

**Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of June 17, 2021, at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina**

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

Also Present: Town Manager Josh Ward, Town Attorney Jay Coward, Finance Director Rebecca Shuler via Zoom, Public Works Director Lamar Nix, MIS/GIS Director Matt Shuler, Police Chief Andrea Holland, Parks & Recreation Director Lester Norris, Planning & Development Director Assistant Michael Mathis, 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. Moment of Silence & Pledge of Allegiance**

Mayor Taylor held a moment of silence then led the Pledge of Allegiance.

**3. Public Comment Period**

There were no comments.

**4. Review and Approve the Agenda**

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

**5. Reports**

**A. Mayor**

Mayor Taylor reported he attended the meeting with Stewart Company with the first draft of the Community Plan; thanked the county Commission for partnering with us on getting the new lighting for the ballfield; paving completed on US64, thanked Josh and Lamar for their coordination with the NCDOT and contractor; Mayor Taylor had the honor of welcoming friends to the Highlands Hurricanes swim meet and got to see the new dressing rooms thanks to the generosity of Art and Angela Williams. Mayor Taylor also recognized newspaper reporter Christopher Smith.

**B. Commissioners and Committee Reports**

Commissioner Hehn reported Tom Neal's mother passed away unexpectedly and he couldn't attend the meeting, but the CNA program begins July 6, 2021 and they still have openings; 38 openings today on the hospital website and extend condolences to Tom in his loss.

**C. Town Manager**

Town Manager Ward reported that the Laurel Street Alley repairs/construction didn't need a permit; Sam Sprinkle will prepare a survey of the request for the 3<sup>rd</sup> Street sidewalk proposal; Fiber Contract in hands of Hotwire and hope to have it back within a week; the dirt is where it needs to be at the Fire Department and the wall should be started tomorrow and Comp Plan meeting went well and had positive comments.

**6. Consent Agenda**

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

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

7.     **Public Hearing: FY2021-22 Budget**

**A.     Open Public Hearing**

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO OPEN THE PUBLIC HEARING ON THE FY 2021-22 BUDGET AT 7:12PM, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

**B.     Staff Comments/Recommendation**

Town Manager Josh Ward presented the FY 2021-22 Budget and the following Budget Message Amendment:

**TOWN OF HIGHLANDS**  
                                  **FY 2021-22 BUDGET MESSAGE**  
                                  **AMENDMENT**

June 17<sup>th</sup>, 2021

Two amendments were made to the budget since the presentation on May 27<sup>th</sup>. The addition of \$137,500 was made to the Recreation Capital Improvements line item within the General Fund for the ballfield lighting project. This was required, in order to reflect the total project cost of \$275,000. Macon County has approved their budget, which included \$127,500 toward the lighting project, which will be recognized when the funds are received. Secondly, an amendment was made in the form of a reduction in the GF Capital Projects Fund of \$288,679.59, due to a recent payment to D.R. Reynolds for the fire department project. The total of the proposed FY 2021-22 budget is \$28,312,029.91.

Sincerely,  
Joshua P. Ward  
Town Manager  
Town of Highlands

**TOWN OF HIGHLANDS**  
                                  **BUDGET ORDINANCE**  
                                  **FISCAL YEAR 2021 - 2022**  
                                  **JULY 1, 2021 THRU JUNE 30, 2022**

**BE IT ORDAINED** by the Board of Commissioners of the Town of Highlands, North Carolina, assembled this 17<sup>th</sup> day of June 2021, that the following fund revenues and department and/or fund expenditures be adopted:

**SECTION I. TOTAL REVENUES**

General Fund	\$ 7,073,228.00
GF Capital Projects Fund	\$ 8,349,578.91
Scholarship Fund	\$ 51,500.00
Fire & Rescue Special Revenue Fund	\$ 1,153,353.00
Cemetery Fund	\$ 65,500.00
Water Enterprise Fund	\$ 1,964,430.00
Sewer Enterprise Fund	\$ 971,262.00
Capital Projects Fund	\$ 1,363,350.00
Sanitation Enterprise Fund	\$ 787,850.00
Electric Enterprise Fund	<u>\$ 6,531,978.00</u>
Total Revenues	\$ 28,312,029.91

**SECTION II. TOTAL EXPENDITURES**

General Fund	\$ 7,073,228.00
GF Capital Projects Fund	\$ 8,349,578.91
Scholarship Fund	\$ 51,500.00
Fire & Rescue Special Revenue Fund	\$ 1,153,353.00
Cemetery Fund	\$ 65,500.00
Water Enterprise Fund	\$ 1,964,430.00
Sewer Enterprise Fund	\$ 971,262.00
Capital Projects Fund	\$ 1,363,350.00
Sanitation Enterprise Fund	\$ 787,850.00
Electric Enterprise Fund	<u>\$ 6,531,978.00</u>
Total Expenditures	\$ 28,312,029.91

**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 FY 2021-22, which includes \$.015 earmarked for Street Paving Projects. This rate is based on an approximate valuation of \$1,856,000,000.00 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 2021-22. 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 CALLOWAY MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR THE FY 2020-21 BUDGET AT 7:15PM, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

**E. Council Action**

MAYOR PRO TEMPORE PATTERSON MOVED TO APPROVE THE FY 2020-21 BUDGET AND BUDGET ORDINANCE AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS 4 TO 1 WITH COMMISSIONER HEHN OPPOSING.

**8. Public Hearing: Proposed Amendments to the Unified Development Ordinance for NCGS 16oD Compliance**

**A. Open Public Hearing**

COMMISSIONER DOTSON MADE A MOTION TO OPEN THE PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE FOR NCGS 16oD COMPLIANCE AT 7:16PM, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

**B. StaffComments/Recommendation**

Assistant Planning & Development Director Michael Mathis stated in using a North Carolina School of Government-provided checklist, staff was able to make all the necessary ordinance amendments and bring our UDO into compliance with state statute. Once all text amendments were corrected, we realized that we needed to changes our State Law Reference Table and the parts of our ordinance that referenced the outdated development laws in NCGS 160A. The recommendation is to approve the 160D amendments as submitted.

**C. Public Comments**

There were no comments.

**D. Close Public Hearing**

COMMISSIONER DOTSON MADE A MOTION TO CLOSE THE PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE FOR NCGS 160D COMPLIANCE AT 7:16PM, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

**E. Council Action**



**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 17<sup>th</sup> day of June, 2021, 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 1 – General Provisions, Sec. 1.3 Authority and Enactment

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

**Sec. 1.3 - Authority and Enactment**

The Board of Commissioners of the Town of Highlands, pursuant to the authority conferred by G.S. ~~ch. 160A, art. 19~~ **160D**, any other applicable general or special statutes of the State of North Carolina does hereby ordain and enact into laws these articles and sections.



## 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 17<sup>th</sup> day of June, 2021, 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 3 – Administration and Review Authority, Sec. 3.2 Board of Commissioners

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

### ARTICLE 3. - ADMINISTRATION AND REVIEW AUTHORITY

#### Sec. 3.2 - Board of Commissioners

##### 3.2.1 Powers and Duties

- A. Amendments to the adopted Land Use Plan;
- B. Amendments to the text of this Ordinance;
- C. Amendments to the zoning map; and
- D. Appoint other Boards and Commissions.

##### **3.2.2 Conflicts of Interests**

- A. Governing Board. - A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
- B. Appointed Boards. - Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
- C. Administrative Staff. - No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.
- D. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local

government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

- E. Quasi-Judicial Decisions. - A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
- F. Resolution of Objection. - If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.
- G. Familial Relationship. - For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

### 3.2.3 Oath of Office

All members appointed to boards under this Article shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160D-309.



## 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 17<sup>th</sup> day of June, 2021, 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 3 – Administration and Review Authority, Sec. 3.3 Planning Board

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

### Sec. 3.3 - Planning Board

#### 3.3.1 Establishment

The Highlands Planning Board shall be governed by the terms of G.S. ~~160A-361~~ **160D-301**, and other general and special State laws relating to planning in the Town of Highlands, Macon County, North Carolina, as well as by the resolution by which this Board was established.

#### 3.3.2 Terms and Compensation

- A. *Terms.* The regular term of office for each member shall be one (1) year, effective January 1st of each year. Each member whose current term is ending and would like to continue to serve will be placed back into the list of applicants on file with the Town

Clerk. The Town Board will review all the applications and appoint the most qualified members from the list.

B. *Compensation.* [Reserved]

### **3.3.3 Membership, Officers and Duties**

A. *Numbers.* The Planning Board shall consist of seven (7) members, all of which shall be appointed by the Mayor and Board of Commissioners.

B. *Composition.* Officers of the organization shall be a chairman, vice chairman, and secretary.

1. *Chairman.* A chairman shall be elected by the voting members of the Planning Board. The Chairman's term of office shall be one (1) year and until his successor is elected, beginning on July 1, and he shall be eligible for re-election. The Chairman shall decide all points of order and procedure, subject to these rules, unless otherwise directed by a majority of the Board in session at the time. The Chairman shall appoint any committees, with the consent of the Planning Board, found necessary to investigate any matters before the Board.

2. *Vice Chairman.* A vice chairman shall be elected by the Board from among its members in the same manner and for the same term as the Chairman. He or she shall serve as Acting Chairman in the absence of the Chairman and at such time shall have the same powers and duties as the Chairman.

3. *Secretary.* A secretary shall be appointed by the Chairman of the Board, or elected by the members of the Board, either from within or from outside its membership, to hold office during the term of the Chairman and/or until a successor secretary shall have been appointed or elected. The Secretary, subject to the direction of the Chairman of the Board, shall keep all records, shall conduct all correspondence of the Board, and shall generally supervise the clerical work of the Board. The Secretary shall keep the minutes of every meeting of the Board, which minutes shall be public record. The minutes shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, and all votes of the Board members upon any resolution or upon the final determination of any question, indicating the names of the members absent or failing to vote. If the Secretary is chosen from outside the Board, he or she shall not be eligible to vote upon any matter.

C. *Report.* A written report shall be submitted from the Planning Board to the Town Board of Commissioner on a monthly basis. This report may include activities, problems, and actions of the Planning Board, as well as any requests or recommendations. Said reports shall be submitted by the Chairman or by the Planning and Development Director.

### **3.3.4 Powers**

A. *Review Authority.* The purpose of the Planning Board shall be to act in an advisory capacity to the Mayor and Board of Commissioners of the Town of Highlands. The objectives of the Planning Board shall be to promote and submit plans for the orderly growth of the community. All such plans shall be drawn up in a documentary manner with sufficient copies to be distributed to all Board members, the Mayor and Board of Commissioners of the Town of Highlands, and all other interested parties prior to action by the Planning Board.

### **3.3.5 Meetings, Quorum**

A. *Meetings.* Meetings shall be held at such times and places as the Planning Board shall determine. All meetings shall be open to the public and conform to the North Carolina Open Meetings Law, G.S. ch. 143, art. 33C.

B. *Quorum.* A quorum shall consist of four (4) Board members, and shall be required for the conduct of any business.

### **3.3.6 Rules of Procedure**



The Planning Board shall adopt rules of procedure for the conduct of its business, consistent with State law and this Ordinance.



## 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 17<sup>th</sup> day of June, 2021, 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 10 – Infrastructure, Sec. 10.1 Improvements Requirements

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

### Sec. 10.1 - Improvement Requirements

#### 10.1.1 General

Where land to be subdivided or developed is found to be subject to the conditions of flooding, improper drainage, severe erosion, slides, or to have other characteristics which pose an ascertainable danger to health, safety, or property, the subdivider, owner, or developer shall take measures necessary to correct said conditions and to eliminate said dangers. Proposed streets shall be adjusted to the contours of the land so as to produce accessible lots and streets of gradient as allowed by the applicable review authority.

- A. See also Article 4, Applications and Permits, Article 12, Natural Resources and Environmental Protection, for other infrastructure requirements related to Erosion Control and Stormwater Management, and Article 15, Inspections, Violations and Enforcement.
- B. Where the terms "subdivider", "owner" or "developer" are used in this Section, they shall refer to the person(s) or entity financially responsible for the construction and installation of the applicable infrastructure.
- C. The word "street" includes "road".

#### 10.1.2 Infrastructure Review Authority

See also Article 3, Administration and Review Authority, and Article 4, Applications and Permits, for additional information.

- A. The minimum design, construction, and installation criteria for Utility and Infrastructure specific to Public Water and Sewer Systems, Electrical Service, Public Streets maintained by the Town of Highlands or Private Streets, Sidewalks, Trails and other Infrastructure such as Bridges and Roadway Dams shall be found in the Town of Highlands Public Works Specifications Manual.



- B. Streets which are subject to NCDOT review authority, as established by this Ordinance, shall be designed and constructed in accordance with the requirements and standards set forth in the NCDOT Minimum Construction Standards for Subdivision Roads, dated January 7, 1977 as amended. Should the policies and standards governing acceptance of subdivision streets by NCDOT into the State Highway System be altered, amended, reviewed, etc., such changes shall by reference be automatically incorporated into the provisions of this Ordinance.
- C. Where individual systems for water and sewerage are to be used, a written statement or letter of approval, or other documentation then currently in effect, from the Macon County and/or Jackson County Health Department shall be submitted with the preliminary plat, indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal for at least some habitable dwelling otherwise permitted on said lot. The statement from the Health Department shall be based upon a field investigation, and such statement shall be submitted prior to preliminary plat approval.

### **10.1.3 Surveying and Placement of Monuments**

"The Manual of Practice for Land Surveying," as adopted by the North Carolina Board of Registration for Professional Engineers and Land Surveyors, under provisions of G.S. ch. 89C, shall apply when conducting surveys.

### **10.1.4 Required Easements**

- A. All easements shall be shown on the preliminary and final plats, site specific plans and master development plans.
- B. All site plans and plats shall exhibit standard easement notes stating the type and purpose of the easement along with a list of prohibited uses/activities within the easement.
- C. An easement not less than ten (10) feet in width may be required in all subdivisions, specific sites or master developments, where deemed necessary in order to provide for public service poles, wires, or conduits; storm or sanitary sewers; gas, heat, or water mains; or other utility lines. The subdivider, owner, or developer will provide a letter from the public service or utility provider with the preliminary plat submittal, noting the required easement width.
- D. Where easements for utilities, drainage, or other are required outside of public rights-of-way, such easements should preferably be centered on rear or side lot lines.
- E. Easements for other purposes, including but not limited to, trails and greenways, shared driveways, and/or encroachment access for maintenance of items such as subdivision short islands or medians, shall be designed for reservation or dedication as appropriate. See also Sec. 12.3.3, Riparian Buffer Zones and Measurement, for riparian buffer easements and Sec. 12.7.8, Stormwater Quantity Design Standards, for stormwater management easements that may be required.

### **10.1.5 Effect of Plat Approval on Dedications**

Pursuant to G.S. ~~160A-374~~ **160D-806**, the approval of a plat does not constitute or effect the acceptance by the Town or the public of the dedication of any street, public utility line, or other land or facility shown on the plat, and shall not be construed to do so. The Board of Commissioners may, however, in its discretion, and by separate resolution, explicitly accept any such dedication, and may also accept the responsibility to open, operate, repair, or maintain such street, public utility line, or other land or facility, provided the improvements have been installed in accordance with this Ordinance or other applicable Town of Highlands Standards and Ordinances.



## 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 17th day of June, 2021, 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 15 – Inspections, Violations and Enforcement, Sec. 15.3 Notices of Violation

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

### ARTICLE 15 – INSPECTIONS, VIOLATIONS AND ENFORCEMENT

#### Sec 15.3 Notices of Violations

##### 15.3.2 Service of Notice of Violation

The Director shall serve the offender **landowner and the holder of the development approval** with a copy of the Notice of Violation **by personal delivery, electronic delivery, or first-class mail** ~~in any manner as provided for service of process in the North Carolina Rules of Civil Procedure (Rule 4)~~, provided however, that refusal to accept the Notice of Violation, or failure to notify the Director of a change of address shall not relieve the offender's obligation to pay the stated penalty. **The Director may post the notice of violation on the property.**

##### 15.3.3 Filing of Notices of Violation

All Notices of Violation shall be filed in the office of the Director in a book specially designated for this purpose, with the date of the filing clearly and indelibly stamped or written on the Notice at the time of filing. **The Director shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.**

##### 15.3.4 Appeals

Except for appeals of violations of the North Carolina Sedimentation and Pollution Control Act of 1973 (G.S. ch. 113A), an appeal of a Notice of Violation may be taken to the Zoning Board of Adjustment in accordance with the provisions of Sec. 4.19, Appeals, and relevant statutes. Appeals under the North Carolina Sedimentation and Pollution Control Act of 1973 (G.S. ch. 113A) shall be taken under G.S. ch. 150B, art. 3.

##### 15.3.5 Complaints Regarding Violations

Any person may file a written complaint with the Director whenever a violation of a provision of this Ordinance occurs or is alleged to have occurred. The Director shall:

1. properly record the complaint;

2. promptly investigate ~~the~~ **the complaint, provided that they follow the inspection process as stated in § 160D-403(e); and**
3. take appropriate action, provided, however, that a complaint shall not be a prerequisite of inspection or enforcement of any provision of this Ordinance.



## 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 17<sup>th</sup> day of June, 2021, 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 15 – Inspections, Violations and Enforcement, Sec. 15.3 Notices of Violations

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

### **Sec. 15.3 - Notices of Violations**

#### **15.3.6 Equitable Remedies**

In addition to other remedies provided for in this Ordinance, State Statutes, or the common law, this Ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the Town for equitable relief that there is an adequate remedy at law. By way of illustration, and not by way of limitation, the Town may seek equitable remedies in the form of any of the following:

- A. Temporary restraining order;
- B. Temporary or permanent mandatory injunction to require positive action to correct violations;
- C. Temporary or permanent prohibitory injunction to prevent future violations;
- D. Stop work order under G.S. ~~160A-421~~ **160D-404(b)**;
- E. Order of abatement to stop violations;
- F. Order of abatement to direct that action be taken as necessary to place a body of water downstream from the dam in its former condition and otherwise bring the property into compliance with Sec. 4.15, Dam Impoundment Draining Permit;
- G. Temporary and permanent injunction to prevent illegal subdivisions and the transfer or sale of lots from such illegal subdivisions; and
- H. For offenders who engaged in a land-disturbing activity and who failed to retain sediment generated by the activity, as required by G.S. 113A-57(3), an order requiring restoration after noncompliance, to restore the waters, landscape and riparian buffers and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. See also Article 11, Landscape, Screening and Buffers, and Article 12, Natural Resources and Environmental Protection, for specific requirements.



## 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 \_\_\_\_\_<sup>17</sup><sup>th</sup> day of \_\_\_\_\_ June, 2021, 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 15 – Inspections, Violations and Enforcement, Sec. 15.7 Minimum Standards for Habitability

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

### **Sec. 15.7 - Minimum Standards for Habitability**

#### **15.7.6 Appeal to Board of Adjustment**

Appeals may be taken from any decision or order of the Planning and Development Director under this Section to the Zoning Board of Adjustment, in accordance with the procedures specified in G.S. ~~160A-446~~ 160D-305.

#### **15.7.7 Procedure for Enforcement Upon Noncompliance by Owner**

- A. If the owner fails to comply with an order to repair the structure, the Planning and Development Director may:
1. Cause such structure to be repaired, and pending such repairs, may order such structure vacated and closed; and
  2. Cause to be posted on the main entrance of any structure so closed, a placard with the following words:  
"Notice is hereby given that this building is in an unsafe and dangerous condition; may constitute a fire hazard by reason of structural defects and general state of decay, deterioration and disrepair; may be hazardous or dangerous to children or members of the public generally; and may be dangerously infested with rodents or insects. Said building has been condemned under the building laws of the State of North Carolina."
- B. If the owner fails to comply with an order to remove or demolish the structure, the Planning and Development Director may:
1. Cause such structure to be removed or demolished; and
  2. Cause to be posted, pending removal or demolition, on the main entrance of any structure a placard with the following words:  
"Notice is hereby given that this building is in an unsafe and hazardous condition; may constitute a fire hazard by reasons of structural defects and general state of decay, deterioration and disrepair; may be hazardous or dangerous to children or members of the public generally; and may be dangerously infested with rodents or insects. Said building has been condemned under the building laws of the State of North Carolina."

- C. *Duties of Planning and Development Director.* The duties of the Planning and Development Director set forth in the preceding items A and B shall not be exercised until the Town Board, by ordinance, shall have ordered the hearing officer to proceed to effectuate the purpose of this Article with respect to the particular structure which the officer shall have found to be in violation of this Article. No such ordinance shall be adopted to require demolition of a structure until the owner has first been given a reasonable opportunity to bring it into conformity with this Article. Such ordinances shall be recorded in the Office of the Register of Deeds of Macon County or Jackson County (as appropriate) and shall be indexed in the name of the property owner in the grantor index. Upon adoption by the Town Board of an ordinance authorizing and directing the property owner to do so, as provided by G.S. ~~160A-443(5)~~ **160D-1203**, and this Ordinance, the Planning and Development Director shall issue an order for removal or demolition and proceed to cause such structure to be removed or demolished, as directed by the Ordinance of the Board and shall cause to be posted on the main entrance of such structure a placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor.
- D. *Petition to Superior Court by Owner.* Any person aggrieved by an order issued by the Planning and Development Director under Sec. 15.7.7, Procedure for Enforcement Upon Noncompliance by Owner, of this Ordinance shall have the right, within thirty (30) days after issuance of the order, to petition the Superior Court for a temporary injunction restraining the Planning and Development Director pending a final disposition of the cause, as provided by G.S. ~~160A-446(f)~~ **160D-1208**.

#### **15.7.8 Methods of Service of Complaints and Orders**

Complaints or orders issued by the Planning and Development Director pursuant to this article shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the Planning and Development Director in the exercise of reasonable diligence, the Planning and Development Director shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publication in the manner prescribed in the North Carolina Rules of Civil Procedure. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order. Failure on the part of any owner or party in interest to receive or have served upon him any complaint, notice or order herein provided for shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person.

#### **15.7.9 Costs and Lien on Premises**

As provided by G.S. ~~160A-446(6)~~ **160D-1203**, the amount of the cost of any removal or demolition caused to be made or done by the Planning and Development Director pursuant to this article shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by the General Statutes.

#### **15.7.10 Alternative Remedies**

Neither this Article nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this Article by criminal process, and the

enforcement of any remedy provided in this Article shall not prevent the enforcement of any other remedy or remedies provided in this Article or in other ordinances or laws.





## 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 17<sup>th</sup> day of June, 2021, 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 15 – Inspections, Violations and Enforcement, Sec. 15.7 Minimum Standards for Habitability

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

### ARTICLE 15 – INSPECTIONS, VIOLATIONS AND ENFORCEMENT

#### Sec. 15.7 Minimum Standards of Habitability

##### 15.7.6.1 Abandonment of Intent to Repair

- A. If the dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted pursuant to section G.S. 160D-1203(4) or after the Planning Director issues an order or proceedings have commenced under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed as provided in this subdivision, then the Board of Commissioners may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the Town in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the governing board may, after the expiration of such one-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:
- If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days.
  - If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.



## 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 17<sup>th</sup> day of June, 2021, 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 16 – Flood Damage Prevention Ordinance, Sec. 16.1 Statutory Authorization,  
Findings of Fact, Purpose and Objectives

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

**Sec. 16.1 - Statutory Authorization, Findings of Fact, Purpose and Objectives**

**16.1.1 Statutory Authorization**

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; ~~Parts 3, 5, and 8 of Article 19 of Chapter 160A~~ **G.S. 160D-923**; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Board of Commissioners of the Town of Highlands, North Carolina, does ordain as follows:

**16.1.2 Findings of Fact and Intention**

- A. The flood-prone areas within the jurisdiction of the Town of Highlands are subject to periodic inundation which may result in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood-prone areas of uses vulnerable to floods or other hazards.

**16.1.3 Statement of Purpose**

It is the purpose of this article to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood-prone areas by provisions designed to:

- A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- E. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

**16.1.4 Objectives**

The objectives of this Ordinance are to:

- A. Protect human life, safety, and health;
- B. Minimize expenditure of public money for costly flood control projects;



- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business losses and interruptions;
- E. Minimize damage to public facilities and utilities (i.e., water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood-prone areas;
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas; and
- G. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.



**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 17<sup>th</sup> day of June, 2021, 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)  
State Law Reference Table

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

**STATE LAW REFERENCE TABLE**

This table shows the location within this Unified Development Ordinance, either in the text or notes following the text, of references to North Carolina General Statutes.

G.S. Section	Section this Code
1-54.1	4.19.4
ch. 7A	16.4.5
14-4	15.5.1
15-27.2	15.1.2
44A-40 et seq.	6.5.14
47-30	4.4.6—4.4.8
74-76 et seq	12.4.3

ch. 89C	10.1.3
ch. 113A	15.3.1
	15.3.4
113A-1 et seq.	4.14.4
113A-50 et seq.	15.5.2
113A-54.1(e)	4.14.4
113A-56(a)	12.4.3
113A-57(2)	4.14.4
113A-57(3)	15.3.6
113A-61(c)	4.19.2
113A-64(b)	4.14.4
	15.5.2
130A, art. 9	16.2
130A-290(a)(6)	16.2
130A-290(a)(35), (36)	16.2
136-44.14	10.5.1
136-102.6	10.2.1
ch. 139	2.3
142-214.5 et seq.	5.6.2
ch. 143, art. 21	2.3
ch. 143, art. 21, pt. 6	16.1.1
ch. 143, art. 33C	3.3.5
	3.4.5
143-139	15.4.8
143-143.15	16.5.2
143-215.23	12.6.4
143-318.11	15.4.1
ch. 150B, art. 3	15.3.1
	15.3.4
ch. 150B-14(c)	2.3

<del>160-441 et seq.</del> <b>ch. 160D-1201</b>	15.7.1
ch. 160A, art. 8	16.1.1
<del>ch. 160A, art. 19</del> <b>ch. 160D</b>	1.3
<del>ch. 160A, art. 19, pt. 3</del> <b>ch. 160D, art. 7</b>	3.4.1
<del>ch. 160A, art. 19, pts. 3, 5, 8</del> <b>ch. 160D-923</b>	16.1.1
160A-175 <b>&amp; 160D-403</b>	15.1.1
<del>160A-361</del> <b>160D-301</b>	3.3.1
<del>160A-374</del> <b>160D-806</b>	10.1.5
<del>160A-376</del> <b>160D-802</b>	4.4.2
<del>160A-385.1</del> <b>160D-108.1</b>	4.21.1, 4.21.2
<del>160A-385.1(e)</del>	<del>4.21.1</del>
<del>160A-388(e2)</del> <b>160D-1405(d)</b>	4.19.3
<del>160A-421</del> <b>160D-404(b)</b>	15.3.6
<del>160A-443(5)</del> <b>160D-1203</b>	15.7.7
<del>160A-446</del> <b>160D-305</b>	15.7.6
<del>160A-446(f)</del> <b>160D-1208</b>	15.7.7
<del>160A-446(6)</del> <b>160D-1203</b>	15.7.9



**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**

**Ordinance Amendment  
Pertaining to 160D Regulations**

**BE IT HEREBY RESOLVED** by the Planning Board of the Town of Highlands, North Carolina, that in accordance with provisions of North Carolina General Statute 160A-383, the Planning Board 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 align the Town's Code with State Statute.

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO APPROVE THE PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE FOR NCGS 160D COMPLIANCE AS PRESENTED AND STATEMENT OF CONSISTENCY AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

**9. Rezoning Request from Bennett Williams at 1459 South Fourth Street B-3 Commercial to R-1 Residential**

Assistant Planning & Development Director Michael Mathis said on May 13th, a Petition for Rezoning was submitted to the Planning Department by Bennett Williams. The application is for his property at 1459 South 4th Street (**PIN #7449273173**). The lot is 0.28 acres and located within the Balance Area of the Town's Watershed. Currently, the subject property is zoned B-3 Commercial, but the building operates as a single-family dwelling. Mr. Williams is requesting that the property be rezoned to R-1 to fit the residential nature of the building. The Planning Board reviewed this item on May 24th and recommended approval. The recommendation is to set a public hearing for the July 15<sup>th</sup> meeting.

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO SET A PUBLIC HEARING FOR THE REZONING OF PARCEL 7449273173 LOCATED AT 1459 SOUTH FOURTH STREET FOR THE NEXT REGULARLY SCHEDULED BOARD MEETING OF JULY 15, 2021, AT 7PM, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

**10. Mountain Findings Parking Request**

Glenda Bell representative for Mountain Findings requested the use of the town's property in the right of way, which is presently a grassy area, for parking spaces.

COMMISSIONER HEHN MADE A MOTION TO APPROVE THE PARKING REQUEST AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

**11. Financial Matters: Year-End Budget Amendments**

Finance Director Rebecca Shuler presented the year-end Budget Amendments to tie up any loose ends for this fiscal year.

TOWN OF HIGHLANDS BUDGET AMENDMENT  
AMENDMENT # \_\_\_\_\_

June 15, 2021



FROM: General Fund

DEPARTMENT: Various Depts. ~ Administration, Planning, MIS/GIS, MIS/GIS ~ Fiber,  
Police, Streets, Public Buildings, Pool, & Fire  
EXPLANATION: Year End Budget Amendments ~ Allocating unbudgeted revenues to cover  
shortages in certain line items and to help no fund/dept. go over along with allocated the Cares  
Act Funding that was given to cover Salaries and Wages in the PD and FD which reduces the  
Fund Balance Appropriation for the year

	Account	Description	Increase/Decrease	Debit	Credit
1.	10-3000-0040	NC Local Option Sales Tax	Increase		\$53,486.38
	10-3100-0725	Grant Governor's Crime	Increase		\$22,613.62
	10-3100-0910	Fund Bal Appropriated ~ GF	Decrease	\$192,169.00	
	10-3100-9440	Macon County ~ Cares Act	Increase		\$191,169.00
	10-3100-9450	Jackson County ~ Cares Act	Increase		\$1,000.00
	10-4310-5125	Charges	Increase		\$70,000.00
	10-4100-0470	Advertising	Increase	\$5,000.00	
	10-4100-0611	Group Insurance ~ Cobra	Increase	\$10,000.00	
	10-4100-3300	Department Supplies	Increase	\$5,000.00	
	10-4200-5780	Safety Related Expenses	Increase	\$100.00	
	10-4300-0605	Group Insurance	Increase	\$10,500.00	
	10-4300-1640	New Computer Equipment	Increase	\$5,500.00	
	10-4310-0410	Professional Services ~ Engineering (Legal)	Increase	\$50,000.00	
	10-4310-1630	Annual Contracts	Increase	\$4,500.00	
	10-4310-3600	Uniforms	Increase	\$500.00	
	10-4310-3700	Broadband Sales Tax	Increase	\$5,000.00	
	10-4310-5700	Misc. Expense	Increase	\$10,000.00	
	10-5600-0605	Group Insurance	Increase	\$8,000.00	
	10-5600-1500	Maint. & Repair ~ Bldg	Increase	\$2,000.00	
	10-5600-3300	Dept. Supplies	Increase	\$10,000.00	
	10-5700-1320	Maint. & Repair ~ Comm. Bldg	Increase	\$10,000.00	
	10-6210-3330	Dept. Supplies ~ Pool	Increase	\$10,000.00	
		<b>Totals</b>		\$338,269.00	\$338,269.00

Approved by Town Manager \_\_\_\_\_

Action by Town Board \_\_\_\_\_

Approved and Entered on Minutes Dated \_\_\_\_\_

Finance Director \_\_\_\_\_



TOWN OF HIGHLANDS BUDGET AMENDMENT  
AMENDMENT # \_\_\_\_\_

June 15, 2021



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.	30-3800-0402	Connection Fee's	Increase		\$15,100.00
	30-3800-0601	Misc. Income	Increase		\$10,800.00
	30-8100-3300	Dept. Supplies	Increase	\$10,000.00	
	30-8100-9600	Contrib/Water Reserve	Increase	\$20,100.00	
	30-8100-9610	Interfund Transfer ~ Water	Increase		\$20,100.00
	30-8150-0205	Salaries & Wages	Increase	\$10,000.00	
	30-8150-3350	Dept. Supplies ~ Wtr. Plant	Increase	\$5,900.00	
		<b>Subtotals</b>		<b>\$46,000.00</b>	<b>\$46,000.00</b>
		<b>Totals</b>		<b>\$46,000.00</b>	<b>\$46,000.00</b>

Approved by Town Manager  
Action by Town Board  
Approved and Entered on Minutes Dated  
Finance Director

TOWN OF HIGHLANDS BUDGET AMENDMENT  
AMENDMENT # \_\_\_\_\_

June 15, 2021



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.	35-3800-0401	Sales of Materials	Increase		\$38,000.00
	35-3800-0404	Sales Tax on Electric	Increase		\$18,500.00
	35-3800-0405	Pole Attachment Fees	Increase		\$11,600.00
	35-8300-3700	Electric Sales Tax	Increase	\$50,000.00	
	35-8300-9508	Transfer to Sanitation	Increase	\$13,600.00	
	35-8300-0205	Salaries and Wages	Increase	\$4,500.00	
		<b>Subtotals</b>		<b>\$68,100.00</b>	<b>\$68,100.00</b>
		<b>Totals</b>		<b>\$68,100.00</b>	<b>\$68,100.00</b>

Approved by Town Manager  
Action by Town Board  
Approved and Entered on Minutes Dated  
Finance Director



FROM: Gov't Capital Project and Fire Fund



DEPARTMENT: Capital Project Fund, Fire Dept. & Electric Dept.  
EXPLANATION: Fire Dept. to Electric Reserve Repayment

Account	Description	Increase/Decrease	Debit	Credit
1. 35-3800-9522	Transfer from Gov't Capital to Repay Elec.	Increase		\$1,500,000.00
35-8300-3982	Contrib. Electric Reserve	Increase	\$1,500,000.00	
		<b>Subtotals</b>	<b>\$1,500,000.00</b>	<b>\$1,500,000.00</b>
		<b>Totals</b>	<b>\$1,500,000.00</b>	<b>\$1,500,000.00</b>

Approved by Town Manager  
Action by Town Board  
Approved and Entered on Minutes Dated  
Finance Director

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO APPROVE THE BUDGET AMENDMENTS AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

**12. Credit Card Fee Waiver Discussion**

Finance Director Rebecca Shuler said the Town allows customers to utilize online bill pay with credit card payments along with e-check payments and the online payment collections have gone up since FY19/20 and citizens are definitely utilizing the system more now that they are not being charged the fees. The fees are approximately \$15,000.00 a year to the Town. Online payments do save the customer service representatives time daily from handling mail, processing checks into the software and then scanning and filing checks into the vault for records retentions. Online payments are definitely the more modern, electronic and paperless route. Online payments take approximately 10 mins to process as opposed to an afternoon (approximately 4 hours) to process a check run.

The Town Board directed staff to look into finding out whether or not our online bill pay company could help reduce the fees. Upon further investigation, the fees to the Town are already reduced to between 2 and 2.3% as opposed to the customers 2.75%. This company not only does the credit card processing for our online bill pay, but also print and mail our invoices. Staff took the time to research similar companies that provide the full service our current provider does and could not find one that handles a smaller number like ours without a much higher cost and not in our geographical area. Staff is satisfied with the service the provider provides. The decision is the will of the Board.

COMMISSIONER DOTSON MADE A MOTION TO CONTINUE TO WAIVE THE FEES, WHICH WAS SECONDED BY COMMISSIONER HEHN AND THE VOTE WAS UNANIMOUS.

**13. Adjournment**

AS THERE WERE NO FURTHER MATTERS TO COME BEFORE THE BOARD OF COMMISSIONERS, COMMISSIONER DOTSON MOVED TO ADJOURN WHICH WAS SECONDED BY COMMISSIONER CALLOWAY AND UPON A UNANIMOUS VOTE, THE TOWN BOARD ADJOURNED AT 7:51PM.

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

\_\_\_\_\_  
Gilberta B. Shaheen  
Town Clerk