

Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of August 16, 2018, at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina

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

Town Board Absent: Commissioner Donnie Calloway

Also Present: Town Manager Josh Ward, Town Attorney Jay Coward, Finance Director Rebecca Shuler, Public Works Director Lamar Nix, MIS/GIS Director Matt Shuler, Police Chief Bill Harrell, Parks & Recreation Director Lester Norris, Planning & Development Director Andrew Bowen, Computer Support Specialist Mark Hall and Town Clerk Gibby Shaheen

1. Meeting Called to Order

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

2. Public Comment Period

Joanne Lipskin described an incident that occurred involving a stray pit bull and the fact that she had issues reaching animal control to take care of the issue.

Katherine Willoughby owner of Shakespeare & Company in Highlands Village Square explained the square had a lot of water incursion problems due to the increase in height of the skating rink and the development of Founder's Park.

Annie Nelson expressed concerns of the timber projects planned by the Forest Service in Macon and Jackson counties.

3. Adjust and Approve the Agenda

Town Manager Josh Ward asked to remove the Budget Amendment for the Email Provider Swap from the Consent Agenda, it is no longer necessary.

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

4. Approval of the August 16th, 2018, Regular Meeting Minutes

Commissioner Stiehler made a motion to approve the August 16th, 2018, regular meeting minutes as presented, which was seconded by Commissioner Patterson and the vote was unanimous.

5. Reports

A. Mayor

Mayor Taylor announced the ABC Board has two members going off and the Town Board would be looking for recommendations, or anyone interested could apply at the Town Hall.

Mayor Taylor announced a meeting of Dogwood Trust, a foundation set up as a result of Mission's sale to HCA, for the 23rd of August, and stated he would be there and would continue to ask questions. Mayor Taylor also stated he had spoken with the Assistant Attorney General and asked when the purchase documents would be available for public review, and the answer was that are not normally produced but he would try to make them available.

Mayor Taylor reminded about the Department of Transportation meeting regarding the Highway 106 project at the conference center on August 30th from 4:00pm to 7:00pm. The project is not guaranteed and public feedback was critical.

Mayor Taylor stated due to an accident involving a tractor trailer on the Gorge Road he had drafted a letter to legislative representatives regarding setting up a better system to stop trucks from coming up the gorge.

B. Commissioners and Committee Reports

Commissioner Stiehler announced the Town of Highlands Scholarship Golf Tournament would be held on October 18th at Wildcat Cliffs Country Club.

Commissioner Dotson reiterated Mayor Taylor and encouraged the public to attend the August 30th meeting, stating it was a bigger deal than the public realized.

C. Town Manager

Town Manager Ward stated he appreciated the work done by Planning & Development Director Andrew Bowen and wished him well in his new endeavors.

Ward stated in the beginning the recycling trailer was being picked up every Thursday and now is being picked up on Tuesday and Friday, so it is being well used.

Ward stated when Warth Construction was working on the floor and paint job there was a hard rain and the building was leaking. Warth Construction identified some repairs needed and there should be a Budget Amendment at the next meeting.

6. Consent Agenda

- Public Works Department
- Police Department
- Parks & Recreation Department
- Planning & Development Department
- Treasurer's Report
- Zoning Board Appointments
- Financial Matters: Budget Amendment

ZBOA Board Appointment Notice

**Town of Highlands Land Use Committee
8.16.18**

In looking for a new appointee for the Zoning Board of Adjustment and an alternate, the Town received two applications. Upon reviewing said applications, the Land Use Committee has decided to appoint Derek Taylor as the full time appointee and Mark Hehn as the alternate appointee. This decision was made based upon the consideration of their applications.

If you have questions about this decision, please contact me at your earliest convenience.

Best,

Andrew Bowen
Highlands Planning and Development Director



FROM: General Fund

DEPARTMENT: General Fund

EXPLANATION: All Property Tax Revenue was budgeted in 2017 and needs to be allocated into the correct line items.

Account	Description	Increase/Decrease	Debit	Credit
1. 10-3000-2017	2017 Tax	Decrease	\$2,784,094.00	
10-3000-2007	2007 Tax	Increase		\$383.00
10-3000-2008	2008 Tax	Increase		\$387.00
10-3000-2009	2009 Tax	Increase		\$672.00
10-3000-2010	2010 Tax	Increase		\$838.00
10-3000-2011	2011 Tax	Increase		\$602.00
10-3000-2012	2012 Tax	Increase		\$1,995.00
10-3000-2013	2013 Tax	Increase		\$1,909.00
10-3000-2014	2014 Tax	Increase		\$2,069.00
10-3000-2015	2015 Tax	Increase		\$2,266.00
10-3000-2016	2016 Tax	Increase		\$4,052.00
10-3000-2018	2018 Tax	Increase		\$2,768,921.00
	Subtotals		\$2,784,094.00	\$2,784,094.00
	Totals		\$2,784,094.00	\$2,784,094.00

Approved by Town Manager

Action by Town Board

Approved and Entered on Minutes Dated

Finance Director

Commissioner 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 for GI Conditional Rezoning: Performing Arts Center/507 Chestnut St

A. Open Public Hearing

Mayor Pro Tempore Pierson made a motion to open the public hearing for the GI Conditional Rezoning of 507 Chestnut Street at 7:25pm, which was seconded by Commissioner Stiehler and the vote was unanimous.

B. Staff Comments/Recommendation

Planning & Development Director Andrew Bowen stated the Conditional Zoning and variance had been approved unanimously at the Planning Board and Zoning Board meetings for the following properties:

1. Performing Arts Center, Inc. - Parcel No. 7540419987 (0.46 acres - 510 Laurel Street - current Zoning R2) proposed Zoning Conditional GI.
2. Performing Arts Center, Inc. - Parcel No. 7540428089 (1.04 acres – 507 Chestnut Street - current Zoning GI) proposed Zoning Conditional GI.
3. Highlands Performing Arts Center, Inc. - Parcel No. 7540427232 (0.55 acres – 483 Chestnut Street - current Zoning GI) proposed Zoning Conditional GI.

Bowen continued that all codes, vegetation and parking requirements have been met and the GI Conditional Zoning is consistent with the plan to provide greater oversight by the Board of Commissioners and would suggest one assigned parcel number.



**An Ordinance Amending the Official Zoning Map of the Town of Highlands
Ordinance #2018-02-Ord**

Be it ordained by the Town of Highlands Board of Commissioners:

1. Pursuant to Article 4. Applications and Permits Sec. 4.5 Conditional Zoning Districts of the Unified Development Ordinance Highlands, North Carolina amendments of the Unified Development Ordinance and Zoning Map of the Town of Highlands is hereby amended by changing the zoning designation of Parcel No. 7540419987 from R2 to Conditional GI, Parcel No. 7540428089 from GI to Conditional GI, and Parcel No. 7540427232 from GI to Conditional GI.
2. The zoning designations of Parcel No. 7540419987 from R2 to Conditional GI, Parcel No. 7540428089 from GI to Conditional GI, and Parcel No. 7540427232 from GI to Conditional GI are reflected on Zoning Map #2018-03-Map.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this the 16th day of August, 2018.

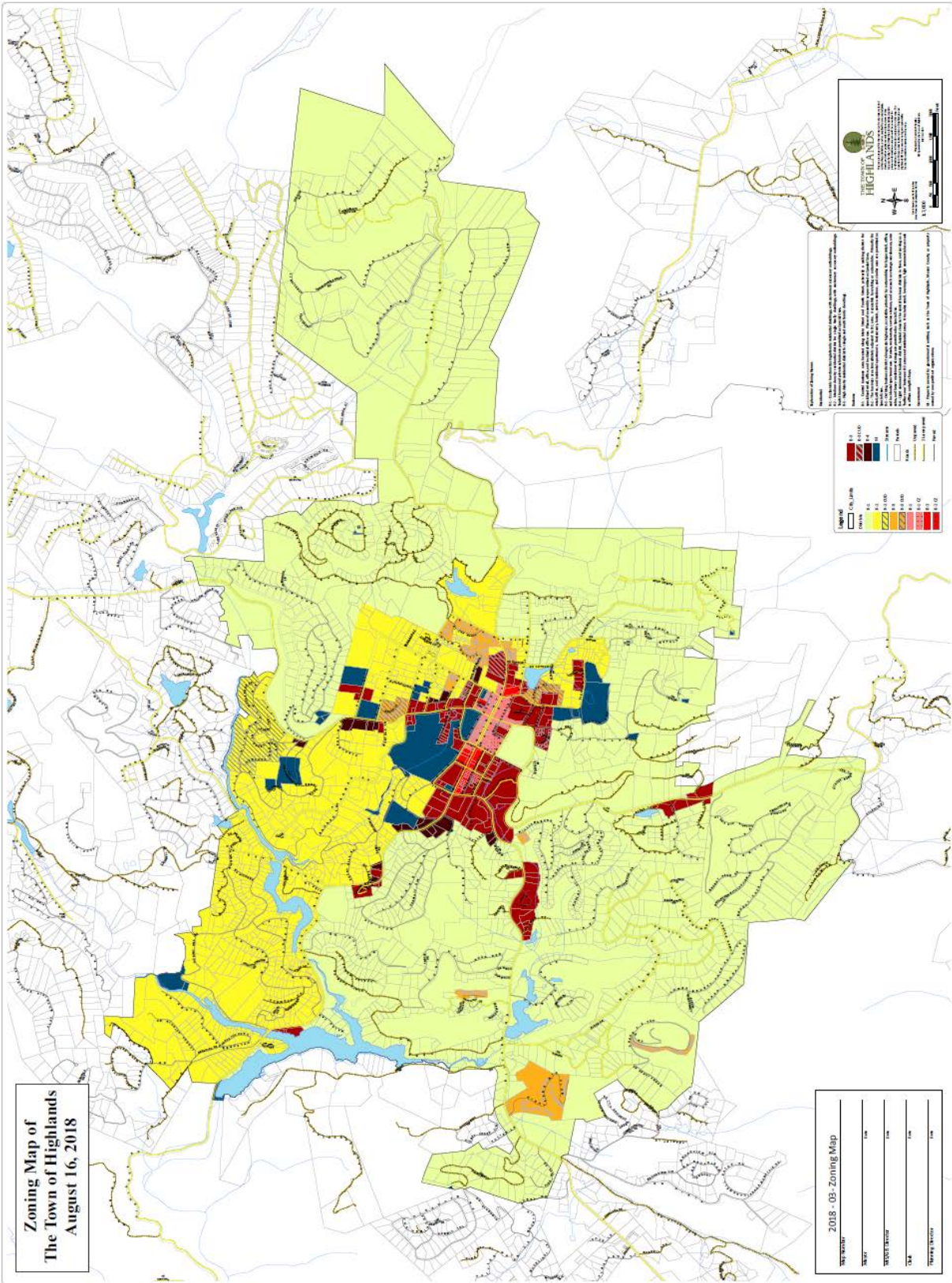
Patrick Taylor, Mayor

Attest:

Gilberta B. Shaheen, Town Clerk

Approved as to form:

Jay K. Coward, Town Attorney



C. Public Comments

Cantey Worley stated his property joined the parking lot and they were real excited about the Performing Arts Center and the efforts to maintain vegetation. Worley continued that he hoped that the maples on the property line could remain and the flaming azaleas could be saved and reused. Worley expressed concerns about the water management because Mill Creek is still building up in his driveway.

Commissioner Patterson asked Hank Ross about the storm water plan. Ross indicated that they will be using the existing system to drain excess water into the rain garden and an underground storm water system with 24 inch pipe running into 30 inch pipe to slow the water.

D. Close Public Hearing

Commissioner Stiehler made a motion to close the public hearing for the GI Conditional Rezoning of 507 Chestnut Street at 7:32pm, which was seconded by Commissioner Dotson and the vote was unanimous.

E. Council Action

Commissioner Patterson made a motion to approve the GI Conditional Use, with the conditions that the storm water drainage be added as presented, the buffer of vegetation to adjacent properties be maintained as well as possible and the property be combined into a single tract of land; and to approve the proposed Zoning Map and Ordinance as presented, which was seconded by Mayor Pro Tempore Pierson and the vote was unanimous.

8. Little Bear Pen Speed Limit Request

Cantey Davis President of Little Bear Pen Neighborhood Association thanked the Board for the opportunity to address the safety issue coming down Little Bear Pen Road to turn on to Highway 64.

James Worrell requested to make the intersection safer the association had met with North Carolina Department of Transportation. The businesses across Highway 64 with the parking and travel had increased the difficulty of getting out into the road. Worrell stated that the NCDOT had completed a study and suggested the association request the Town of Highlands to reduce the speed limit to 25mph.

Worrell stated in the study it was mentioned to install flashing/warning lights like the ones located at Sky Valley Road to warn cars when someone was coming or someone was entering the road. The flashing light system costs are \$40,000, and the NCDOT would not pay any of the costs. Worrell asked at this time the Board to consider reducing the speed limit and hopefully could discuss working on a plan such as the light system in the future.

Commissioner Stiehler made a motion to endorse the idea of reduced speed limit change as outlined by the North Carolina Department of Transportation, which was seconded by Commissioner Dotson and the vote was unanimous.

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

Planning & Development Director Andrew Bowen stated he had been working with the Planning Board for a couple of months to streamline unnecessary issues and to avoid monotony of things presented to the Planning Board. Bowen stated in order to achieve this process the Community Design Standard was drafted to check off things that the Planning & Development Director could oversee and issue a permit, which would not go before the Planning Board any longer. Bowen included Amendments to the UDO and UDO Use Table.

Commissioner Patterson made a motion to call for a Public Hearing at the regular meeting of this Board on September 20th at 7:00pm, for UDO Amendments to Sec. 6.2.1(4) Use Table, Sec. 6.5, 6.5.1(A)(1) and to adopt the Community Design Standards Supplement, which was seconded by Mayor Pro Tempore Pierson, and the vote was unanimous.

10. Highlands Code of Ordinances Amendment: Sec. 15-303. Definitions: Pole Attachment or Attachment

MIS/GIS Matt Shuler stated that the Pole Attachment language was tabled at the previous meeting and was presenting the Ordinance Amendment with revised language from Town Attorney Jay Coward.

Commissioner Patterson and Mayor Pro Tempore Pierson expressed concern that the language was unclear as to exactly what we were trying to achieve. Commissioner Patterson asked Coward if the language could be further simplified. Coward agreed to make it "*Pole attachment or attachment shall mean a physical connection, by any means, to a pole.*"



ORDINANCE AMENDMENT

Pursuant to an affirmative vote of 4 yeas and 0 nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the 16th day of August, 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:**

Code of Highlands ~ Chapter 15 Utilities: Article V, Pole Attachment Regulation,*
Sec. 15-303. Definitions

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

ARTICLE V. - POLE ATTACHMENT REGULATION

Sec. 15-303. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Change in character of a circuit shall mean any reconfiguration of the pole or pole-mounted appurtenances in order to accommodate joint use of the pole; e.g., an increase in vertical clearance.

Facilities shall mean the cables, apparatus, equipment, material, instruments and devices appurtenant to or associated with a licensee's business and being an "attachment".

Licensee shall mean any person who is required by the terms of this article to have a permit as required by this article.

Make-ready audit shall mean the process by which a survey of the work is presented to the Town, or produced by the Town, and a cost estimate is provided, whether by a third party contractor to the Town, or by the Town itself.

Person shall mean any natural person, partnership, corporation, association, joint venture, or organization of any kind that uses the town's poles. This term shall include all successors, transferees and assignees of such entities.

Pole shall mean any utility pole owned by the Town of Highlands.

Pole attachment or *attachment* shall mean a physical connection, by any means, of a cable, wire, or other medium or facility by which communications signals of any kind are transmitted **or have been transmitted in the past** by a licensee in the normal course of its operations.

Rearranging shall mean the moving of attachments from one (1) position on a pole to another position on the same pole.

Rules shall mean:

- (1) The National Electrical Safety Code (NESC);
- (2) The Occupational Safety and Health Act (OSHA);
- (3) The Rural Utility Service (RUS)/Rural Electrification Administration (REA);
- (4) County ordinances;
- (5) State statutes, codes and regulations;
- (6) Good utility practice;
- (7) This article; and
- (8) All other applicable town ordinances.

Town shall mean the Town of Highlands, North Carolina.

Transferring shall mean the removing of any attachment from one (1) pole and placing it upon another pole.

(Ord. of 2-6-08)

Commissioner Patterson made a motion to approve the Ordinance Amendment as amended, which was seconded by Commissioner Dotson and the vote was unanimous.

11. Town of Highlands Fee Schedule Amendment Pole Attachment Fees

MIS/GIS Director Matt Shuler stated that with Ordinance Amendment the Fee Schedule had to be updated to reflect the correct fees from “per pole” to “per attachment.”

MISCELLANEOUS FEES

Fee to Answer Fire Call Outside 5-mile Radius (Reference Section 4-6)
\$250.00

Charges on Returned Checks November 6, 1991

The Town of Highlands has a policy of charging the payor a \$20.00 fee if a returned check is redeposited and comes back bad a second time.

False Burglar Alarms and Fire Alarms May 28, 2015

BURGULAR ALARMS: **False alarm** means activation of an alarm by any means that elicits a response by police when no situation requiring such a response does, in fact, exist. This includes accidental, avoidable, and unnecessary alarm activation due to user error, equipment malfunction, improper or unsuited equipment, but does not include alarm activation caused by violent conditions of nature (including but not limited to lightning storms) or other extraordinary circumstances not reasonably subject to control by the alarm user or alarm business. Other issues will be looked at on an individual case by case scenario.

The alarm user shall be assessed the following fees based on the number of false alarm days in one year (January 1st-December 31st).

The civil penalties are as follows:

1 False Alarm or consecutive alarms in one month until the customer is notified of alarm issue(s)	Free ~ Courtesy
2 or more false alarms	\$100.00 each

FIRE ALARMS: \$250.00 per false alarm, except that one free false fire alarm is permitted per year. August 3, 1994

Pole Attachment Fees ~~June 25, 1997~~ *August 16, 2018*

\$10.00 per pole *attachment* annually

Pole Attachment Permit Fee March 21, 2013

\$50.00 per pole

Cemetery Fees July 1, 1998

Highlands Memorial Park Cemetery Lot (single grave site)	\$400
Contribution to Perpetual Care Fund	\$300
Corner Marker Installation	\$80

Fees for Columbarium March 6, 2002

For qualifying individuals	\$1000
For non-qualifying individuals	\$1400

Fine for Parking Violations August 16, 2011

\$10.00 first violation
\$50.00 every violation thereafter

Citation for Violation of Section 7-117, Downtown Business District Parking Ordinance
August 17, 2014

From April 15 to May 15 each violator will be issued one written warning. During this time period, if the violator is found in violation again, a citation will be issued. Each citation is \$50.00 payable within 15 days of date of issuance. If not paid within the 15 days, a civil summons from a magistrate will be issued to the violator causing the violator to be required to appear in district court accruing court costs on top of the cost of citation. If the violator pays the citation after receiving the civil summons, he/she is still required to pay court costs.

Citation for Violation of Section 7-107 Passenger loading zones & Section 7-108 Commercial loading zones April 17, 2014

Each citation is \$50.00 payable within 15 days of date of issuance. If not paid within the 15 days, a civil summons from a magistrate will be issued to the violator causing the violator to be required to appear in district court accruing court costs on top of the cost of citation. If the violator pays the citation after receiving the civil summons, he/she is still required to pay court costs.

Permit Fee and Fine for Violation of Section 13-18 Use of streets and sidewalks during construction activities June 19, 2014

Permit Fee ~ \$100.00 plus the amount applicant is responsible for compensation associated with the use of off duty Highlands Police Officers in coordination with the Police Chief.

Fine for Violation ~ \$100.00 per day, each day continuing violation shall constitute a separate offense.

Boat Permit for Boats on Lake Sequoyah June 7, 2000

Annual Permit\$10.00
Daily Permit.....5.00

Impoundment Fee for Automobiles Towed to Town Warehouse October 6, 2003

Per Day \$5.00

GIS Maps December 5, 2005

82 X 11 \$ 2.00
11 X 174.00
13 X 19.....5.00
24 X 36..... 15.00
36 X 4825.00

Administration July 1, 2015

Copies \$.10/page
Audio/Information on CD \$5.00

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

12. Horse Cove Road Crosswalk Update

Public Works Director and Town Engineer Lamar Nix stated he had met with Planning & Development Director Andrew Bowen, Town Manager Josh Ward and NCDOT representative Monty Ward regarding the crosswalk across Horse Cove Road. NCDOT Representative Ward didn't like the area chosen for the crosswalk because of the sight distance due to vegetation. Nix continued that NCDOT representative Ward wanted to move the crosswalk closer to town. Nix stated that in the hour of the meeting there was about 20 pedestrians and NCDOT representative Ward definitely saw the need for the crosswalk. NCDOT representative Ward suggested to move the crosswalk closer to Town and for the Town to consider adding an additional crosswalk at 6th Street. Nix stated that the Town would provide the pedestrian crossing landing ramp with the different textures and lengthen the walkway down to the crossing in stone. Nix continued that the Town would have to relocate the crosswalk on 6th Street to be closer to Horse Cove Road, including relocating the stop sign and stop bar.

Commissioner Patterson made a motion to proceed with crosswalk on Horse Cove Road and 6th Street as presented, which was seconded by Mayor Pro Tempore Pierson, and the vote was 3 to 1, with Commissioner Dotson voting nay.

13. Closed Session: Pursuant to NCGS §318.11(a)(3) Attorney Client Privilege: Arnold Road Discussion and Pursuant to NCGS §318.11(a)(6) Personnel Matters: Town Manager Annual Review

Mayor Pro Tempore Pierson made a motion to go into Closed Session pursuant to NCGS §318.11(a)(3) for Attorney Client Privilege for Arnold Road Discussion NCGS §318.11(a)(6) Personnel Matters: Town Manager Annual Review at 8:40pm, which was seconded by Commissioner Patterson and the vote was unanimous.

Once discussion was held, Commissioner Dotson made a motion to go back into open session at 9:10pm, which was seconded by Commissioner Patterson and the vote was unanimous.

Commissioner Patterson made a motion to direct Town Attorney Jay Coward to continue negotiations with Attorney Fred Jones and upon approval of the Agreement authorize Mayor Pat Taylor to sign, which was seconded by Mayor Pro Tempore Pierson and the vote was unanimous.

14. Adjournment

As there were no further matters to come before the Board of Commissioners, Commissioner Dotson moved to adjourn which was seconded by Commissioner Patterson and upon a unanimous vote, the Town Board adjourned at 9:15pm.

Patrick Taylor
Mayor

Gilberta B. Shaheen
Town Clerk