

Regular Meeting Minutes of the Town Board of Commissioners Meeting of July 28, 2016 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, Mayor Pat Taylor, Commissioner Eric Pierson and Commissioner Brian Stiehler.

Also Present: Town Manager Bob Frye, Town Attorney Jay Coward, Town Finance Director/Town Clerk Rebecca Shuler, Public Works Director Lamar Nix, MIS/GIS Director Matt Shuler, Planning & Development Director Randy Feierabend and Parks & Recreation Director Lester Norris.

1. Meeting Called to Order

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

2. Public Comment Period

Bob Kieltyka spoke in reference to garbage pickup and how he felt that Sunday pickup was essential. He wanted the town to look at commercial pickup and street can pick up separately.

There was discussion as to the article in the newspaper, that there had only been four (4) customers call Town Hall with concerns, the cost for the routes on Sunday and the costs including wear and tear on the trucks.

3. Adjust and Approve the Agenda

Mayor Pro Tempore Patterson asked to pull the insurance material off this agenda and place it on the August 18th board meeting agenda. Mayor Pro Tempore Patterson made a motion to approve this agenda with the before mentioned correction, which was seconded by Commissioner Dotson and the vote was unanimous.

4. Approval of the June 16, 2016 Regular Meeting Minutes

Mayor Pro Tempore Patterson made a motion to approve the June 16, 2016 regular meeting minutes as presented, which was seconded by Commissioner Stiehler and the vote was unanimous.

Approval of the June 16, 2016 Closed Session Minutes

Commissioner Patterson started to make a correction to the Closed Session Minutes of June 16, 2016 and Attorney Coward request her to hold off until the Closed Session for discussion.

Approval of the June 30, 2016 Special Meeting Minutes

Commissioner Stiehler made a motion to approve the June 30, 2016 special meeting minutes as presented, which was seconded by Commissioner Pierson and the vote was unanimous.

5. Reports

A. Mayor

Mayor Taylor spoke of a Southwestern Commission meeting he was going to attend and could not find the location.

Taylor also informed the board of two committee vacancies the town had open. One with the Planning Board and one on the Scholarship Committee.

B. Commissioners and Committee Reports

Commissioner Stiehler mentioned that the Scholarship Golf Tournament would be held on Thursday, October 20, 2016 at Wildcat Cliffs Country Club.

Stiehler also mentioned the Coalition for Non-native Invasive Plants Management was continuing to meet.

C. Town Manager

Town Manager Frye addressed the board in regards to weekend garbage pickup and expressed his concerns as to the article printed the newspaper. Frye said staff had been looking at the issue for several years and how to contain overtime. Frye said he felt the issue was a capacity problem and had solved it for three out of the four customers that had called in.

There was a brief discussion between commissioners as to solutions for the issue.

6. Consent Agenda

Public Works Department
Police Department
Park & Recreation Department
Planning & Development Department
Treasurer's Report
Holiday Street Closings
Insurance Plan Approval (pulled until August 18, 2016)

Mayor Pro Tempore Patterson made a motion to approve the consent agenda, which was seconded by Commissioner Dotson and the vote was unanimous.

7. Public Hearing Amendments to UDO

A. Open Public Hearing

Commissioner Pierson made a motion to open the public hearing on amendments to the UDO at 7:42pm, which was seconded by Commissioner Calloway and the vote was unanimous.

B. Staff Comments/Recommendation

At the June 16, 2016 Board of Commissioners meeting you approved a staff request to set a Public Hearing for July 27, 2016 for proposed amendments to the UDO. This first group of amendments included amendments to Articles 1, 3 and 4. The proposed amendments are primarily for the purpose of clarification or typographical correction. The Highlands Planning Board reviewed the proposed amendments to Articles 1, 3 and 4 and approved them at their regular June 27, 2016 monthly meeting.

Unified Development Ordinance of Highlands, NC (UDO) – Article 1. General Provisions, Section 1.8 – Relationship to Other Ordinances of the Town of Highlands and Section 1.9 – Relationship to other Documents of the Town of Highlands

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 ____ day of ____ 2016, 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:

(EXISTING CODE SECTIONS, FOLLOWED BY PROPOSED AMENDMENTS IN RED ITALICS, SHOWING CHANGES.)

ARTICLE 1. - GENERAL PROVISIONS

Sec. 1.8 - Relationship to Other Ordinances of the Town of Highlands

It is the intention of the Board of Commissioners that this Ordinance complement the other policies and ordinances, including but not limited to the Town of Highlands Public Works Specifications Manual, adopted by the Board for the Town, and as periodically updated. While the Board reaffirms its commitment that this Ordinance and any amendment to it be in conformity with these other policies and ordinances, the Board hereby expresses its intent that neither this Ordinance nor any amendment hereto may be challenged on the basis of any alleged nonconformity. See also Sec. 3.7, Other Departments.

Sec. 1.8 - Relationship to Other Ordinances of the Town of Highlands

It is the intention of the Board of Commissioners that this Ordinance complement the other policies and ordinances, including but not limited to the Town of Highlands Public Works Specifications Manual, adopted by the Board for the Town, and as periodically updated. While the Board reaffirms its commitment that this Ordinance and any amendment to it be in conformity with these other policies and ordinances, the Board hereby expresses its intent that neither this Ordinance nor any amendment hereto may be challenged on the basis of any alleged nonconformity. See also Sec.3.6 Other Departments.

Sec. 1.9 - Relationship to Other Documents of the Town of Highlands

It is the intention of the Board of Commissioners that this Ordinance may reference other documents approved by the Town, including but not limited to, the rules and procedures adopted by each Board and Commission, the recommended locally adapted and native species plant list and the official Color Chart adopted by the Board of Commissioners for the Town, and as periodically updated. While the Board reaffirms its commitment that these other documents will be in conformity with this Ordinance and any amendment to it, the Board hereby expresses its intent that neither this Ordinance nor any amendment hereto may be challenged on the basis of any alleged nonconformity. See also Sec. 3.7, Other Departments.

Sec. 1.9 - Relationship to Other Documents of the Town of Highlands

It is the intention of the Board of Commissioners that this Ordinance may reference other documents approved by the Town, including but not limited to, the rules and procedures adopted by each Board and Commission, the recommended locally adapted and native species plant list and the official Color Chart adopted by the Board of Commissioners for the Town, and as periodically updated. While the Board reaffirms its commitment that these other documents will be in conformity with this Ordinance and any amendment to it, the Board hereby expresses its intent that neither this Ordinance nor any amendment hereto may be challenged on the basis of any alleged nonconformity. See also Sec.3.6, Other Departments.

Unified Development Ordinance of Highlands, NC (UDO) – Article 3- Administration and Review Authority; Section 3.4.7 Decisions, Section 3.5.5 Watershed Administrator, Section 3.5.6 Stormwater Administrator, 3.5.7 Floodplain Administrator and 3.5.8 Code Enforcement Officer.

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 ____ day of ____ 2016, 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:

(EXISTING CODE SECTIONS, FOLLOWED BY PROPOSED AMENDMENTS
IN RED ITALICS, SHOWING CHANGES.)

ARTICLE 3. - ADMINISTRATION AND REVIEW AUTHORITY

3.4.7 Decisions

B.

Form. Notice of the decision in a case, in the form of a written ruling, shall be given to the applicant by the Secretary or the Planning and Development Director as soon as practicable after the case is decided. The final decision of the Board shall be shown in the record of the case as entered in the minutes of the Board and signed by the Secretary and the Chairman upon approval of the minutes by the Board. The record shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made by the Board. Where a variance is granted, the record shall state in detail any exceptional difficulty or unnecessary hardship upon which the appeal was based and which the Board finds to exist. The decision in an appeal may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from. Where an exception, a special use permit, ~~or a conditional use permit~~ is granted, the record shall state in detail any facts supporting findings required to be made prior to the issuance of such permit. The record shall state in detail what, if any, conditions and safeguards are imposed by the Board in connection with the granting of a variance or an exception, special use permit, ~~or conditional use permit~~.

3.4.7 Decisions

B.

Form. Notice of the decision in a case, in the form of a written ruling, shall be given to the applicant by the Secretary or the Planning and Development Director as soon as practicable after the case is decided. The final decision of the Board shall be shown in the record of the case as entered in the minutes of the Board and signed by the Secretary and the Chairman upon approval of the minutes by the Board. The record shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made by the Board. Where a variance is granted, the record shall state in detail any exceptional difficulty or unnecessary hardship upon which the appeal was based and which the Board finds to exist. The decision in an appeal may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from. Where an exception or a special use permit is granted, the record shall state in detail any facts supporting findings required to be made prior to the issuance of such permit. The record shall state in detail what, if any, conditions and safeguards are imposed by the Board in connection with the granting of a variance or an exception or special use permit.

3.5.5 Watershed Administrator

The Planning and Development Director shall also serve as the Watershed Administrator and may delegate such authority per the powers and duties described in ~~Sec. 3.6.3~~, Delegation of Authority.

3.5.5 Watershed Administrator

The Planning and Development Director shall also serve as the Watershed Administrator and may delegate such authority per the powers and duties described in Sec. 3.5.3, Delegation of Authority.

3.5.6 Stormwater Administrator

The Planning and Development Director shall also serve as the Stormwater Administrator and may delegate such authority per the powers and duties described in **Sec. 3.6.3**, Delegation of Authority. In addition to the powers and duties that may be conferred, the Stormwater Administrator shall have the following powers and duties under this Ordinance:

3.5.6 Stormwater Administrator

The Planning and Development Director shall also serve as the Stormwater Administrator and may delegate such authority per the powers and duties described in Sec. 3.5.3, Delegation of Authority. In addition to the powers and duties that may be conferred, the Stormwater Administrator shall have the following powers and duties under this Ordinance:

3.5.7 Floodplain Administrator

The Planning and Development Director shall also serve as the Floodplain Administrator and may delegate such authority per the powers and duties described in **Sec. 3.6.3**, Delegation of Authority. In addition to the powers and duties that may be conferred, the Stormwater Administrator shall have the powers and duties as described by [Article 16](#), Flood Damage and Prevention Ordinance.

3.5.7 Floodplain Administrator

The Planning and Development Director shall also serve as the Floodplain Administrator and may delegate such authority per the powers and duties described in Sec. 3.5.3, Delegation of Authority. In addition to the powers and duties that may be conferred, the Stormwater Administrator shall have the powers and duties as described by [Article 16](#), Flood Damage and Prevention Ordinance.

3.5.8 Code Enforcement Officer

The Planning and Development Director shall also serve as the Code Enforcement Officer and may delegate such authority per the powers and duties described in **Sec. 3.6.3**, Delegation of Authority. In addition to the powers and duties that may be conferred, the Stormwater Administrator shall have the powers and duties as described by [Article 15](#), **Inspections and Violations Enforcement**.

3.5.8 Code Enforcement Officer

The Planning and Development Director shall also serve as the Code Enforcement Officer and may delegate such authority per the powers and duties described in Sec. 3.5.3, Delegation of Authority. In addition to the powers and duties that may be conferred, the Stormwater Administrator shall have the powers and duties as described by [Article 15](#), Inspections, Violations and Enforcement.

Unified Development Ordinance of Highlands, NC (UDO) – Article 4. Applications and Permits, Section 4.2.1 Common Review Procedure (Applicability); Section 4.5.1 Conditional Zoning Districts (Applicability); Section 4.6.1 Special Use Permit (Applications); Section 4.6.3 Special Use Permit (Additional Application Requirements); Section 4.6.5 Special Use Permit (Sanctions); Section 4.7.2 Zoning Certification (Application Requirements); Section 4.7.7 Zoning Certification (Zoning Certificate of Compliance); Section 4.7.9 Zoning Certification (Watershed Protection Occupancy Permit); Section 4.8.1 Outdoor Display (Applicability); Section 4.11.2 Infrastructure Approvals (Prior Approval); Section 4.11.4 Infrastructure Approvals (Procedure); Section 4.20.1 Expiration or Extensions (Table); 4.21.1 Statutory Vested Rights

Determination (Establishment of a Vested Right for Conditional Use Zoning District; Section 4.21.1 Statutory Vested Rights Determination (Establishment of a Vested Right for Conditional Zoning District); Section 4.21.2.C Statutory Vested Rights Determination (Establishment of a Vested Right for Special Use Permits); Section 4.21.2.D Statutory Vested Rights Determination (Establishment of a Vested Right for Special Use Permits)

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 ____ day of _____2016, 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:

(EXISTING CODE SECTIONS, FOLLOWED BY PROPOSED AMENDMENTS IN RED ITALICS, SHOWING CHANGES.)

Sec. 4.2 - Common Review Procedures

4.2.1 Applicability

The review procedures described below apply to the types of applications listed below, as may be limited by the individual subsections that follow. See also Sec. 3.8.1, Summary Review Authority Table.

Procedures	Notes
Structures Located within Rights-of-Way	Sec. 4.7.4
Structures Located in Wetlands	Sec. 4.7.5
Watershed Protection Permit	Sec. 4.7.7
Watershed Protection Occupancy Permit	Sec. 4.7.8

Sec. 4.2 - Common Review Procedures

4.2.1 Applicability

The review procedures described below apply to the types of applications listed below, as may be limited by the individual subsections that follow. See also Sec. 3.7.1, Summary Review Authority Table.

<i>Procedures</i>	<i>Notes</i>	Sec. 4.5 - Conditional Zoning
<i>Structures Located within Rights-of-Way</i>	<i>Sec. 4.7.5</i>	
<i>Structures Located in Wetlands</i>	<i>Sec. 4.7.6</i>	
<i>Watershed Protection Permit</i>	<i>Sec. 4.7.8</i>	
<i>Watershed Protection Occupancy Permit</i>	<i>Sec. 4.7.9</i>	

Districts

4.5.1 Applicability

Conditional zoning district decisions are legislative decisions subject to judicial review using the same procedures and standard of review as apply to general use zoning district decisions.

- A.
When considering a petition for a conditional zoning district, the Board of Commissioners shall act in accordance with this Section. Notwithstanding the twelve-month prohibition in Sec. 4.3.1, Procedure for Amendment of Ordinance or Zoning Map, Item C, petitioner(s) may seek rezoning to a conditional zoning district or changes to an adopted conditional district until such time as the Board of Commissioners either denies or adopts the project as a conditional **use** zoned district. Conditional Zoning Districts shall be allowed as outlined in [Sec. 5.5](#), Conditional Zoning Districts Intent Statements, in accordance with the following procedures.

Sec. 4.5 - Conditional Zoning Districts

4.5.1 Applicability

- Conditional zoning district decisions are legislative decisions subject to judicial review using the same procedures and standard of review as apply to general use zoning district decisions.*

A.
When considering a petition for a conditional zoning district, the Board of Commissioners shall act in accordance with this Section. Notwithstanding the twelve-month prohibition in Sec. 4.3.1, Procedure for Amendment of Ordinance or Zoning Map, Item C, petitioner(s) may seek rezoning to a conditional zoning district or changes to an adopted conditional district until such time as the Board of Commissioners either denies or adopts the project

as a conditional zoned district. Conditional Zoning Districts shall be allowed as outlined in Sec. 5.5, Conditional Zoning Districts Intent Statements, in accordance with the following procedures.

Sec. 4.6 - Special Use Permit

4.6.1 Applications

A.

All applications for a Special Use Permit shall accompany or precede the application for a Zoning Certificate as provided in Sec. 4.7, Zoning Certification, or a Certificate of Compliance as provided in Sec. 4.7.6, Zoning Certificate of Compliance, as applicable.

Sec. 4.6 - Special Use Permit

4.6.1 Applications

A.

All applications for a Special Use Permit shall accompany or precede the application for a Zoning Certificate as provided in Sec. 4.7, Zoning Certification, or a Certificate of Compliance as provided in Sec. 4.7.7, Zoning Certificate of Compliance, as applicable.

Sec. 4.6 - Special Use Permit

4.6.3 Additional Application Requirements

B.

Private Social Clubs

4.

The maximum number of members who will be permitted to join the club. If the club desires to increase the membership over the number allowed in the original permit, then the club must re-apply, and both the minimum parcel size and the amount of parking provided under Article 9, Parking and Landing, must be large enough to accommodate the increase in membership.

Sec. 4.6 - Special Use Permit

4.6.3 Additional Application Requirements

B.

Private Social Clubs

4.

The maximum number of members who will be permitted to join the club. If the club desires to increase the membership over the number allowed in the original permit, then the club must re-apply, and both the minimum parcel size and the amount of parking provided under Article 9, Parking and Loading, must be large enough to accommodate the increase in membership.

Sec. 4.6 - Special Use Permit

4.6.5 Sanctions

In the event of failure to comply strictly with the plans, documents, and other assurances submitted and approved with the application, or in the event of failure to comply with any conditions imposed upon the Special Use Permit as provided in Sec. 4.6.3, Additional Conditions as to Use, the permit shall thereupon immediately become void. No Zoning Certificate for further construction or Certificate of Compliance under the Special Use Permit shall be issued, and all improvements to the land which were the

subject of the application shall thereupon be regarded as nonconforming and shall be subject to the sanctions provided in [Article 15](#), Inspections, Violations and Enforcement, hereof.

Sec. 4.6 - Special Use Permit

4.6.5 Sanctions

In the event of failure to comply strictly with the plans, documents, and other assurances submitted and approved with the application, or in the event of failure to comply with any conditions imposed upon the Special Use Permit as provided in Sec. 4.6.4, Additional Conditions as to Use, the permit shall thereupon immediately become void. No Zoning Certificate for further construction or Certificate of Compliance under the Special Use Permit shall be issued, and all improvements to the land which were the subject of the application shall thereupon be regarded as nonconforming and shall be subject to the sanctions provided in [Article 15](#), Inspections, Violations and Enforcement, hereof.

Sec. 4.7 - Zoning Certification

4.7.2 Application Requirements

A.

Application for a Zoning Certificate shall be filed with the Planning and Development Director and may be made prior to or in conjunction with application for a permit under the North Carolina State Building Code, shall be made per the requirements of Sec. 4.2.3, Application Requirements, and shall at a minimum contain the information listed below. See also Sec. 4.7.3, Additional Requirements in Commercial Zoning Districts, and Sec. [4.7.7](#), Watershed Protection Permit.

Sec. 4.7 - Zoning Certification

4.7.2 Application Requirements

A.

Application for a Zoning Certificate shall be filed with the Planning and Development Director and may be made prior to or in conjunction with application for a permit under the North Carolina State Building Code, shall be made per the requirements of Sec. 4.2.3, Application Requirements, and shall at a minimum contain the information listed below. See also Sec. 4.7.3, Additional Requirements in Commercial Zoning Districts, and Sec. 4.7.8, Watershed Protection Permit.

Sec. 4.7 - Zoning Certification

4.7.7 Zoning Certificate of Compliance

See also Sec. [4.7.8](#), Watershed Protection Occupancy Permit.

Sec. 4.7 - Zoning Certification

4.7.7 Zoning Certificate of Compliance

See also Sec. 4.7.9, Watershed Protection Occupancy Permit.

Sec. 4.7 - Zoning Certification

4.7.9 Watershed Protection Occupancy Permit

A.

In addition to the requirements of Sec. 4.7.6, Zoning Certificate of Compliance, within any Watershed Overlay District defined by this Ordinance, the Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met prior to the occupancy or use of a building hereafter erected, altered, or moved, and/or prior to the change of use of any building or land. No Watershed Protection Occupancy Permit shall be issued until an inspection of the premises has been made by the Watershed Administrator pursuant to Sec. 15.1.2, Inspections.

Sec. 4.7 - Zoning Certification

4.7.9 Watershed Protection Occupancy Permit

A.

In addition to the requirements of Sec. 4.7.7, Zoning Certificate of Compliance, within any Watershed Overlay District defined by this Ordinance, the Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met prior to the occupancy or use of a building hereafter erected, altered, or moved, and/or prior to the change of use of any building or land. No Watershed Protection Occupancy Permit shall be issued until an inspection of the premises has been made by the Watershed Administrator pursuant to Sec. 15.1.2, Inspections.

Sec. 4.8 - Outdoor Display

4.8.1 Applicability

Outdoor display shall be allowed in specific Zoning Districts as outlined in Sec. 6.5.2, Outdoor Display of Merchandise, in accordance with the following procedures.

Sec. 4.8 - Outdoor Display

4.8.1 Applicability

Outdoor display shall be allowed in specific Zoning Districts as outlined in Sec. 6.5.4, Outdoor Display of Merchandise, in accordance with the following procedures.

Sec. 4.11 - Infrastructure Approvals

4.11.2 Prior Approval

A Certificate of Compliance, per the requirements of Sec. 4.7.6, Zoning Certificate of Compliance, shall be secured from the Planning and Development Director before the making of a permanent connection to electrical service, water service, or sewer service.

Sec. 4.11 - Infrastructure Approvals

4.11.2 Prior Approval

A Certificate of Compliance, per the requirements of Sec. 4.7.7, Zoning Certificate of Compliance, shall be secured from the Planning and Development Director before the making of a permanent connection to electrical service, water service, or sewer service.

Sec. 4.11 - Infrastructure Approvals

4.11.4 Procedure

The procedures below only apply to Board of Commissioners review of streets, electrical service, water service and sewer service for consideration of Preliminary Plat submittal as outlined in Sec. 4.4.4, Preliminary Plat Requirements, or review of information as required in Sec. 4.5, Conditional-Use Zoning Districts, or Sec. 4.6, Special Use Permits or any other Site Plan reviews performed by the Planning and

Development Director, in order to assist the review authority with consideration of the application requirements. Additional infrastructure requirements, including forms, fees and deadlines are outlined in the Public Works Specifications Manual.

Sec. 4.11 - Infrastructure Approvals

4.11.4 Procedure

The procedures below only apply to Board of Commissioners review of streets, electrical service, water service and sewer service for consideration of Preliminary Plat submittal as outlined in Sec. 4.4.4, Preliminary Plat Requirements, or review of information as required in Sec. 4.5, Conditional Zoning Districts, or Sec. 4.6, Special Use Permits or any other Site Plan reviews performed by the Planning and Development Director, in order to assist the review authority with consideration of the application requirements. Additional infrastructure requirements, including forms, fees and deadlines are outlined in the Public Works Specifications Manual.

Sec. 4.20 - Expiration or Extensions

Certain permits do expire within a fixed time frame. Unless otherwise specified in this Ordinance or as provided for by State law, any order or decision or the Zoning Board of Adjustment granting an exception, Special Use Permit, conditional use zoning permit, or a variance shall expire if a building permit or certificate of occupancy for such use is not obtained by the applicant within six (6) months from the date of the decision.

4.20.1 Table

Procedure	Expiration	Extension	Process	Notes
Special Use Permit – if Zoning Certificate or Certificate of Compliance not obtained	Six months after date of issuance	No	Void upon Expiration	Sec. 4.6.5
Special Use Permit – if Zoning Certificate or Certificate of Compliance obtained but work stopped	Twelve Months	No	Void Upon Expiration	Sec. 4.6.5

Sec. 4.20 - Expiration or Extensions

Certain permits do expire within a fixed time frame. Unless otherwise specified in this Ordinance or as provided for by State law, any order or decision or the Zoning Board of Adjustment granting an exception, Special Use Permit, or a variance shall expire if a building permit or certificate of occupancy for such use is not obtained by the applicant within six (6) months from the date of the decision.

4.20.1 Table

Procedure	Expiration	Extension	Process	Notes
Special Use Permit – if Zoning Certificate or Certificate of Compliance not obtained	Six months after date of issuance	No	Void upon Expiration	Sec. 4.6.6

<i>Special Use Permit – if Zoning Certificate or Certificate of Compliance obtained but work stopped</i>	<i>Twelve Months</i>	<i>No</i>	<i>Void Upon Expiration</i>	<i>Sec. 4.6.6</i>
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Sec. 4.21 - Statutory Vested Rights Determination

4.21.1 Establishment of a Vested Right for Conditional Use Zoning District

An approved Conditional Zoning District accompanied by a Site Specific Development Plan establishes vested rights pursuant to G.S. 160A-385.1, for the period of two (2) years from the date of approval by the Board of Commissioners, except that such vested rights may be altered as allowed by G.S. 160A-385.1(e). Vested rights shall remain effective beyond the end of the period of time established pursuant to this Section for any buildings or uses for which a valid building permit has been issued during the vested rights period, so long as such building permit is valid.

Sec. 4.21 - Statutory Vested Rights Determination

4.21.1 Establishment of a Vested Right for Conditional Zoning District

An approved Conditional Zoning District accompanied by a Site Specific Development Plan establishes vested rights pursuant to G.S. 160A-385.1, for the period of two (2) years from the date of approval by the Board of Commissioners, except that such vested rights may be altered as allowed by G.S. 160A-385.1(e). Vested rights shall remain effective beyond the end of the period of time established pursuant to this Section for any buildings or uses for which a valid building permit has been issued during the vested rights period, so long as such building permit is valid.

Sec. 4.21 - Statutory Vested Rights Determination

4.21.2 Establishment of a Vested Right for Special Use Permits

C.

A right which has been vested shall remain vested for a period of two (2) years, and shall not be extended by any amendment or modification of the site specific plan approved by the Board. Notwithstanding Sec. 4.6.5, Expiration of Special Use Permits, the Special Use Permit issued in conjunction with the vested right shall be valid during this entire period of time. A right which has been vested, together with the Special Use Permit which has been issued in conjunction therewith, shall expire or terminate as follows:

Sec. 4.21 - Statutory Vested Rights Determination

4.21.2 Establishment of a Vested Right for Special Use Permits

C.

A right which has been vested shall remain vested for a period of two (2) years, and shall not be extended by any amendment or modification of the site specific plan approved by the Board. Notwithstanding Sec. 4.6.6, Expiration of Special Use Permits, the Special Use Permit issued in conjunction with the vested right shall be valid during this entire period of time. A right which has been vested, together with the Special Use Permit which has been issued in conjunction therewith, shall expire or terminate as follows:

Sec. 4.21 - Statutory Vested Rights Determination

4.21.2 Establishment of a Vested Right for Special Use Permits

D.

In all other respects, the provisions of this Ordinance governing application for a Special Use Permit shall apply to the establishment of a vested right. Specifically, no vested right may be established except upon the calling of a public hearing and giving of notice required as outlined in Sec. 4.2.4, Notice and Public Hearings. The Zoning Board may also, in conjunction with the Special Use Permit issued together with the vested right, designate additional conditions and requirements in connection with the application in accordance with **Sec. 4.6.3**, Additional Conditions as to Use. Nothing in this Section shall exempt the site specific plan from subsequent review by the Zoning Board to ensure compliance with the terms and conditions of the original approval, provided that such review is not inconsistent with the original approval. Nothing in this chapter shall prohibit the revocation of the original approval in accordance with **Sec. 4.6.4**, Sanctions, nor exempt the property owner from the penalties and remedies provided for in [Article 15](#), Inspections, Violations and Enforcement.

Sec. 4.21 - Statutory Vested Rights Determination

4.21.2 Establishment of a Vested Right for Special Use Permits

D.

In all other respects, the provisions of this Ordinance governing application for a Special Use Permit shall apply to the establishment of a vested right. Specifically, no vested right may be established except upon the calling of a public hearing and giving of notice required as outlined in Sec. 4.2.4, Notice and Public Hearings. The Zoning Board may also, in conjunction with the Special Use Permit issued together with the vested right, designate additional conditions and requirements in connection with the application in accordance with Sec. 4.6.4, Additional Conditions as to Use. Nothing in this Section shall exempt the site specific plan from subsequent review by the Zoning Board to ensure compliance with the terms and conditions of the original approval, provided that such review is not inconsistent with the original approval. Nothing in this chapter shall prohibit the revocation of the original approval in accordance with Sec. 4.6.5, Sanctions, nor exempt the property owner from the penalties and remedies provided for in [Article 15](#), Inspections, Violations and Enforcement.

C. Public Comment

There were no public comments.

D. Close Public Hearing

Commissioner Stiehler made a motion to close the public hearing at 7:48pm, which was seconded by Mayor Pro Tempore Patterson and the vote was unanimous.

E. Council Action

Mayor Pro Tempore Patterson questioned the changes made to Article 4 on the Planning Board minutes not being reflected in the actual amendments presented.

Mayor Pro Tempore Patterson made a motion to approve the amendments 1, 3 & 4 except for the wording change in section 4 in regards to dedicated rights-of-way. The motion was seconded by Commissioner Calloway and the vote was unanimous.

8. Financial Matters: Budget Amendments

Several budget amendments need to be made to show several fund balance appropriations, transfers, debt. service payments and reallocations as appropriated, as expenses, etc. in the new FY16/17 budget.

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

July 28, 2016

FROM: General Fund

DEPARTMENT: Administration
EXPLANATION: To show increase in the transfer to the Cemetery Fund from the General Fund



ACCOUNT	DESCRIPTION	INCREASE	DECREASE
10-3100-0910	Fund Balance Appropriated	1,700	
10-4100-9531	Transfer to Cemetery Fund	1,700	

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

July 28, 2016

FROM: General Fund

DEPARTMENT: Administration
EXPLANATION: Fund Balance appropriation for Debt. Service for KH Park Stormwater



ACCOUNT	DESCRIPTION	INCREASE	DECREASE
10-3100-0910	Fund Balance Appropriated	15,698	
10-4100-9513	Transfer to Capital Projects Fund	15,698	

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

July 28, 2016

FROM: General Fund

DEPARTMENT: Police Dept
EXPLANATION: To show SRO revenue from SRO agreement with allocation and to budget for Debt Service payments



ACCOUNT	DESCRIPTION	INCREASE	DECREASE
10-3100-0723	Macon County ~ SRO	50,000	
10-5100-0205	Salaries and Wages	50,000	
10-3100-0910	Fund Balance Appropriated ~ GF	69,990	
10-5100-7430	Debt Service (P & I)	69,990	

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

July 28, 2016



FROM: General Fund

DEPARTMENT: Parks & Recreation Dept.
EXPLANATION: To reallocate remaining amounts from FY15/16 into FY16/17 for Founder's Park and Skate Park

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
10-3100-0910	Fund Balance Appropriated ~ GF	15,878.00	
10-6200-5750	Founder's Park	13,783.00	
10-6200-5760	Skate Park	2,095.00	

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

July 28, 2016

FROM: Water Fund

DEPARTMENT: Water Plant
EXPLANATION: To show Debt Service as Fund Balance appropriation and transfer to balance the transfer and expense in the Capital Projects Fund



ACCOUNT	DESCRIPTION	INCREASE	DECREASE
30-3800-0910	Fund Balance Appropriated	20,685	
30-8150-9513	Transfer to Capital Projects Fund	20,685	

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

July 28, 2016

FROM: Sewer Fund

DEPARTMENT: Sewer Dept.
EXPLANATION: To show Debt Service as Fund Balance appropriation and transfer to balance the transfer and expense in the Capital Projects Fund



ACCOUNT	DESCRIPTION	INCREASE	DECREASE
31-3800-0910	Fund Balance Appropriated	56,967	
31-8200-9511	Transfer to Capital Projects Fund	56,967	

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

July 28, 2016

FROM: Capital Projects Fund

DEPARTMENT: Capital Projects
EXPLANATION: To show the transfers from various funds and expense from projects and adjust initial budget



ACCOUNT	DESCRIPTION	INCREASE	DECREASE
32-3800-0934	Transfer from Sewer		58,435
32-3800-0930	Transfer from General Fund	15,698	
32-3800-0932	Transfer from Water Fund	20,685	

32-3800-0935	Transfer from Electric Reserve		42,738
32-8432-7520	Debt Repayment ~ Radio Read Meters		85,475
32-8436-7420	Debt Repayment ~ Lake Sequoyah Intake	20,685	

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

July 28, 2016

FROM: Electric Fund

DEPARTMENT: Electric Dept.
EXPLANATION: To show the electric transfers as Fund Balance appropriations and in the expenses as transfers to various funds



ACCOUNT	DESCRIPTION	INCREASE	DECREASE
35-3800-0910	Fund Balance Appropriated	510,319	
35-8300-9501	Transfer to Water Fund	493,827	
35-8300-9508	Transfer to Sanitation Fund	16,492	
35-8300-9520	Transfer to Broadband Fund	686,615	
	*Note: This amendment is to show an expense, listed on the original budget worksheets as a fund balance appropriation on the expense side.		

TOWN OF HIGHLANDS BUDGET AMENDMENT
AMENDMENT # _____

July 28, 2016

FROM: Broadband Fund

DEPARTMENT: Broadband
EXPLANATION: To show the electric transfers from the Electric Dept. as revenue



ACCOUNT	DESCRIPTION	INCREASE	DECREASE
37-3800-0936	Transfer from Electric Fund	686,615	
37-8700-0204	Overtime Pay	4,000	
37-8700-0205	Salaries and Wages	162,563	
37-8700-0410	Professional Services - Engineering	60,000	
37-8700-0505	FICA	12,742	
37-8700-0605	Group Insurance	71,780	
37-8700-0705	Retirement	12,076	
37-8700-1105	Telephone	1,800	
37-8700-1400	Travel, School & Training	10,000	
37-8700-1600	Maint. & Repair - Equipment	5,000	
37-8700-1700	Maint. & Repair - Auto	5,000	
37-8700-3100	Auto Fuel	2,500	

37-8700-3300	Department Supplies	4,000	
37-8700-3600	Uniforms	3,200	
37-8700-5500	Worker's Compensation Insurance	11,954.00	
37-8710-7300	Capital Outlay/Other Improvements	180,000	
37-8710-7400	Capital Outlay/Equipment	140,000	

Mayor Pro Tempore Patterson requested that these budget amendments be tabled until the next board meeting on August 18, 2016 as it was a \$1.3 million dollar jump from the original approved amounts and a lot to review in a short amount of time.

Commissioner Calloway questioned if these amendments had been discussed with the Finance Committee.

Mayor Pro Tempore Patterson made a motion to table the amendments until the August 18th board meeting, which was seconded by Commissioner Calloway and the vote was unanimous.

9. Planning Matters: Request for Public Hearing

At the June 16, 2016 Board of Commissioners meeting staff discussed a process to review the UDO article by article. A second Public Hearing is requested to be set for the regular Board of Commissioners meeting of August 18, 2016. This will be the second group of amendments and include amendments to Articles 4, 5, 6, 8, 9, 12, 13 and 15. The proposed amendments are primarily for the purpose of clarification or typographical correction. The Highlands Planning Board are scheduled to review the proposed amendments to Articles 5, 6, 8, 9, 12, 13 and 15 at their regular July 25, 2016 monthly meeting. Staff will now begin the process of reviewing the UDO for revisions that are more technical in nature. It is hoped that a number of the more technical amendments will be ready in August for the BOC to set a Public Hearing in September.

Mayor Pro Tempore Amy Patterson made a motion to set a Public Hearing for the August 18, 2016 board meeting for the approval of several amendments to Articles 4, 5, 6, 8, 9, 12, 13 and 15 of the UDO, which was seconded by Commissioner Pierson and the vote was unanimous.

10. Miscellaneous Matters:

A. Sewer Easement Request

Easement for a 2" pressurized sewer line was requested from the Town by W. Terry Potts for Gladys McDowell's property located as Parcel #7540522512 & 7540522597 on Hickory Street.

Mayor Pro Tempore Patterson asked if the line was big enough to accommodate any additional connections and was informed it was.

Public Works director Lamar Nix said he would like to have input as to the material used in the project if accepted.

Commissioner Dotson asked if this would service approximately 10 connections.

Nix said the surrounding connections on the north side of Hickory were served off the backside of the properties by sewer on Poplar Street.

Nix also informed the board of another request just like this one on Laurelwood if they wanted to go ahead and approve it as well with the stipulations that the Town request the material to be used and the lines be given to the town after installation.

Commissioner Dotson questioned who would own the grinder pumps and was informed the homeowner would.

Mayor Pro Tempore Patterson moved to approve the easement requested as long as Public Works Director Nix approved the material used in the project and that the line was given to the town after the project was completed. This motion was seconded by Commissioner Calloway and the vote was unanimous.

It was decided that the additional request on Laurelwood could come to the board for approval in August.

B. Road Paving Request

A request to pave, at the homeowner's expense, a portion of Mill Creek Lane, a town street, that affronts the house of Edd Price was presented.

After a brief discussion as to if the Road was the town's, Mayor Pro Tempore Patterson made a motion to grant the request. The motion was approved by Commissioner Calloway and the vote was unanimous.

C. Christmas Tree in Kelsey Hutchinson Park

There was a fairly lengthy discussion held as to the purchase and installation of a new Christmas tree in Kelsey Hutchinson Park for the Town tree lighting ceremonies.

Mayor Taylor asked for a consensus for the tree lighting to be moved from Highlands United Methodist Church on Main Street to Kelsey Hutchinson Founders Park and informed everyone that more discussions regarding the tree location would be forthcoming.

Commissioners were all in consensus.

11. Closed Session: Pursuant to NCGS §143.318.11(a)(6) Personnel

Commissioner Calloway made a motion to go into Closed Session pursuant to NCGS §143-318.11(a)(6) at 8:20pm to discuss a personnel matter, which was seconded by Mayor Pro Tempore Patterson and the vote was unanimous.

Once discussion was held, Commissioner Calloway moved the Board back into open session at 9:29pm, which was seconded by Commissioner Pierson and the vote was unanimous.

No action 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 Mayor Pro Tempore Patterson and upon a unanimous vote, the Town Board adjourned at 9:30pm.

Patrick Taylor
Mayor

Rebecca R. Shuler, CMC, NCCMC
Town Clerk