	X	X	P	P	X	P	Sec. 6.4.6
COMMERCIAL										
ACCESSORY USES	Fences	L	L	L	L	L	L	L	L	Sec. 6.5.2
	Exterior commercial lighting	L	L	L	L	L	L	L	L	Sec. 6.5.3
	Outdoor display of merchandise	X	X	X	L	L	L	L	X	Sec. 6.5.4
	Incidental apartments	X	X	X	L	L	L	L	X	Sec. 6.5.5
INDOOR RECREATION/ ENTERTAINMENT	Indoor theaters, dance halls, skating rinks, bowling alleys and similar activities	X	X	X	S	S	S	X	X	Sec. 6.5.6
	Private social clubs	X	X	X	S	S	S	X	X	Sec. 6.5.7
	Adult establishments	X	X	X	S	X	X	X	X	Sec. 6.5.8
OVERNIGHT ACCOMMODATIONS	Hotels and motels	X	X	X	X	S	S	X	X	Sec. 6.5.9
	Tourist homes (bed and breakfast)	X	S	X	X	S	S	S	X	Sec. 6.5.10
RETAIL, SERVICE OR WHOLESALE BUSINESSES	Art galleries, bakeries, clothing stores, delicatessens, flower shops, and other small gift or novelty shops	X	X	X	P	P	P	P	X	Sec. 6.5.11
	Auction houses, drug stores, garden supply centers, and hardware stores	X	X	X	P	P	P	X	X	Sec. 6.5.11

	Pet shop provided they have no outdoor facilities	X	X	X	P	P	P	X	X	Sec. 6.5.11
	Veterinaries, kennels, or animal shelters provided they have no outdoor facilities	X	X	X	X	X	P	X	X	Sec. 6.5.11
	Banks and similar financial institutions, barber shops, and beauty shops, libraries, and museums. Only banks are allowed drive-thru windows and access lanes	X	X	X	P	P	P	P	X	Sec. 6.5.11
	Laundry and dry cleaning establishments, newspaper offices, repair shops, and small woodworking, cabinet, or similar shops having motor-driven tools	X	X	X	P	P	P	X	X	Sec. 6.5.11
	All new commercial construction, additions to existing commercial buildings, and remodeling of existing commercial buildings which would result in an increase in the number of business occupants in the buildings				S	S	S	S		Sec. 6.5
	Arts and crafts fairs, flea markets, and other similar transient retail businesses	X	X	X	X	S	S	X	P	Sec. 6.5.11
	Supermarkets	X	X	X	P	P	P	P	X	Sec. 6.5.11
	Automotive and heavy machinery sales and service centers or stations	X	X	X	X	X	S	X	X	Sec. 6.5.11
	Service or fuel stations	X	X	X	X	X	S	X	X	Sec. 6.5.11

	Brewpubs	X	X	X	P	S	S	X	X	Sec. 6.5.11.A
	Microbreweries	X	X	X	X	X	S	X	X	Sec. 6.5.11.A
RESTAURANTS	Restaurants without Outdoor Seating	X	X	X	P	S	S	X	X	Sec. 6.5.12
	Restaurants with Outdoor Seating	X	X	X	S	S	S	X	X	
PROFESSIONAL OFFICES	Any professional office or studio	X	X	X	P	P	P	P	X	Sec. 6.5.13
	Self-service storage facilities	X	X	X	X	X	S	X	X	Sec. 6.5.14
INDUSTRIAL	Outdoor storage yards containing materials for sale for businesses such as building supply centers, lumber yards, nurseries and hardware stores	X	X	X	X	L	L	X	X	Sec. 6.5.15
	Flammable liquid, toxic or hazardous materials storage facilities	X	X	X	X	X	S	X	X	Sec. 6.5.16
ELECTRONIC GAMING OPERATIONS	Includes internet sweepstakes, internet sweepstakes cafe, video sweepstakes, or cyber cafes, which have a finite pool of winners	X	X	X	S	S	S	S	S	Sec. 6.5.17
WIRELESS COMMUNICATION FACILIITES										
	Wireless Communication Facilities	S	S	S	S	S	S	S	S	Sec. 6.6

(Amend. of 8-18-16(3))



ORDINANCE AMENDMENT

Pursuant to an affirmative vote of 5 yeas and 0 nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the 18th day of October, 2018, 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:

Unified Development Ordinance of Highlands, NC (UDO) – Article 4. Applications and Permits, Sec. 4.7.3 Additional Requirements in Commercial Zoning Districts

(EXISTING CODE LANGUAGE IN BLACK & PROPOSED AMENDMENTS
IN RED.)

4.7.3 Additional Requirements in Commercial Zoning Districts

In addition to the foregoing, the following provisions shall apply to issuance of a Zoning Certificate in any commercial or other nonresidential zoning district.

A. *Development Activity*

1. No person shall commence or proceed with any grading, excavating, or underbrushing whatsoever for a building project in any commercial zoning district prior to the issuance of a Zoning Certificate. See also Sec. 4.14, Land-Disturbing Activity Permits.
2. Pursuant to an act of the General Assembly of North Carolina, Chapter 828, House Bill 1469 (1986), no person shall remove, destroy, or severely damage, so as to cause to die, any large or medium tree eight (8) inches or more in diameter in connection with a building project in any commercial zoning district prior to the issuance of a Zoning Certificate. See also Sec. 4.12, Tree Removal Permits, and Sec. 4.14, Land-Disturbing Activity Permits.

- B. ~~*Change in Color or Material of Building.* No person shall commence or proceed with the change or replacement of color or exterior material on any existing commercial building, as defined herein, prior to the issuance of a Zoning Certificate. Application for a Zoning Certificate shall be filed with the Planning and Development Director, and the required information shall include a sample of the proposed color or colors for the building and/or a description of the proposed material. The Planning and Development Director shall issue a Zoning Certificate if the change in color and/or exterior material generally conforms to the official Color Chart. Approved colors and materials need not match specific colors and materials in the chart, but the given shades or types shall fall within the parameters defined by the chart as determined by the Planning and Development Director.~~ All new commercial construction, additions to existing commercial buildings, and remodeling of existing commercial buildings which would result in an increase in the number of business occupants in the buildings shall meet all zoning, parking and community

appearance standards before being granted a zoning permit. If said standards are met, all “P” permitted uses shall be allowed by right. There shall be no variances granted for parking or community appearance standards.

- C. Application for a Zoning Certificate in a Commercial Zoning District shall include a Landscape and Buffer Plan per the requirements of Sec. 4.13, Landscape Plan Permits.

9. Request for Public Hearing for Rezoning TRI Real Estate NC, LLC (Old Edwards Inn) – North Fourth Street

Town Manager Josh Ward stated that TRI Real Estate NC, LLC (Old Edwards Inn) has submitted a subdivision request for a property they own located on North Fourth Street, PIN # 7540339485. The property is located across from the Community Building. Currently, the property is split zoned. The front portion of the property is zoned B-4 Commercial and the rear portion of the property is zoned R-2 Residential. In order to be consistent with the Land Use Plan and the proposed residential development, the request is to amend the zoning map to reflect the entire parcel as R-2 Residential. The subdivision application and zoning map amendment request will be on the Planning Board agenda this month for their recommendation. The proposals will then be included on the Town Board agenda in November.

Commissioner Patterson made a motion to schedule a Public Hearing for the regular meeting of this Board on November 15th at 7:00pm, for the rezoning of Parcel No. 7540339485 from split B-4 Commercial and R2 Residential to all R2 Residential, which was seconded by Mayor Pro Tempore Pierson, and the vote was unanimous.

10. NC Capital Management Trust Investment Options

Finance Director Rebecca Shuler stated several months ago staff began looking into investment alternatives that would allow us to gain better interest rates with municipal funds that have been in Money Market accounts with PNC for some time. Upon that research we found different options with different banks that included money markets and CDs and options with the North Carolina Capital Management Trust.

Upon further contact with the various banks and the trust, staff decided investments would be best placed in the trust. Gary Porter with the NC Capital Management Trust came to the September regularly scheduled board meeting and presented to the board. After consultation with the Finance Committee and discussing being as diligent with taxpayers money as possible, staff is recommending the following accounts with their current balances at the time of the transfer be moved from PNC to the NC Capital Management Trust:

PNC Accounts

Town of Highlands Electric Reserve ~ Balance \$3,987,550.01 as of 10.15.18
Town of Highlands General Fund ~ Balance \$3,790,709.51 as of 10.15.18
Town of Highlands Scholarship Endowment Fund ~ Balance \$761,213.57 as of 10.15.18
Sewer Extension ~ Balance \$659,582.75 as of 10.15.18
Cemetery Perpetual Care Fund ~ Balance \$228,638.66 as of 10.15.18

Entegra Account

Highlands Fire & Rescue ~ Balance \$201,937.56 as of 10.15.18

Shuler stated staff would also like to request permission to develop and request an RFP for banking services and to bring those back to the board in the next couple of months for review and approval.

Commissioner Calloway made a motion to approve the transfer of the accounts, which was seconded by Mayor Pro Tempore Pierson and the vote was unanimous.

11. Surplus of Equipment:

- 2005 New Holland Tractor
- 2004 Sky Jack Scissor Lift

Finance Director Rebecca Shuler stated that the Highlands Parks & Recreation Dept. purchased a new Scissor Lift and would like to dispose of the old one. The Street Dept. is purchasing a new long arm mower and would like to trade in the old one on the new purchase.

Commissioner Patterson made a motion to approve the surplus of equipment, which was seconded by Commissioner Dotson and the vote was unanimous.

12. Financial Matters: Budget Amendments

Finance Director Rebecca Shuler stated back in June the Town signed a Professional Work Contract with WideOpen Network Inc. The contract total for the Scope of Work and the RFP/Bid Process was \$344,515.70. WideOpen had thought they would be 60% finished by June 30th, therefore we only budgeted the remaining 40% in the 18/19 fiscal year. Since that was not the case, we need to reallocate the amount that was remaining in the 17/18 fiscal year into this year to be able to finish paying the contract. The Budget Amendment is for the remaining amount of the contract to be paid out upon completion along with the RFP/Bid Process.

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

October 15, 2018

FROM: General Fund



DEPARTMENT: MIS/GIS ~ Fiber
EXPLANATION: Fiber Scope of Work & RFP/Bid Process

Account	Description	Increase/Decrease	Debit	Credit
1. 10-3100-0910	Fund Balance Appropriated ~ General Fund	Increase		\$192,000.00
10-4310-0410	Professional Services ~ Engineering	Increase	\$192,000.00	
		Subtotals	\$192,000.00	\$192,000.00
		Totals	\$192,000.00	\$192,000.00

Approved by Town Manager _____

Action by Town Board _____

Approved and Entered on Minutes Dated _____

Finance Director _____

Commissioner Patterson made a motion to approve the Budget Amendments, which was seconded by Commissioner Calloway and the vote was unanimous.

13. Main Street Tree Planter Discussion

Mayor Pro Tempore Pierson stated as a continuation of the Special Meeting and after discussion we came up with two options not taking away parking, but adding tree planters to soften up Main Street and suggested doing it from 5th Street to 3rd Street. If we use our crews to build the planters it would average about \$2,100 to \$2,200 per planter using the granite curb and gutter and mature high canopy trees.

After discussion of pros and cons Commissioner Calloway expressed his opposition to the idea. Commissioner Stiehler suggested to go to the NC DOT to see what they would

work with and then discuss. Commissioner Dotson agreed with Commissioner Stiehler to go with worst case scenario to the NC DOT and give more time to think about the ideas. Mayor Pro Tempore to discuss with Public Works Director and Town Engineer Lamar Nix.

14. Bear Proof Trash Receptacle Discussion

Mayor Pro Tempore Pierson gave an example of proposed animal resistant cans, which were 40 gallon containers, accessed from side and could have the Town Logo or as Ms. Dawson suggested perhaps we could have local artist paint them. The cost is \$1,300 per can and there are about 40 cans on Main Street. Mayor Pro Tempore Pierson stated the receptacles are 230 pounds of steel and are bolted down.

Commissioner Dotson stated his only concern is people not wanting to touch the lids.

Mayor Taylor suggested to continue researching and come back with ideas.

15. Closed Session: Pursuant to NCGS §318.11(a)(6) Personnel Matters

Mayor Pro Tempore Pierson made a motion to go into Closed Session pursuant to NCGS §318.11(a)(6) to discuss personnel matters at 8:45pm, which was seconded by Commissioner Dotson and the vote was unanimous.

Once discussion was held, Commissioner Calloway made a motion to go back into open session at 9:05pm, which was seconded by Commissioner Stiehler and the vote was unanimous.

Commissioner Calloway made a motion to create a new position of Code Enforcement Officer through the Police Department and to move forward to change the description and salary range for the Planning & Development Director, which was seconded by Commissioner Stiehler and the vote was unanimous.

16. Adjournment

As there were no further matters to come before the Board of Commissioners, Commissioner Patterson moved to adjourn which was seconded by Commissioner Calloway and upon a unanimous vote, the Town Board adjourned at 9:10pm.

Patrick Taylor
Mayor

Gilberta B. Shaheen
Town Clerk