

Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of June 20, 2019, at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina

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

Also Present: Town Manager Josh Ward, Town Attorney Jay Coward, Finance Director Rebecca Shuler, Public Works Director Lamar Nix, Police Chief Bill Harrell, Officer John Cherry, Parks & Recreation Director Lester Norris, Assistant Planning & Development Director Michael Mathis, Computer Support Specialist Mark Hall, Summer Intern Olivia Stewman and Town Clerk Gibby Shaheen

1. Meeting Called to Order

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

2. Public Comment Period

Steve Mehder of the Highlands Motoring Festival thanked the Town, Recreation Department and the Police Department with a successful festival, even with the rain they were close to what they made last year.

Alice Nelson expressed items of concern regarding paving on Horse Cove Road in the curve, reducing the speed limit on Bowery from 20mph to 15mph, being unable to handle the larger toters and the Mayor's article about Cashiers/Highlands Greenway.

3. Adjust and Approve the Agenda

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

4. Approval of the March 28th, 2019, Special Meeting Minutes

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE MARCH 28TH, 2019, SPECIAL MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER PIERSON AND THE VOTE WAS UNANIMOUS.

Approval of the April 11th, 2019, Special Meeting Minutes

COMMISSIONER PATTERSON A MOTION TO APPROVE THE APRIL 11TH, 2019, SPECIAL MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER PIERSON AND THE VOTE WAS UNANIMOUS.

Approval of the May 2nd, 2019, Special Meeting Minutes

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE MAY 2ND, 2019, SPECIAL MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE STIEHLER AND THE VOTE WAS UNANIMOUS.

Approval of the May 9th, 2019, Special Meeting Minutes

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE MAY 9TH, 2019, SPECIAL MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE STIEHLER AND THE VOTE WAS UNANIMOUS.

Approval of the May 16th, 2019, Regular Meeting Minutes

Finance Director Rebecca Shuler asked for item number 10 to be revised to be more specific to the contract amount to read "MIS/GIS Director Matt Shuler discussed the Contract for the Fiber Project Administration with WideOpen Networks. The Contract is for \$139,735.00. After a very brief discussion, Finance Director Rebecca Shuler stated there may be a budget amendment for the difference between the original bid price and the Make Ready cost with Service Electric of approximately \$70,000 to cover these costs if they occur this fiscal year.

Commissioner Pierson made a motion to approve the Contract with WideOpen Networks at \$139,735.00 as presented, which was seconded by Commissioner Dotson and the vote was unanimous.”

COMMISSIONER PATTERSON MADE A MOTION TO APPROVE THE MAY 16TH, 2019, REGULAR MEETING MINUTES AS AMENDED, WHICH WAS SECONDED BY COMMISSIONER PIERSON AND THE VOTE WAS UNANIMOUS.

Approval of the June 11, 2019, Special Meeting Minutes

COMMISSIONER PIERSON MADE A MOTION TO APPROVE THE JUNE 11TH, 2019, SPECIAL MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE STIEHLER AND THE VOTE WAS UNANIMOUS.

5. Reports

A. Mayor

Mayor Taylor reported he had met with Sam Lupas, Gary Wein and Hillrie Quinn about an informal proposed Greenway between the two communities of Highlands and Cashiers.

Mayor Taylor stated the Blue Zone meeting held on June 10th, 2019 had around 200 participants with the hopes of a Blue Zone Region being created.

Mayor Taylor stated a possible meeting with NC DOT Traffic Engineer in July to discuss installation of radar signals and rule changed on the Gorge Road.

Mayor Taylor announced filing for Municipal Election at the Macon County Board of Elections opens at noon on Friday, July 5th through noon Friday, July 19th.

Mayor Taylor congratulated Chamber Director Bob Kieltyka for 12 years of service and wished him well with his retirement.

B. Commissioners and Committee Reports

There were no commissioner or committee reports.

Commissioner Stiehler requested a letter be sent out to applicants when they are not appointed for a current board opening.

C. Town Manager

Town Manager Ward recognized Olivia Stewman as the summer intern, studying Political Science at Appalachian State University. Town Manager Josh Ward welcomed Assistant Planning Director Michael Mathis, at his first Town Board meeting.

Town Manager Josh Ward updated on the water tank and completion of the tank itself will be in a couple of weeks and construction of the station will begin in August and should be complete by early September.

6. Consent Agenda

Public Works Department

Police Department

Parks & Recreation Department

Planning & Development Department

Treasurer's Report

NC DWI Asset Inventory & Assessment Grant Resolution



**Resolution Accepting Grant for Asset
Inventory and Assessment of Water System
Resolution No. 2019-05-Res**

WHEREAS, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist eligible units of government with meeting their water infrastructure needs; and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$150,000 to perform asset inventory and assessment work; and

WHEREAS, the Town of Highlands intends to perform said project in accordance with the agreed scope of work.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Highlands

That the Town of Highlands does hereby accept the State Reserve Grant offer of \$150,000; and

That the Town of Highlands does hereby give assurances to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to; and

That Joshua P. Ward, Town Manager, 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 by the Division of Water Infrastructure.

Upon motion duly made and seconded, the Resolution was unanimously adopted by the Board of Commissioners at a regularly scheduled meeting held on the 20th day of June, 2019, in the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.

This the 20th day of June, 2019.

Patrick L. Taylor, Mayor

ATTEST:

Gilberta B. Shaheen, Town Clerk

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

7. Public Hearing: Presentation of FY 2018-19 Budget

A. Open Public Hearing

Commissioner Pierson made a motion to open the public hearing on the FY 2019-20 budget at 7:20pm, which was seconded by Mayor Pro Tempore Stiehler and the vote was unanimous.

B. Staff Comments/Recommendation

Town Manager Josh Ward stated the FY 2019-20 Budget presented the following Budget Message Amendments:

**TOWN OF HIGHLANDS
FY 2019-20 BUDGET MESSAGE
AMENDMENTS**

June 20th, 2019

Statement of Revenue Neutral Tax Rate

North Carolina General Statute 159-11(e) requires each government unit to publish with the budget a statement of revenue neutral property tax rate after each year in which a general reappraisal of real property is conducted. The revenue neutral property tax rate is the rate that is estimated to produce revenue for the next fiscal year equal to the revenue that would have been produced for the next fiscal year by the current tax rate if no reappraisal had occurred.

The Town of Highlands current tax rate is \$.164 per \$100 of valuation. The FY 2018-19 values are \$1,751,705,507. The new values for FY 2019-20 are \$1,835,989,323, an \$84,283,816 increase. In order to determine the revenue neutral tax rate, G.S. 159-11(e) provides that a growth factor be used in calculating the rate based upon the average increase in the tax base, "*due to improvements since the last general reappraisal.*" Since the Town of Highlands growth rate is calculated at .04% average, the revenue neutral tax rate is \$.1565 per \$100 of valuation.

The budget was presented using the revenue neutral tax rate, therefore, the recommendation is approval of the budget with the tax rate of \$.1565 per \$100 of valuation.

Water Rate Increase

The budget was presented in May with a water rate increase of \$2.00 to the base rate for 2,500 gallons used. During the weeks since the budget was presented, the finance committee reviewed several options for increasing the water usage above the 2,500 gallon base, to determine if the rates could be better balanced. After finance director, Rebecca Shuler, conducted numerous combinations and analyzed the revenues for each, the finance committee made their selection.

The recommendation is to increase, effective July 1, 2019, for inside city limits customers, the base rate \$1.00 from \$35.00 to \$36.00, but increase the base usage from 2,500 gallons to 5,000 gallons. As for the water usage over 5,000 gallons, the rate would increase \$2.50 from \$5.00 to \$7.50 for every 1,000 gallons used.

The rates for outside city limits will remain double the inside city limit rates.

The sewer rates automatically increase, according to the Town of Highlands Fee Schedule, to remain at 100% of the water rates inside the city limits.

The proposal would provide the revenue needed to balance the water department operational budget for several years.

Sincerely,

Joshua P. Ward
Town Manager
Town of Highlands

**TOWN OF HIGHLANDS
BUDGET ORDINANCE
FISCAL YEAR 2019 - 2020
JULY 1, 2019 THRU JUNE 30, 2020**

BE IT ORDAINED by the Board of Commissioners of the Town of Highlands, North Carolina, assembled this 20th day of June 2019, that the following fund revenues and department and/or fund expenditures be adopted:

SECTION I. TOTAL REVENUES

General Fund	\$ 10,219,358.00
GF Capital Projects Fund	\$ 4,540,000.00
Scholarship Fund	\$ 60,000.00
Fire & Rescue Special Revenue Fund	\$ 1,089,864.00
Cemetery Fund	\$ 60,000.00
Water Enterprise Fund	\$ 1,952,630.00
Sewer Enterprise Fund	\$ 853,462.00
Capital Projects Fund	\$ 1,372,350.00
Sanitation Enterprise Fund	\$ 886,150.00
Electric Enterprise Fund	\$ 7,626,670.00
Total Revenues	\$ 28,660,484.00

SECTION II. TOTAL EXPENDITURES

General Fund	\$ 10,219,358.00
GF Capital Projects Fund	\$ 4,540,000.00
Scholarship Fund	\$ 60,000.00
Fire & Rescue Special Revenue Fund	\$ 1,089,864.00
Cemetery Fund	\$ 60,000.00
Water Enterprise Fund	\$ 1,952,630.00
Sewer Enterprise Fund	\$ 853,462.00
Capital Projects Fund	\$ 1,372,350.00
Sanitation Enterprise Fund	\$ 886,150.00
Electric Enterprise Fund	\$ 7,626,670.00
Total Expenditures	\$ 28,660,484.00

SECTION III. TAX RATES ESTABLISHED

An Ad Valorem tax rate of \$.1565 per \$100 valuation is hereby established for General Fund purposes for the Town of Highlands for FY2019-20, which includes \$.015 earmarked for Recreation Capital Projects. This rate is based on an approximate valuation of \$1,835,989,323.00 and an estimated collection rate of 98%.

A Fire tax rate of .03 per \$100.00 valuation is hereby established for the Highlands Volunteer Fire Department.

SECTION IV. BUDGET ORDINANCE

This ordinance shall be the basis of the financial plan for the Town of Highlands during the fiscal year 2019-20. The approved annual budget for all funds, which shows line item detail, will be used for tracking revenue and expenditures.

ATTEST:

APPROVED:

Joshua P. Ward, Town Manager

Patrick Taylor, Mayor

C. Public Comments

There were no comments.

D. Close Public Hearing

Commissioner Pierson made a motion to close the public hearing for the FY 2019-20 budget at 7:25pm, which was seconded by Commissioner Dotson and the vote was unanimous.

E. Council Action

COMMISSIONER CALLOWAY MOVED TO APPROVE THE FY 2019-20 BUDGET AS PRESENTED WITH THE AMENDED BUDGET ORDINANCE, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

Mayor Taylor commended Finance Director Rebecca Shuler and Town Manager Josh Ward for their work with the budget and appreciation for their diligence in getting the revenue neutral tax rate. Commissioner Dotson seconded the Mayor's comments and thanked Shuler and Ward for going above and beyond and most highly commended for the work.

Commissioner Calloway thanked the Finance Committee for their work.

8. Public Hearing: Amendments to Articles 4, 6 & 8 of the Unified Development Ordinance Pertaining to Fences and Walls and Habitable Stories in Nonresidential Districts

A. Open Public Hearing

Commissioner Calloway made a motion to open the public hearing on the revisions to the Unified Development Ordinance at 7:30pm, which was seconded by Mayor Pro Tempore Stiehler and the vote was unanimous.

B. Staff Comments/Recommendation

Town Manager Josh Ward presented the following regarding Amendments to Articles 4, 6 & 8 of the Unified Development Ordinance Pertaining to Fences and Walls and Habitable Stories in Nonresidential Districts:

Over the last several months, the Planning Board and Land Use Committee have been reviewing the Unified Development Ordinance requirements for fences and walls, as well as, habitable stories within nonresidential districts.

The amendments pertaining to fences and walls were necessary to clarify what the requirements were and include requirements to the side and rear property lines of each lot within commercial and residential zoning districts.

The amendments pertaining to habitable stories were reviewed to create consistency between the requirements within residential zoning districts and nonresidential zoning districts.

At the Town Board meeting in May, the addition of the word "Public" in front of Recreation Facilities was questioned. The word remains within the proposal, but can be changed within the motion to approve the amendments.

The recommendation is to approve the amendments and the statement of consistency with the land use plan as presented or with the change removing the word "Public" from Recreation Facilities (tennis courts, etc.) under Section 6.3.3(C)(4)(B) & 6.5.2(4)(B).

The Planning Board recommended approval of the amendments at their April 22nd meeting.



ORDINANCE AMENDMENT

Pursuant to an affirmative vote of ___ yeas and ___ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the 20th day of June, 2019, 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 Zoning Certification,
4.7.4 Construction or Reconstruction of Fences

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

ARTICLE 4 – Applications and Permits

Sec. 4.7 Zoning Certification

4.7.4 Construction or Reconstruction of *Fences or Walls*

No person shall commence with the construction of a *fence or wall* on any property without the issuance of a Zoning Certificate. Application for a Zoning Certificate shall be filed with the Planning and Development Director, and the information shall include a site plan indicating the proper setbacks, as well as a rendering of the proposed *fence or wall* design, including the height of the *fence or wall*. See Sec. 6.3.3 Residential Accessory Uses and Structures (C) Fences and Walls and Sec. 6.5.2 Fences and Walls.



ORDINANCE AMENDMENT

Pursuant to an affirmative vote of ___ yeas and ___ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the 20th day of June, 2019, 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. 6.3 Residential Uses, 6.3.3 Residential Accessory Uses
and Structures

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

6.3.3 Residential Accessory Uses and Structures

Residential Accessory Uses and Structures in the Town shall be permitted in accordance with Sec. 6.2, Use Table, and Article 4 Applications and Permits, subject to the following standards:

- A. *Customary Accessory Outbuildings.* Appurtenant to single-family dwellings such as private garages, noncommercial buildings such as greenhouses and workshops.
- B. *Storage Outbuildings on Vacant Lots.* Storage outbuildings of tractors, lawnmowers, and similar equipment for the care or cultivation of property may be constructed on vacant lots subject to issuance of a Zoning Certificate.
- C. *Fences and Walls*
 1. Fences or walls shall be permitted ~~no greater than eight (8) feet in height~~ adjacent to the side and rear property lines. Fences or walls are permitted behind the ~~front~~ building setback line from a road right-of-way or road centerline, as defined by this Ordinance. All fences shall meet the following standards:
 - a. 6 feet height maximum for fences or walls.
 - b. Acceptable building materials include wood, coated chain link in dark green, dark brown or black, ornamental iron, aluminum, brick or stone.
 - c. Unacceptable and prohibited materials include, but not limited to, uncoated chain link, coated chain link in a color not listed within the acceptable materials list above, plywood, particle board, plastic mesh, chicken wire, barbed wire, non-veneered concrete blocks, or sheet metal.
 - d. Exposed framing for a single-sided fence must face the interior of the property.
 - e. Any fence constructed, other than the coated chain link mentioned above, shall be stained or painted with a consistent earth tone color from the Town of Highlands Approved Color Chart, in order to blend in with the environment.
 2. Fences and/or walls are strongly discouraged within the ~~front~~ building setback line from a road right-of-way or road centerline. However, if fences or walls are built within the building setback line from a road right-of-way or road centerline, the following standards shall apply:
 - a. ~~Four (4)~~ Five (5) feet height maximum for fences or walls.
 - b. A minimum setback distance of 12 feet from the travel way or the edge of pavement is required. No fence or wall shall be constructed in the right-of-way. In specific cases, due to topographical factors, the Zoning Administrator may approve a fence within the 12 foot setback, if all other requirements can be met.
 - c. Acceptable building materials include wood, coated chain link in dark green, dark brown or black, ornamental iron, aluminum, brick or stone.
 - d. Unacceptable and prohibited materials include, but not limited to, uncoated chain link, coated chain link in a color not listed within the acceptable materials list above, plywood, particle board, plastic mesh, chicken wire, barbed wire, non-veneered concrete blocks, or sheet metal.

- e. Fences or walls may not block the required sight triangle at intersections.
 - f. Exposed framing for a single-sided fence must face the interior of the property.
 - g. ~~Landscaping (vegetative screening) shall be required on the street side of any front yard fence or wall.~~ **Coated chain link and solid wooden privacy fences shall include a vegetative screen of a minimum of 4 feet in height.**
 - h. Any fence constructed shall be stained or painted with a **consistent earth tone** color ~~from~~ **on** the Town of Highlands Approved Color Chart, **in order to blend in with the environment.**
3. ~~Permit (Zoning Certificate—See Section 4.7 Zoning Certificate and Section 4.7.4 Construction or Reconstruction of Fences) Required. Prior to the construction of any fence or wall in a front yard or along a street side yard, an application for a zoning certificate, including a site plan, shall be submitted to the Town for staff review. Upon approval, a zoning certificate will be issued. *Note: In specific cases, due to topographical factors, the Zoning Administrator may approve a fence within the twelve-foot setback, if all other requirements can be met.~~
4. ~~Maintenance.~~ All fences and walls ~~and other visual physical improvements~~ shall be maintained in a safe condition, free of graffiti, and in good appearance. **Replacement of existing fences must meet the requirement of this Ordinance.**
- ~~4.5. Exemptions:~~
- a. Retaining walls;
 - b. **Public** Recreation Facilities (tennis courts, etc.);



ORDINANCE AMENDMENT

Pursuant to an affirmative vote of ___ yeas and ___ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the 20th day of June, 2019, 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. 6.5 Commercial Uses, 6.5.2 Fences and Walls

(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, **and Article 4 Applications and Permits**, 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, 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.

6.5.2 Fences and Walls

1. Fences or walls shall be ~~no greater than eight (8) feet in height~~ **permitted adjacent to the side and rear property lines. Fences or walls are permitted behind the front building setback line from a road right-of-way or road centerline, as defined by this Ordinance. All fences shall meet the following standards:**
 - a. 6 feet height maximum for fences or walls.
 - b. Acceptable building materials include wood, coated chain link in dark green, dark brown or black, ornamental iron, aluminum, brick or stone.
 - c. Unacceptable and prohibited materials include, but not limited to, uncoated chain link, coated chain link in a color not listed within the acceptable materials list above, plywood, particle board, plastic mesh, chicken wire, barbed wire, non-veneered concrete blocks, or sheet metal.
 - d. Exposed framing for a single-sided fence must face the interior of the property.
 - e. Any fence constructed, other than the coated chain link mentioned above, shall be stained or painted with a consistent earth tone color from the Town of Highlands Approved Color Chart, in order to blend in with the environment.
2. Fences and/or walls are strongly discouraged within the front building setback line. However, if fences or walls are built within the building setback line, the following standards shall apply:
 - a. ~~Four (4)~~ **Five (5)** feet height maximum for fences or walls.
 - b. A minimum setback distance of twelve (12) feet from the travel way or the edge of pavement is required. No fence or wall shall be constructed in the right-of-way. **In specific cases, due to topographical factors, the Zoning Administrator may approve a fence within the 12 foot setback, if all other requirements can be met.**

- c. Acceptable building materials include wood, **coated chain link in dark green, dark brown or black**, ornamental iron, aluminum, brick or stone.
 - d. Unacceptable and prohibited materials include, **but not limited to, uncoated chain-link, coated chain link in a color not listed within the acceptable materials list above**, plywood, particle board, plastic mesh, chicken wire, barbed wire, non-veneered concrete blocks, or sheet metal.
 - e. Fences or walls may not block the required sight triangle at intersections.
 - f. Exposed framing for a single-sided fence must face the interior of the property.
 - g. ~~Landscaping (vegetative screening) shall be required on the street side of any front yard fence or wall.~~ **Coated chain link and solid wooden privacy fences shall include a vegetative screen of a minimum of 4 feet in height.**
 - h. Any fence constructed shall be stained or painted with a **consistent earth tone color from on the Town of Highlands Approved Color Chart, in order to blend in with the environment.**
3. ~~Permit (Zoning Certificate—See Section 4.7 Zoning Certificate and Section 4.7.4 Construction or Reconstruction of Fences) Required. Prior to the construction of any fence or wall in a front yard or along a street side yard, an application for a zoning certificate, including a site plan, shall be submitted to the Town for staff review. Upon approval, a zoning certificate will be issued. *Note: In specific cases, due to topographical factors, the Zoning Administrator may approve a fence within the twelve-foot setback, if all other requirements can be met.~~
4. ~~Maintenance. All fences and walls and other visual physical improvements shall be maintained in a safe condition, free of graffiti, and in good appearance.~~ **Replacement of existing fences must meet the requirement of this Ordinance.**
45. *Exemptions*
- a. Retaining walls;
 - b. **Public** Recreation Facilities (tennis courts, etc.).

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



ORDINANCE AMENDMENT

Pursuant to an affirmative vote of ___ yeas and ___ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the 20th day of June, 2019, 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 8. Dimensional and Density Standards, Sec. 8.1.2 Requirements and Exceptions, Sec. 8.2 Residential Development, Sec. 8.3 Nonresidential Developments, Sec. 8.3.1 Dimensional Requirements, Sec. 8.3.2 Floor Area Ratio

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

ARTICLE 8. - DIMENSIONAL AND DENSITY STANDARDS

Sec. 8.1 - General

8.1.2 Requirements and Exceptions

A. Building and Structure Setbacks

1. No part of a yard, open space, off-street parking space, or loading area required in connection with any building, structure, or use by this Ordinance shall be considered to be part of a required yard, open space, off-street parking space, or loading area for any other building, structure, or use, except for the exemption for Town of Highlands Greenway easements as listed below in Item 2.
2. Where an easement has been granted to the Town of Highlands for the purpose of extending the Highlands Greenway, the Greenway easement or the portion of the lot dedicated as part of the Greenway shall not affect required setbacks from property lines.
 - a. The request by the Town to receive an easement for the Town of Highlands Greenway will be negotiated on a project by project basis. See Sec. 10.5.2, Trails and Paths, and Sec. 12.3.4, Limited Activity Permitted Within and Adjacent to Riparian Buffers, for additional requirements for trails.
 - b. See also Sec. 8.4, Watershed Overlay District, for built upon area calculations related to Highlands Greenway easements.
3. The setback distance shall be measured horizontally from the right-of-way, road centerline, or adjoining property line to the nearest projection of the building, including any eave, dormer, deck, or other part attached thereto and any portion of the building located below grade, as illustrated by Figure 1, except measurement of distance separation required for electronic gaming operations, adult establishments, and places of adult entertainment shall be in a straight line from the closest point of the buildings in which the activities occur.

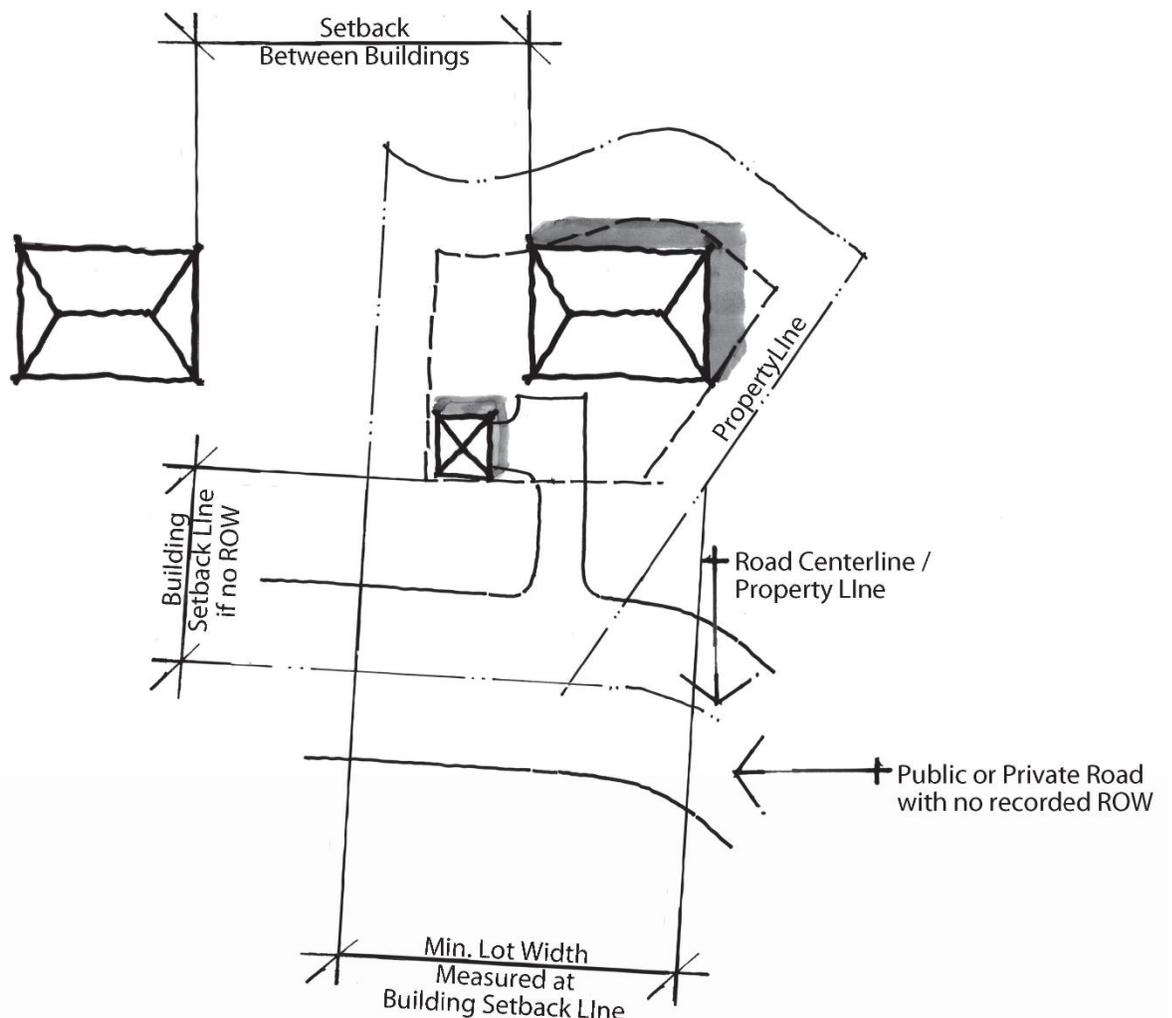


Figure 1

4. In the event a right-of-way is not defined among the public records of Macon County, North Carolina, and: a) the road is a North Carolina or U.S. primary route; or b) the road is any other public or private road, references to dedicated public right-of-way in this Article 8, Dimensional and Density Standards, shall be measured from the centerline of the existing road as defined in the tables of this Article 8. See also Sec. 13.2.1, Sign Standards Interpretations, for additional interpretations for Signs and rights-of-way.
5. Doors, windows, marquees, canopies or fixed awnings, and movable metal or canvas awnings shall be permitted to encroach on the setback area in the B-1 and B-2 Zoning Districts, as illustrated by Figure 2.

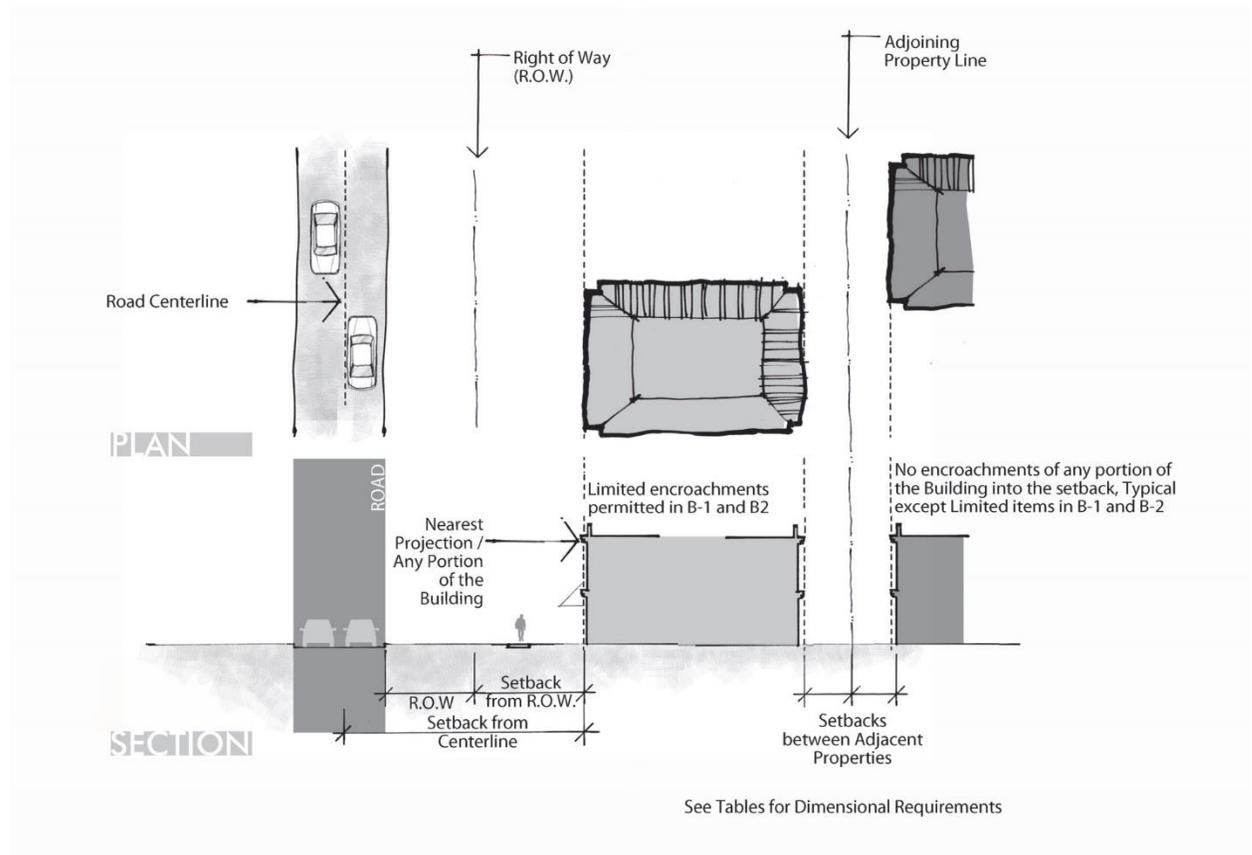


Figure 2

6. Gazebos and other publicly owned structures used for public purposes shall be allowed with a zero setback upon resolution of the Board of Commissioners of the Town of Highlands.
 7. On the site of the Town Hall property, circumscribed by Oak Street, Maple Street and Fourth Street, there shall be a zero setback from Fourth Street and Oak Street.
 8. Zero lot line setbacks in any other development are only allowed in Planned Cluster Developments with a Special Use Permit. See Sec. 8.5, Planned Cluster Development.
 9. Fences have a minimum setback distance of twelve (12) feet from the travel way or the edge of pavement. No fence or wall shall be constructed in the right-of-way. *Note: In specific cases, due to topographical factors, the Zoning Administrator may approve a fence within the twelve-foot setback, if all other requirements can be met. See Sec. 6.3 - Residential Uses, 6.3.3 Residential Accessory Uses and Structures (C) Fences and Walls and Sec. 6.5.2 Fences and Walls.
- B. *Building Height.* Building height shall not exceed the maximum height permitted, except publicly owned facilities may receive a height variance upon resolution of the Board of Commissioners of the Town.

C. *Fence Height.*

1. ~~Four (4)~~ **Five (5)** feet height maximum for fences or walls. See **Sec. 6.3.3 Residential Accessory Uses and Structures (C) Fences and Walls** and **Sec. 6.5.2 Fences and Walls.**
2. Fences or walls shall be no greater than ~~eight (8)~~ **six (6)** feet in height behind the ~~front~~ building setback line **from road right-of-way or road centerline.** See **Sec. 6.3.3 Residential Accessory Uses and Structures (C) Fences and Walls** and **Sec. 6.5.2 Fences and Walls.**

D. *Minimum Lot Size (Total Area of Parcel) and Relationship to Use.* Minimum lot sizes for parcels shall meet or exceed the minimum parcel size permitted, except:

1. A Property may be subdivided without respect to the minimum lot size required by this Ordinance for the purpose of clustering development, See Sec. 8.5, Planned Cluster Development;
2. Residential lot sizes in each district are defined per dwelling unit, whether the dwelling is single-family or multi-family; and
3. Any parcel of real property owned by a nonprofit visual art center situated within the Government-Institutional Zoning District may be used for nonprofit visual art center purposes provided the parcel size is not less than five (5) acres.

E. *Access to Lots and Relationship to Lot Size.* See also Article 9, Parking and Loading, and Sec. 10.4, Driveway Entrances, for additional requirements.

1. Access to each lot from street frontage shall be sufficient to allow safe passage; and
2. Business and industrial lots shall be of sufficient size to permit off-street service facilities and access for off-street parking for vehicles by patrons and employees, as required by this Ordinance.

F. *Minimum Lot Width and Relationship to Certain Uses.* Minimum lot widths for parcels shall meet or exceed the dimensional standards in this Ordinance, except the minimum lot width shall not apply to incidental apartments, single apartments and multi-family as permitted by Article 6, Use Regulations.

G. *Built-upon Limits and Built-upon Area.* Built-upon limits and built-upon area apply to both specific zoning districts (watershed overlay) and specific uses (multi-family and nonprofit visual art centers). For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed. See tables in Sec. 8.2, Residential Development, and Sec. 8.3, Nonresidential Development, for typical built-upon limits and see also Sec. 8.4, Watershed District Overlay, for additional requirements, where applicable.

Sec. 8.2 Residential Development

The underlying zoning district requirements shall apply except for additional applicable requirements of Sec. 8.4, Watershed District Overlay, and Sec. 8.5, Planned Cluster Development, and unless a site specific plan is approved per Sec. 5.5, Conditional Zoning Districts Intent Statements.

(Amend. of 8-18-16(4))

8.2.1 Dimensional Standards

DIMENSIONAL STANDARD	R-1		R-2		R-3	
	Min	Max	Min	Max	Min	Max
Single-Family Specific						
Lot Size (acres)	0.75	-	0.5	-	0.5	-

Lot Width at Building Line	100 ft.	-	70 ft.	-	70 ft.	-
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Multi-Family Specific						
Density Per Dwelling Unit (acres)	-	-	-	-	0.25	-
Lot Size (acres)	-	-	-	-	2	-
Building Area Limits	-	-	-	-	-	50%
Single-Family and Multi-Family						
Building Setback from the right-of-way line of any public or private road (See Sections 8.2.1.a and 8.2.1.b below)	25 ft.	-	25 ft.	-	25 ft.	-
Building Setback from North Carolina or U.S. Primary Route centerline if no right-of-way line is recorded	55 ft.	-	55 ft.	-	55 ft.	-
Building Setback from road centerline if no right-of-way line is recorded for all other private or public roads (except as defined above)	40 ft.	-	40 ft.	-	40 ft.	-
Building Setback from property lines	10 ft.	-	10 ft.	-	10 ft.	-
Fence Setback from edge of pavement of roadway	12 ft.			12 ft.		12 ft.
Building Height	-	35 ft.	-	35 ft.	-	35 ft.
Fence Height (See Sec. 6.3.3 Residential Accessory Uses and Structures (C) Fences and Walls)		4 5 or 8 6 ft.		4 5 or 8 6 ft.		4 5 or 8 6 ft.
Habitable Stories, exclusive of basement	-	3	-	3	-	3

(Amend. of 11-17-16(5))

Sec. 8.3 - Nonresidential Developments

The underlying zoning district requirements shall apply except for additional applicable requirements of Sec. 8.4, Watershed District Overlay, and Sec. 8.5, Planned Cluster Development, and unless a site specific plan is approved per Sec. 5.5, Conditional Zoning Districts Intent Statements. See also additional square foot requirements in Article 6, Use Regulations.

8.3.1 Dimensional Requirements

DIMENSIONAL STANDARD	B-1		B-2		B-3		B-4		G/I	
	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
Residential Density (square feet per unit)	2,400 sf.	-	6,000 sf.	-	21,780 sf.	-	21,780 sf.	-	-	-
Incidental Apartments (square feet per unit)	2,400 sf.	-	6,000 sf.	-	6,000 sf.	-	21,780 sf.	-	-	-
Building Setback from the right-of-way line of any public or private road	0 ft.	-	0 ft.	-	25 ft.	-	25 ft.	-	25 ft.	-
Building Setback from N.C. or U.S. primary route centerline if no ROW line is recorded	-	-	-	-	55 ft.	-	55 ft.	-	55 ft.	-
Building Setback from road centerline if no ROW line is recorded for all other private or public roads	-	-	-	-	40 ft.	-	40 ft.	-	40 ft.	-
Building Setback from the property line of an adjoining ownership - Residential	0 ft.	-	0 ft.	-	10 ft.	-	20 ft.	-	10 ft.	-
Building Setback from the property line of an adjoining ownership - Commercial	0 ft.	-	0 ft.	-	10 ft.	-	10 ft.	-	10 ft.	-
Building Setback required from dead end service drives or alleyways serving commercial businesses for loading, unloading,	-	-	-	-	0 ft.	-	-	-	-	-

and employee parking										
Fence Setback from edge of pavement of roadway	12 ft.									
Building Height	-	35 ft.	-	-						
Fence Height (and Sec. 6.5.2 Fences and Walls)		4 5 or 8 6 ft.								
Habitable Stories, Exclusive of Basement	-	2	-	2-3	-	2-3	-	2-3	-	-
Habitable Stories, Exclusive of Basement and Attic	-	3	-	-	-	-	-	-	2-3	-
Flammable liquid storage tank Setback from any exterior property line (except as listed below)	-	-	-	-	25 ft.	-	-	-	-	-
Flammable liquid storage tank Setback from any exterior property line bordering a residential zoning district	-	-	-	-	100 ft.	-	-	-	-	-
Hotel or Motel Unit - gross floor space (square feet)	-	-	250	-	250	-	-	-	-	-
Electronic Gaming Operations Setback from any residential zoning district	200 ft.	-								
Electronic Gaming Operations Setback from any established religious institution/synagogue, school, day care center/home, library, public park,	200 ft.	-	200 ft.	-	200 ft.	-	200ft.	-	200 ft.	-

recreation area or motion picture establishment where "G" or "PG" rated movies are shown to the general public on a regular basis										
Electronic Gaming Operations Setback from any other electronic gaming operation	500 ft.	-								

8.3.2 Floor Area Ratio

The size of any new commercial building constructed in the B-1 Business zoning district, and in the case of an addition, the resultant gross floor space of the entire building, shall not exceed a ratio of one and four tenths (1.4) square foot of gross floor space per one (1) square foot of building lot. No structure shall have more than ~~two (2)~~ **three (3)** stories for habitation, exclusive of basement, with the following exception:

Additional habitable area, not to exceed an area meeting a ratio of thirty-five one hundredths (0.35) square foot of gross floor space per one (1) square foot of building lot, shall be allowed in a third level (commonly referred to as an attic) which meets the following conditions:

- A. The roof rafters shall bear directly on the attic floor system; with exception of a dormer whose length shall not exceed fifty percent (50%) of the underlying wall structure.
- B. There shall be no exterior knee walls as part of the additional habitable area; and
- C. The additional habitable area shall be used for the following uses only:
 - 1. Apartments having a minimum area of six hundred (600) gross square feet and incidental to the primary commercial use; or
 - 2. Business office incidental to the primary commercial use of the building and which is not generally accessible to the general public.



**STATEMENT OF CONSISTENCY
WITH THE TOWN OF HIGHLANDS LAND USE PLAN FOR THE
AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”)
OF THE TOWN OF HIGHLANDS PER NCGS 160A-383**

SECTION 4.7.4, 6.3.3, 6.5, 6.5.2, 8.1.2, 8.2.1 & 8.3.1, Fences & Walls

BE IT HEREBY RESOLVED by the Board of Commissioners of the Town of Highlands, North Carolina, that in accordance with provisions of North Carolina General Statute 160A-383, the Board of Commissioners hereby finds and determines that the amendments to the Unified Development Ordinance of the Town of Highlands, is consistent with the goals, objectives and policies of the Town’s adopted Land Use Plan.

Specifically, the amendments will clarify the current requirements for fences and walls, as well as, add additional requirements for side and rear property lines for residentially and commercially zoned districts. The amendments are found to be reasonable and in the public interest. Specifically, the amendments will protect property owners adjacent to those who choose to install fences and walls, while continuing to maintain the UDO to be in full compliance with North Carolina Statutes.

Upon motion duly made by _____, seconded by _____, the above statement was duly recommended by the Board of Commissioners of the Town of Highlands at the regular meeting held on the 20th day of June, 2019 in the Community Building, 71 Poplar Street, Highlands, NC.

Upon call for a vote, the following Members voted in the affirmative:

And the following Members voted in the negative:

This the 20th day of June, 2019.

Patrick Taylor, Mayor

Attest:

Gilberta Shaheen, Town Clerk



**STATEMENT OF CONSISTENCY
WITH THE TOWN OF HIGHLANDS LAND USE PLAN FOR THE
AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”)
OF THE TOWN OF HIGHLANDS PER NCGS 160A-383**

**SECTIONS 8.3.1 & 8.3.2
Habitable Stories
in Nonresidential Zoning Districts**

BE IT HEREBY RESOLVED by the Board of Commissioners of the Town of Highlands, North Carolina, that in accordance with provisions of North Carolina General Statute 160A-383, the Board of Commissioners hereby finds and determines that the amendments to the Unified Development Ordinance of the Town of Highlands, is consistent with the goals, objectives and policies of the Town’s adopted Land Use Plan. Specifically, the amendments will bring consistency between the nonresidential zoning districts and the current habitable story requirement within the residential zoning districts. The amendments are found to be reasonable and in the public interest. Specifically, the amendments will not change the height restrictions or the parking requirements for nonresidential uses, and will continue to maintain the UDO to be in full compliance with North Carolina Statutes.

Upon motion duly made by _____, seconded by _____, the above statement was duly recommended by the Board of Commissioners of the Town of Highlands at the regular meeting held on the 20th day of June, 2019 in the Community Building, 71 Poplar Street, Highlands, NC.

Upon call for a vote, the following Members voted in the affirmative:

And the following Members voted in the negative:

This the 20th day of June, 2019.

Patrick Taylor, Mayor

Attest:

Gilberta Shaheen, Town Clerk

C. Public Comments

There were no comments.

D. Close Public Hearing

Commissioner Pierson made a motion to close the public hearing for the revisions to the Unified Development Ordinance at 7:35pm, which was seconded by Commissioner Dotson and the vote was unanimous.

E. Council Action

COMMISSIONER PIERSON MADE A MOTION TO APPROVE THE AMENDMENTS TO ARTICLES 4, 6 & 8 OF THE UNIFIED DEVELOPMENT ORDINANCE AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE STIEHLER AND THE VOTE WAS UNANIMOUS.

9. Financial Matters: Year End Budget Amendments

Finance Director Rebecca Shuler presented the Year End Budget Amendments as a clean up to insure there is not a deficit.

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

June 16, 2019

FROM: General Fund



DEPARTMENT: Various Depts. ~ Governing Body & Streets

EXPLANATION: Year End Budget Amendments ~ Allocating unbudgeted revenues to cover shortages in certain line items and to help no fund/dept. go over

Account	Description	Increase/Decrease	Debit	Credit
1. 10-3000-0040	NC Local Option Sales Tax	Increase		\$41,000.00
10-4000-1400	Travels, Schools & Meal	Increase	\$1,000.00	
10-4000-3300	Dept. Supplies	Increase	\$5,000.00	
10-5600-1600	Maint. & Repair ~ Equipt.	Increase	\$25,000.00	
10-5600-1700	Maint. & Repair ~ Auto	Increase	\$10,000.00	
Totals			\$41,000.00	\$41,000.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

TOWN OF HIGHLANDS BUDGET AMENDMENT
 AMENDMENT # _____

June 16, 2019



FROM: General Fund

DEPARTMENT: MIS/GIS & MIS/GIS ~ Fiber
 EXPLANATION: Year End Budget Amendments ~ Allocating unbudgeted revenues to cover shortages in certain line items and to help no fund/dept. go over

Account	Description	Increase/Decrease	Debit	Credit
1. 10-4310-5125	Charges	Increase		\$52,500.00
10-4300-1630	Annual Contracts	Increase	\$15,000.00	
10-4300-3300	Dept. Supplies	Increase	\$2,500.00	
10-4310-3300	Departmental Supplies	Increase	\$10,000.00	
10-4310-3700	Broadband Sales Tax	Increase	\$25,000.00	
Totals			\$52,500.00	\$52,500.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

TOWN OF HIGHLANDS BUDGET AMENDMENT
 AMENDMENT # _____

June 16, 2019



FROM: General Fund

DEPARTMENT: Parks & Recreation & Pool
 EXPLANATION: Year End Budget Amendments ~ Allocating unbudgeted revenues to cover shortages in certain line items and to help no fund/dept. go over

Account	Description	Increase/Decrease	Debit	Credit
1. 10-3350-0170	Nautilus ~ Rec. Park	Increase		\$29,000.00
10-3350-0220	Contrib. ~ ABC~Rec.	Increase		\$8,000.00
10-3360-0101	Pools Fees ~ Rec. Park	Increase		\$5,000.00
10-6200-1503	Mowing & Maintenance	Increase	\$15,000.00	
10-6200-1507	Mowing & Maint. ~ Pine St. Park	Increase	\$5,000.00	
10-6200-1508	Mowing & Maint. ~ Harris Lake	Increase	\$5,000.00	
10-6200-1600	Maint. & Repair ~ Equip.	Increase	\$10,000.00	
10-6200-1630	Annual Contracts	Increase	\$2,000.00	
10-6210-1620	Maint. & Repair ~ Pool Equip.	Increase	\$5,000.00	
Subtotals			\$42,000.00	\$42,000.00
Totals			\$42,000.00	\$42,000.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

TOWN OF HIGHLANDS BUDGET AMENDMENT
 AMENDMENT # _____

June 16, 2019



FROM: Water Fund

DEPARTMENT: Water Fund

EXPLANATION: Year End Budget Amendments ~ Allocating unbudgeted revenues & Fund balance appropriations to cover shortages in certain line items and to help no fund/dept. go over

Account	Description	Increase/Decrease	Debit	Credit
1. 30-3800-0910	Fund Balance Appropriated	Increase		\$62,500.00
30-8100-1600	Maint. & Repair ~ Equip	Increase	\$5,000.00	
30-8100-3300	Dept. Supplies	Increase	\$25,000.00	
30-8150-3350	Dept. Supplies	Increase	\$2,500.00	
30-8150-5400	Property/Liability Insurance	Increase	\$10,000.00	
30-8160-7300	Capital Outlay/Other Improvements	Increase	\$20,000.00	
	Subtotals		\$62,500.00	\$62,500.00
	Totals		\$62,500.00	\$62,500.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

TOWN OF HIGHLANDS BUDGET AMENDMENT
 AMENDMENT # _____

June 16, 2019



FROM: Sewer Fund

DEPARTMENT: Sewer Fund

EXPLANATION: Year End Budget Amendments ~ Allocating unbudgeted revenues & Fund balance appropriations to cover shortages in certain line items and to help no fund/dept. go over

Account	Description	Increase/Decrease	Debit	Credit
1. 31-3800-0402	Connection Fees	Increase		\$13,500.00
31-3800-0701	Interest Income	Increase		\$6,500.00
31-3800-0910	Fund Balance Appropriated	Increase		\$24,000.00
31-8200-0440	Prof. Services ~ Monitoring	Increase	\$5,000.00	
31-8200-1105	Telephone	Increase	\$2,000.00	
31-8200-1600	Maint. & Repair ~ Equip.	Increase	\$20,000.00	
31-8200-1830	Maint. & Repair ~ Sewer Lines	Increase	\$10,000.00	
31-8200-5700	Miscellaneous Expense	Increase	\$5,000.00	
31-8210-7400	Capital Outlay/Equip.	Increase	\$2,000.00	
	Subtotals		\$44,000.00	\$44,000.00
	Totals		\$44,000.00	\$44,000.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

June 16, 2019

FROM: Sanitation Fund



DEPARTMENT: Sanitation Fund
EXPLANATION: Year End Budget Amendments ~ Allocating unbudgeted revenues & Fund balance appropriations to cover shortages in certain line items and to help no fund/dept. go over

	Account	Description	Increase/Decrease	Debit	Credit
1.	34-3010-3001	Dumpster Revenue	Increase		\$2,800.00
	34-2990-2910	Fund Balance Appropriated	Increase		\$9,700.00
	34-8400-0204	Overtime	Increase	\$12,000.00	
	34-8400-5700	Other Expense	Increase	\$500.00	
			Totals	\$12,500.00	\$12,500.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

June 16, 2019

FROM: Electric Fund



DEPARTMENT: Electric Fund
EXPLANATION: Year End Budget Amendments ~ Allocating unbudgeted revenues & Fund balance appropriations to cover shortages in certain line items and to help no fund/dept. go over

	Account	Description	Increase/Decrease	Debit	Credit
1.	35-3710-5130	Electric Reps Charge	Increase		\$19,000.00
	35-3800-0050	Penalties ~ UB ~ Electric Fund	Increase		\$14,000.00
	35-3800-0404	Sales Tax on Electric	Increase		\$49,500.00
	35-3800-0405	Pole Attachment Fees	Increase		\$30,500.00
	35-3800-0701	Interest Income	Increase		\$40,000.00
	35-8300-0605	Group Insurance	Increase	\$11,000.00	
	35-8300-3300	Dept. Supplies	Increase	\$20,000.00	
	35-8300-3700	Electric Sales Tax	Increase	\$122,000.00	
			Totals	\$153,000.00	\$153,000.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

COMMISSIONER PATTERSON MADE A MOTION TO ACCEPT THE YEAR END BUDGET AMENDMENTS AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER CALLOWAY AND THE VOTE WAS UNANIMOUS.

10. Financial Matters: Budget Amendment Earnest Money for Fire Dept. Property Purchase

Town Manager Josh Ward stated last week, the Town signed a contract to purchase the property at 149 Franklin Road to construct a new fire department main station. The earnest money of \$150,000 is required per the contract. Therefore, the attached budget amendment is necessary to allocate the funds from the fire department general fund balance. The recommendation is to approve the budget amendment as submitted.

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

June 16, 2019

FROM: Fire Fund



DEPARTMENT: Fire Dept.
EXPLANATION: Appropriating Fund Balance to Cover Earnest Deposit on Property to build new Fire Dept.

Account	Description	Increase/Decrease	Debit	Credit
1. 20-3300-0910	Fund Balance Appropriated	Increase		\$150,000.00
20-5300-7300	Capital Outlay/Other Imp.	Increase	\$150,000.00	
Totals			\$150,000.00	\$150,000.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

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

11. Town of Highlands Traffic Schedule Amendments

Public Works Director and Town Engineer Lamar Nix stated at the last meeting, Commissioner Stiehler expressed concern about the speed limit on Hickory Hill Road being too fast, and after some discussion it was determined that the Public Safety Committee should meet and bring recommendations back to the Board for discussion at the next meeting. The Public Safety Committee met on May 30, 2019, and again on June 5, 2019. At these two meetings, Speed Limits on Town Streets, 15 Minute Parking and NCDOT speeds were discussed.

Nix continued the Public Safety Committee and staff recommends the roads listed on the revised Traffic Schedule without a centerline and not meeting the width requirements be 15mph and those meeting those requirements be 20mph. The 15 minute parking spaces to be revised as follows:

1. Keep the following 15 minute spaces
 - a. 4th Street, Town Hall, (2) spaces
 - b. Main Street, Highlands Inn, (1) space
 - c. 5th Street, Highlander Newspaper, (1) space

2. Remove the following 15 minute spaces
 - a. Fourth Street, OEI, (1) space
 - b. Fourth Street, Sweet Treats, (1) space
 - c. Fourth Street, Molly Grace, (1) space
 - d. Main Street, Landmark, (1) space
 - e. Main Street, Smitten, (1) space
3. Add the following 15 minute spaces
 - a. Main Street, Sweet Treats, (1) space, near 4th Street
 - b. Pierson/5th, Presbyterian Church, (2) spaces near Red Light (parallel)
 - c. 3rd Street, Masonic Lodge, (2) spaces, near Main Street

Nix stated in the committee meetings Chief Harrell advised the committee of the speed limits on NC 106 and US64/NC28 as you approach the business district are now posted 35mph all the way to the intersection at First Street. The pedestrian traffic on both roadways have made these speeds unacceptable, and poor visibility and lack of sidewalks compound the situation. NC28 (Walhalla Road), Horse Cove Road and US64 (Cashiers Road) all have a 25mph zone as you approach the pedestrian/commercial areas. The Public Safety Committee and staff recommend a 25mph speed zone on NC106 and US64/28 be requested of the NCDOT. The Board of Commissioners agreed the request should be made.

THE TRAFFIC SCHEDULE

of the

Town of Highlands

State of North Carolina

As amended through

June 5, 2019

Speed Limit Exceptions

[Section 7.62. Speed limit exceptions. The Board may authorize higher speeds or lower speeds than that set out in Section 7-61 in accordance with the provisions of G.S. section 20-141. Such speed restrictions are listed and designated in the traffic schedule maintained in the office of the clerk.]

The following speed limits have been established on the following streets within the Town of Highlands:

First Street..... 20 mph
Second Street..... 20 mph
Third Street..... 20 mph

Fourth Street..... 15 mph
 Fifth Street..... 20 mph
 Sixth Street..... 20 mph
 Big Bearpen Tank Road..... 15 mph
 Bruner Lane..... 15 mph
 Carolina Way..... 20 mph
 Center Drive..... 15 mph
 Chowan..... 15 mph
 Church Street..... 15 mph
 Cook Road..... 15 mph
 Creswell Alley..... 15 mph
 Cullasaja Drive..... 15 mph
 Dog Mountain Road..... 15 mph
 Dogwood Drive..... 15 mph
 Gibson Street..... 15 mph
 Harris Drive..... 15 mph
 Hickory Hill..... 15 mph
 Hickory Street..... 20 mph
 Holt Circle..... 15 mph
 Holt Road..... 15 mph
 Keener Road..... 15 mph
 Laurel Alley..... 15 mph
 Laurel Street..... 20 mph
 Laurelwood Lane..... 15 mph
 Leonard Street..... 20 mph
 Little Bearpen Road..... 15 mph
 Little Bearpen Tank Road..... 15 mph
 Locust Street..... 15 mph
 Lower Lake Road..... 15 mph
 Lucerne Drive..... 15 mph
 Many Road..... 15 mph
 Maple Street..... 20 mph
 Memorial Park Drive..... 15 mph
 Mill Creek Road..... 15 mph

Mt. Lori Road..... 15 mph
 North Drive..... 15 mph
 Oak Lane..... 15 mph
 Oak Place..... 15 mph
 Oak Street..... 20 mph
 Old Walhalla Road..... 15 mph
 Overlook Drive..... 15 mph
 Picklesimer Road..... 15 mph
 Pierson Drive..... 20 mph
 Pine Alley..... 15 mph
 Pinecrest Drive..... 15 mph
 Pine Lane..... 15 mph
 Pine Street..... 10 mph
 Raoul Road..... 15 mph
 Reschke Road..... 15 mph
 Rocky Hill Road..... 15 mph
 Satulah Road..... 15 mph
 Satulah Ridge Road..... 15 mph
 Sherwood Forest Road..... 15 mph
 Smallwood Avenue..... 20 mph
 South Street..... 20 mph
 Spring Street..... 20 mph
 Spruce Street..... 20 mph
 Stonebridge Lane..... 15 mph
 Sunset Street..... 15 mph
 Talley Road..... 15 mph
 Upper Lake Road..... 15 mph
 Wahoo Trail..... 15 mph
 Warren Road..... 15 mph

Wilson Road..... 20 mph
 Worley Road..... 15 mph
 Wyanoak Drive..... 15 mph
 Zermatt Circle..... 15 mph

One-Way Street and Alleys

[Section 7-69. One-way streets and alleys. Upon those streets and parts of streets and in those alleys listed in the traffic schedule maintained in the office of the clerk, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.]

The following one-way streets have been established within the Town of Highlands:

Church Street Alley between 4th and left turn--one way west
 Church Street between 4th and 5th--one way east
 Oak Street between 4th and 5th--one way east
 Portion of Spring Street between 4th and 5th--one way east

Parking Prohibited

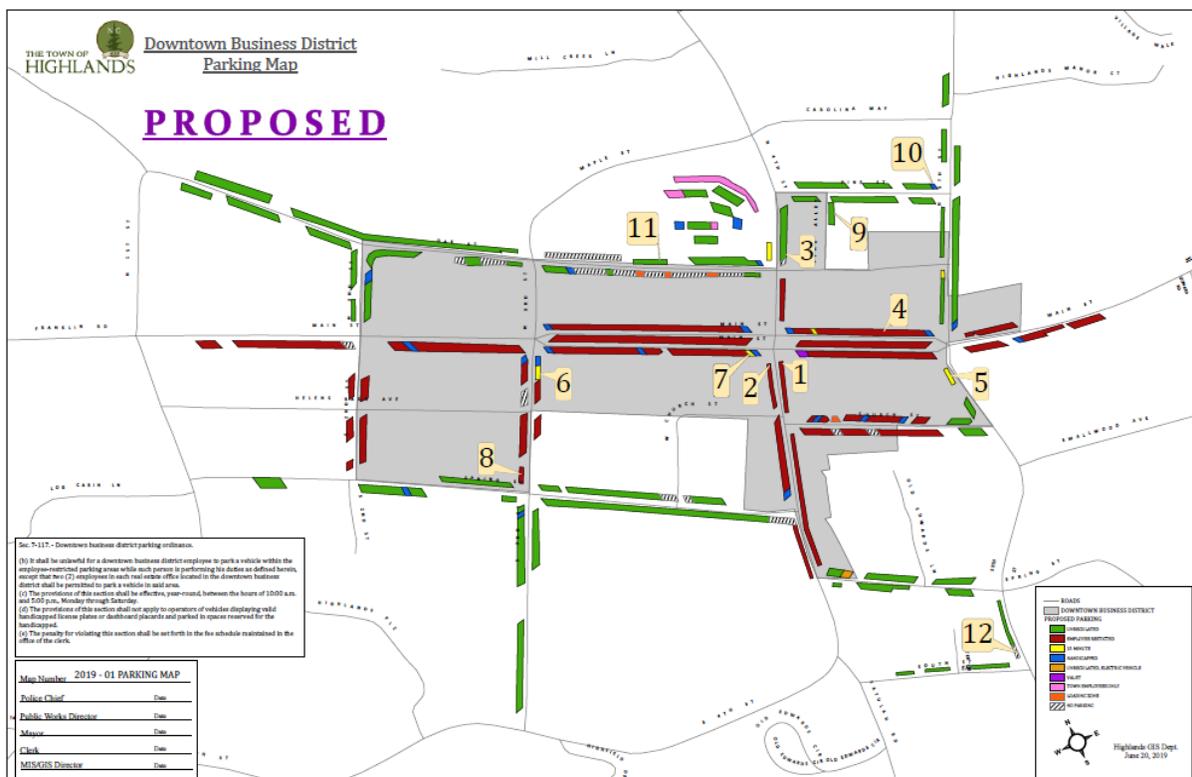
[Section 7-114. Parking prohibited at all times on certain streets.]

- Oak Street adjacent to Highlands Playhouse
- Third Street adjacent to Phelps House
- Church Street Alley

Parking Time Limited

[Section 7-115. Parking time limited on certain streets. When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the times specified.]

- Fourth Street in front of Town Hall - 15 minute (2 spaces)
- Main Street Valet Parking Spaces in front of Old Edwards Inn
- Main Street in front of Highlands Inn - 15 minute
- Main Street in front of Stone Lantern - 15 minute
- Fifth Street at Presbyterian Church - 15 minute (2 spaces)
- Fifth Street at The Highlander - 15 minute
- Third Street beside Masonic Lodge - 15 minute (2 spaces)



Mayor Pro Tempore Stiehler asked if there would be signage put out and Nix stated we would have to sign it. Mayor Pro Tempore Stiehler thanked Nix and the Public Safety Committee for their work.

MAYOR PRO TEMPORE STIEHLER MADE A MOTION TO APPROVE THE TRAFFIC SCHEDULE AND PARKING MAP AS PROPOSED, WHICH WAS SECONDED BY COMMISSIONER PATTERSON AND THE VOTE WAS UNANIMOUS.

12. Highlands Code of Ordinances Amendments Chapter 12: Solid Waste

Mayor Patrick Taylor reviewed the following thoughts on Sanitation and Bear protocols:

Sanitation Pickup Revisions and Implementation of BearWise Protocols

I request that the Public Works Committee and staff review two related issues, conversion to toters in the Sanitation Department to reduce injury from lifting trash cans, and to implement BearWise practices throughout the community. Listed below are items for review, but there may be additional issues that should be considered.

1. Develop a plan to convert to toters with lift bars in both the commercial and residential areas. A major question is how to implement this plan in residential areas? How are the toters financed? By the residents? Town? Renting agreements? And when would the town expect full implementation?

Note: The use of commercial dumpsters should be limited to single businesses where the dumpsters are not on the public right of way. Failure to secure the dumpsters would fall solely on that business.

2. A BearWise protocol would be to require all toters to be bear resistant. Or, if not require the toters to be housed in a secure or bear resistant structure.

3. The town may already have some requirements in Chapter 12 of the code, but the following requirements should be reaffirmed.

- a. No placement of loose trash bags on the side of the road for pick up.
- b. No placement of loose food stuff and household garbage directly in toter. All garbage has to be in trash bags placed in the toters.

4. Create an ordinance prohibiting the deliberate feeding of bears and deer within the town limits. I have consulted with NC Wild Life staff and they state this kind of ordinance is necessary. State statutes do not cover this issue.

5. No bird feeds allowed in the town limits between April to November. Sky Valley implemented this ordinance. Ryan Watts of Georgia Wild Life has stated bird feeders are the equivalent of a gateway drug for bears, and that there is no evidence that feeding birds increase their populations. This will be a controversial issue that should be considered.

6. Form a partnership with the B.E.A.R. Task Force to educate the public, especially our VRBO visitors, about wise bear practices. This initiative could be done in concert with the Chamber and Board of Realtors. Funds could be allocated, similar to what is now done with CINP, for the task force to create literature on BearWise practices.

7. Institute municipal fines for violation of garbage and feeding violations. Also, authorize sanitation crews not to pick up garbage not in specified containers.

Mayor Taylor directed Town Manager Josh Ward and the Public Works Committee to meet and work on the answers to these issues.

13. Highlands Twilight 10K Request

Commissioner Pierson requested to add a 10K segment to the Twilight 5K which has been reviewed and approved by Chief Harrell and Officer Jolly.

MAYOR PRO TEMPORE STIEHLER MADE A MOTION TO APPROVE THE REQUEST FOR THE 10K ADDITION, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

14. Closed Session: Pursuant to NCGS §318.11(a)(1): To protect confidential or privileged information. Discuss Acquisition of Property

COMMISSIONER PIERSON MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS §318.11(A)(1) TO PROTECT CONFIDENTIAL OR PRIVILEGED INFORMATION. DISCUSS ACQUISITION OF PROPERTY AT 8:00PM, WHICH WAS SECONDED BY COMMISSIONER CALLOWAY AND THE VOTE WAS UNANIMOUS.

ONCE DISCUSSION WAS HELD, COMMISSIONER CALLOWAY MADE A MOTION TO GO BACK INTO OPEN SESSION AT 8:45PM, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

15. Adjournment

As there were no further matters to come before the Board of Commissioners, Commissioner Calloway moved to adjourn which was seconded by Commissioner Dotson and upon a unanimous vote, the Town Board adjourned at 8:45pm.

Patrick Taylor
Mayor

Gilberta B. Shaheen
Town Clerk