

**Regular Meeting Minutes of the Town Board of Commissioners Meeting of February 21, 2013 at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.**

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

Also Present: Town Manager Robert Frye, Town Clerk Rebecca Shuler, Town Attorney Bill Coward, MIS/GIS Director Matt Shuler, Parks and Recreation Director Lester Norris, and Planning and Development Director David Clabo.

Not Present: Mayor Pro Tempore Eric Pierson

**1. Meeting Called to Order**

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

**2. Adjust and Approve Agenda**

Commissioner Drake made a motion to approve the agenda as presented, which was seconded by Commissioner Dotson and the vote was unanimous.

**3. Approval of Minutes**

**Regular Meeting Minutes of January 24, 2013**

Commissioner Stiehler made a motion to approve the regular meeting minutes of January 24, 2013, which was seconded by Commissioner Patterson and the vote was unanimous.

**Closed Session Meeting Minutes of January 24, 2013**

Commissioner Drake made a motion to approve the closed session meeting minutes of January 24, 2013, which was seconded by Commissioner Stiehler and the vote was unanimous.

**4. Public Hearing**

**A. Open Public Hearing**

Commissioner Drake made a motion to open the public hearing for amendments to the Unified Development Ordinance at 7:01pm which was seconded by Commissioner Stiehler and the vote was unanimous.

**B. Staff Comments/Recommendation**

Town Attorney Bill Coward addressed the board and informed them this ordinance amendment removed the provision for approval of administrative changes by the planning board. Under State law such provisions are not proper.

**C. Public Comments**

There were no public comments.

**D. Close Public Hearing**

As there were no further comments, Commissioner Drake made a motion to close the public hearing, which was seconded by Commissioner Stiehler and upon a unanimous vote the Public Hearing was closed at 7:03pm.

**E. Council Action**

Commissioner Stiehler made a motion to approve the amendments to the Unified Development Ordinance as presented, which was seconded by Commissioner Patterson and the vote was unanimous.

Commissioner Drake made a motion to approve the Statement of Consistency for the zoning text amendment that accompanied the ordinance amendment. The motion was seconded by Commissioner Dotson and the vote was unanimous.

## **5. Regularly Scheduled Public Comment Period**

There were no public comments.

## **6. Reports**

### **A. Mayor**

There was no mayoral report.

### **B. Commissioners & Committees**

Commissioner Stiehler informed the board the Scholarship Fund Golf Classic was scheduled for Thursday, June 13, 2013 at Wildcat Cliffs Country Club. He also wanted the Board to know that Lupoli Construction was to start work on the Playhouse on March 1<sup>st</sup> and are projecting the construction will take 10 weeks.

### **C. Town Manager**

Town Manager Frye announced to the Board that Town Clerk Rebecca Shuler had officially received her CMC, Certified Municipal Clerk classification.

## **7. Consent Agenda**

Public Works Department  
Police Department  
Parks & Recreation Department  
Planning & Development Department  
Treasurer's Report  
Highlands Fire & Rescue Department Bylaws  
Chamber of Commerce Fireworks Permit Request

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

## **8. Financial Matters: Proposed FY2013-14 Budget Schedule**

Manager Frye presented the Board with the following proposed FY2013-14 budget schedule and asked for the regular meeting in May be rescheduled from the 16<sup>th</sup> to the 23<sup>rd</sup>.

### **March 15<sup>th</sup>**

Departmental Capital Project Requests Due

### **April 15<sup>th</sup>**

Departmental Budgets Due

### **April 25<sup>th</sup>**

Council/Finance Committee Budget Workshop #1 (Revenue Estimates)

Time: 3:00-5:00 p.m.

Location: Town Community Building

### **May 9<sup>th</sup>**

Council/Finance Committee Budget Workshop #2 (Preliminary Budget Review)

Time: 3:00-5:00 p.m.  
Location: Town Community Building

**May 16<sup>th</sup>**

Council/Finance Committee Budget Workshop #2 (Preliminary Budget Review)  
Time: 3:00-5:00 p.m.  
Location: Town Community Building

**May 23<sup>rd</sup> Council Meeting**

Presentation of Proposed FY 2012-13 Budget

**June 20<sup>th</sup> Council Meeting**

Public Hearing on FY 2013-14 Proposed Budget  
Adoption of FY 2013-14 Proposed Budget

Commissioner Drake made a motion to approve the proposed FY2013-14 budget schedule which was seconded by Commissioner Stiehler and the vote was unanimous.

**9. Planning Matters:**

**A. Request for Public Hearing**

Town Attorney Bill Coward addressed the Board in reference to the public hearing request for the special use conditions for Town Place Condominiums. He gave a brief history of the project going back to the original conditions of 2006. Coward presented the following motion for action.

Motion:

To amend zoning district R-3 CUD (“Town Place Condos”) by amending certain conditions that were adopted in 2006 (conditions adopted in 2006 are shown below in regular font, deleted conditions show a strike through, proposed amended and additional conditions are shown in bold) to refer this proposal to the Planning Board and set a public hearing on this proposal for March 21, 2013.

1. ~~Structures to be suited as shown on drawing;~~ **All structures in the district shall be constructed as shown on the set of drawings referred to as the “Schmitt Drawings”, as defined below.**
2. Historic home to be preserved as shown on drawing;
3. ~~Roadway and cul-de-sac to be situated as shown on drawing;~~ **The road and cul de sac shall be constructed as shown on the “Schmitt Drawings”.**
4. ~~Parking as shown on drawings;~~ **Parking areas in the district shall be installed as shown on the “Schmitt Drawings”.**
5. Project time frame confirmed: **All improvements allowed in this district shall be completed within \_\_\_\_\_ years from \_\_\_\_\_;**
6. No driveways between the buildings and the highway;
7. ~~Sidewalks installed on all streets.~~ **Sidewalks shall be constructed as shown on the “Schmitt Drawings”.**
8. Engineer-designed stormwater retention plan.
9. **The “Schmitt Drawings”, as referred to herein, shall consist of the following documents:**
  - a. **drawing entitled “Highlands Townhouses” by Paul Schmitt Architectural Design Studio, PLLC dated September 10, 2012;**
  - b. \_\_\_\_\_

**10. Additional conditions:**

\_\_\_\_\_

\_\_\_\_\_

Mayor Wilkes asked Town Attorney Coward to explain the process from here. Coward said the Town Board should pass this motion. The conditional use zoning request will

then go back to the Planning Board and whether or not it passes, it will come back to the Town Board for public hearing.

Commissioner Patterson stated this was only one side of the equation and we need to look at both sides. Commissioner Patterson explained to the Board what had occurred in 2006 with the original conditions as she was the only Commissioner on that Board. Patterson extensively explained why the Board had decided the side of the property closest to the neighbors needed to be single family housing to keep the existing properties in R-2 neighborhoods. She stated no one is entitled to any density on the property. This was the main bone of contention back then as it seems to be now.

After much more discussion in reference to multi versus single family homes, buffers, and height requirements, Mayor David Wilkes said these were discussions for the public hearing. The Board then filled in the blanks on Town Attorney Coward's motion #5 to say: Project time frame confirmed: All improvements allowed in this district shall obtain a Special Use Permit within 1 year and the project shall be completed within 3 years after issuance of said Special Use Permit.

Commissioner Drake made a motion to approve the motion as amended to show the before mentioned time frame and to send the matter back to the Planning Board for review and recommendation, which was seconded by Commissioner Stiehler and the vote was unanimous.

## **B. Town Board Advisory Board and Committee Appointments**

The Board was presented with six Board and Committee Applications for various boards.

After brief discussion as to residency and term limits, Commissioner Patterson moved to appoint Steve Connor to the Appearance Commission which was seconded by Commissioner Stiehler and the vote was unanimous.

Commissioner Stiehler moved to appoint Chris Boltz to the Planning Board which was seconded by Commissioner Drake and the vote was unanimous.

## **10. Miscellaneous Matters: False Alarms**

After a brief discussion as to the history of false alarms, Commissioner Patterson made a motion to allow the first false alarm to remain a courtesy and each alarm thereafter to be charged at \$100.00 per alarm and to be billed on a calendar year of January to December. The motion was seconded by Commissioner Drake and the vote was unanimous.

## **11. Closed Session: Attorney-Client Privilege under [NCGS §143-318.11(a) (3)]**

Commissioner Drake made a motion to go into closed session at 8:33pm which was seconded by Commissioner Dotson and the vote was unanimous. The Board met in closed session pursuant to NCGS §143-318.11(a) (3) to discuss a legal matter. Commissioner Drake moved the Board back into to open session at 8:45 pm, which was seconded by Commissioner Stiehler and the vote was unanimous. No action was taken.

## **12. Adjournment**

As there were no further matters to come before the Board of Commissioners, Commissioner Dotson moved to adjourn, which was seconded by Commissioner Drake and upon unanimous vote, the Town Board adjourned at 8:46pm.

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David Wilkes  
Mayor

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Rebecca R. Shuler, CMC  
Town Clerk