

Regular Meeting Minutes of the Town Board of Commissioners of the Town of Highlands of August 18, 2016 at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.

Town Board Present: Commissioner John Dotson, Mayor Pro Tempore Amy Patterson, 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, Parks & Recreation Director Lester Norris and Lt. Ronnie Castle.

1. Meeting Called to Order

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

2. Public Comment Period

Nick Bazan asked the Board to take a look at leaving the new event banners up longer than they have been, which has been Thursday to Monday.

Alice Nelson addressed the Board in reference to the importance of trees and recited a poem.

3. Adjust and Approve the Agenda

Town Manager Bob Frye request that the Chestnut Hill Water Agreement be added as Item 9D. Commissioner Stiehler request that a Closed Session pursuant to NCGS § 143.318.11(a)(6) for a personnel matter be added to the agenda as well.

Commissioner Patterson made a motion to approve the agenda with the before mentioned additions, which was seconded Commissioner Pierson and the vote was unanimous.

4. Approval of the July 28, 2016 Regular Meeting Minutes

Mayor Pro Tempore Patterson had several corrections to the minutes.

On page 24, Section 10A, she wanted the second line to read, Mayor Pro Tempore Patterson asked if the line was big enough *to accommodate any additional connections and was informed it was*. In the same section, on the fifth line, she wanted to clarify, Nix said the surrounding connections *on the north side of Hickory were served off the backside of the properties by sewer on Poplar Street*.

On page 24, Section 10B, she wanted the first sentence to read, 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.

And on page 25, Section 10C, she wanted the second line to read 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.

Mayor Pro Tempore Patterson made a motion to approve the July 28, 2016 regular meeting minutes with the before mentioned corrections, which was seconded by Commissioner Stiehler and the vote was unanimous.

Approval of the July 28, 2016 Closed Session Minutes

Commissioner Stiehler made a motion to approve the July 28, 2016 closed session minutes as presented, which was seconded by Commissioner Dotson and the vote was unanimous.

5. Reports

A. Mayor

Mayor Taylor gave an update on the recent garbage summit that he had held at the Community Building. There were 25 business owners in attendance. Taylor said that there were three things that he came away with from the meeting 1) merchants would like to see some sort of pickup on Sunday through the season, 2) a modest rate increase to cover costs would be welcomed and 3) long term the town needs to visit an option for a garbage drop off location in town.

B. Commissioners and Committee Reports

Commissioner Stiehler said the recreation committee had met and were looking to put a tree on the Macon Bank side of Kelsey Hutchinson Park and also discussed decorations and lights.

Patterson also wanted to address Nick Bazan's comment in regard to the banners and stated the recreation committee would be discussing this topic as well.

Commissioner Pierson thanked Planner Feierabend for working on the UDO amendments and also gave an update on the meetings with the architect in regard to the Fire Department upgrades or renovations.

C. Town Manager

Town Manager Frye informed the board the cell tower was up and announced his plan to retire at the end of the year on December 23rd.

Mayor Taylor publicly thanked Frye for his time in Highlands and service in local government in general.

6. Consent Agenda

Public Works Department
Police Department
Park & Recreation Department
Planning & Development Department
Insurance Plan Approval

Mayor Pro Tempore Patterson made a motion to approve the consent agenda, which was seconded by Commissioner Pierson 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 7:22pm, which was seconded by Mayor Pro Tempore Patterson and the vote was unanimous.

B. Staff Comments/Recommendation

At the July 28, 2016 Board of Commissioners meeting you approved a staff request to set a Public Hearing for August 18, 2016 for proposed amendments to the UDO. Those proposed amendments 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 reviewed the proposed amendments at their regular July 25, 2016 monthly meeting and approved them as presented by staff.

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 of Review Authority Table.

Procedures	Notes
Structures Located within Dedicated Rights-of-Way	Sec. 4.7.5
Structures Located in Wetlands	Sec. 4.7.6
Watershed Protection Permit	Sec. 4.7.8

<i>Procedures</i>	<i>Notes</i>
<i>Watershed Protection Occupancy Permit</i>	<i>Sec. 4.7.9</i>

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 **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
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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.

Stipulate 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
Special Use Permit – if Zoning Certificate or Certificate of Compliance obtained but work stopped	Twelve Months	No	Void Upon Expiration	Sec. 4.6.6

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.

Unified Development Ordinance of Highlands, NC (UDO) – Article 5. Zoning Districts, Section 5.1.1 District Establishment,

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 5. - ZONING DISTRICTS

5.1.1 District Establishment

For the purpose of this Ordinance, the area within the jurisdiction of this Ordinance is divided into the following designated use districts:

IDENTIFIER	DESCRIPTION	NOTES:
Conditional Use Zoning		
CUD	The underlying use district followed by "CUD"	Sec. 5.5.1

5.1.1 District Establishment

For the purpose of this Ordinance, the area within the jurisdiction of this Ordinance is divided into the following designated use districts:

<i>IDENTIFIER</i>	<i>DESCRIPTION</i>	<i>NOTES:</i>
<i>Conditional Zoning</i>		
<i>CZ</i>	<i>The underlying use district followed by “CZ”</i>	<i>Sec. 5.5.1</i>

Unified Development Ordinance of Highlands, NC (UDO) – Article 6. Use Regulations; Section 6.2.2 Use Table, Section 6.3.2 Multi-family Dwelling, Section 6.3.3 Residential Accessory Uses and Structures, Section 6.5.2 Fences and Walls, Section 6.5.4 Outdoor Display of Merchandise, Section 6.5.6 Indoor Recreation and Entertainment, Section 6.5.7 Private Social Clubs, Section 6.5.10 Tourist Homes, Section 6.5.12 Restaurants, Section 6.5.14 Self-service Storage Facilities, Section 6.6.3 Preferred Locations for Wireless Communication Facilities and Applicability.

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 6. - USE REGULATIONS

Sec. 6.2 - Use Table

6.2.2 Use Table

USE CATEGORY	SPECIFIC USE	R-1	R-2	R-3	B-1	B-2	B-3	B-4	GI	NOTES:
Arts and crafts fairs, flea markets, and other similar transient retail businesses						S	S			<i>Sec. 6.5.9</i>
Supermarkets					P	P	P	P		<i>Sec. 6.5.9</i>
Automotive and heavy machinery sales and service centers or stations							S			<i>Sec. 6.5.9</i>
Service or fuel stations							S			<i>Sec. 6.5.9</i>

Sec. 6.2 - Use Table

6.2.2 Use Table

USE CATEGORY	SPECIFIC USE	R-1	R-2	R-3	B-1	B-2	B-3	B-4	GI	NOTES:
Arts and crafts fairs, flea markets, and other similar transient retail businesses						S	S			Sec. 6.5.11
Supermarkets					P	P	P	P		Sec. 6.5.11
Automotive and heavy machinery sales and service centers or stations							S			Sec. 6.5.11
Service or fuel stations							S			Sec. 6.5.11

6.3.2 Multi-family Dwelling

Multi-family Dwellings in the Town may be permitted in accordance with [Sec. 6.2](#), Use Table, with the issuance of a Special Use Permit, **wording added here** including the following additional requirements:

6.3.2 Multi-family Dwelling

Multi-family Dwellings in the Town may be permitted in accordance with [Sec. 6.2](#), Use Table, with the issuance of a Special Use Permit, see **Section 4.6 Special Use Permit**, including the following additional requirements:

6.3.3 Residential Accessory Uses and Structures

C.

Fences and Walls

3.

Permit (Zoning Certificate **wording added here**) Required. Prior to the construction of any fence or wall in a front yard or along a street side yard, an application for a zoning certificate, including a site plan, shall be submitted to the Town for staff review. Upon approval, a zoning certificate will be issued. *Note: In specific cases, due to topographical factors, the Zoning Administrator may approve a fence within the twelve-foot setback, if all other requirements can be met.

6.3.3 Residential Accessory Uses and Structures

C.

Fences and Walls

3.

*Permit (Zoning Certificate – See Section 4.7 Zoning Certificate and Section 4.4.4 Construction or Reconstruction of Fences) Required. Prior to the construction of any fence or wall in a front yard or along a street side yard, an application for a zoning certificate, including a site plan, shall be submitted to the Town for staff review. Upon approval, a zoning certificate will be issued. *Note: In specific cases, due to topographical factors, the Zoning Administrator may approve a fence within the twelve-foot setback, if all other requirements can be met.*

6.5.2 Fences and Walls

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*Permit (Zoning Certificate **wording added here**) Required. Prior to the construction of any fence or wall in a front yard or along a street side yard, an application for a zoning certificate, including a site plan, shall be submitted to the Town for staff review. Upon approval, a zoning certificate will be issued. *Note: In specific cases, due to topographical factors, the Zoning Administrator may approve a fence within the twelve-foot setback, if all other requirements can be met.*

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6.5.4 Outdoor Display of Merchandise

The purpose of this Section is to enhance the economic vitality of established commercial areas by permitting the display of merchandise in outdoor areas under uniform standards. These standards address aesthetics, safety and other matters of public concern, and thereby promote the general welfare of the Town. Outdoor displays of merchandise shall be designed, operated and maintained in a neat and orderly manner so to be compatible in appearance with the existing scale and character of the Town of Highlands. This Section shall not apply to retail plant nurseries.

A.

B-1 and B-2 Zoning Districts. Outdoor displays, as defined herein, shall be allowed only upon compliance with the following provisions of this Section:

1.

*Outdoor displays shall be allowed only as an accessory use to operating retail businesses, and only pursuant to a valid outdoor display permit **(wording added here)**;*

6.5.4 Outdoor Display of Merchandise

The purpose of this Section is to enhance the economic vitality of established commercial areas by permitting the display of merchandise in outdoor areas under uniform standards. These standards address aesthetics, safety and other matters of public concern, and thereby promote the general welfare of the Town. Outdoor displays of merchandise shall be designed, operated and maintained in a neat and orderly manner so to be compatible in appearance with the existing scale and character of the Town of Highlands. This Section shall not apply to retail plant nurseries.

A.

B-1 and B-2 Zoning Districts. Outdoor displays, as defined herein, shall be allowed only upon compliance with the following provisions of this Section:

1.

Outdoor displays shall be allowed only as an accessory use to operating retail businesses, and only pursuant to a valid outdoor display permit (See Section 4.8 Outdoor Display;

6.5.6 Indoor Recreation and Entertainment

Indoor recreation and entertainment facilities may be permitted in the Zoning Districts identified in [Sec. 6.2](#), Use Table, with the issuance of a Special Use Permit (wording added here) in the Town, such as indoor theater, dance halls, skating rinks, and bowling alleys or similar.

6.5.6 Indoor Recreation and Entertainment

Indoor recreation and entertainment facilities may be permitted in the Zoning Districts identified in [Sec. 6.2](#), Use Table, with the issuance of a Special Use Permit (See Section 4.6 Special Use Permit) in the Town, such as indoor theater, dance halls, skating rinks, and bowling alleys or similar.

6.5.7 Private Social Clubs

Private Social Clubs may be permitted in the Zoning Districts identified in [Sec. 6.2](#), Use Table, with the issuance of a Special Use Permit (wording added here), including the following additional requirements: (excluding a Homeowners association, which is any properly constituted homeowners or property association may organize such private social club without reference to zoning areas, so long as the membership of such association is limited to property owners holding lots, parcels, or similar divisions of land located within the boundaries of property for which the association is created).

2.

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.

6.5.7 Private Social Clubs

Private Social Clubs may be permitted in the Zoning Districts identified in [Sec. 6.2](#), Use Table, with the issuance of a Special Use Permit (See Section 4.6 Special Use Permit and Section 4.63 Additional Application Requirements B. Private Social Clubs), including the following additional requirements: (excluding a Homeowners association, which is any properly constituted homeowners or property association may organize such private social club without reference to zoning areas, so long as the membership of such association is limited to property owners holding lots, parcels, or similar divisions of land located within the boundaries of property for which the association is created).

2.

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.

6.5.10 Tourist Homes

The term Tourist Home may also mean Bed and Breakfast Home.

A Tourist Home may be permitted in the Zoning Districts identified in Sec. 6.2, Use Table, with the issuance of a Special Use Permit (wording added here).

6.5.10 Tourist Homes

The term Tourist Home may also mean Bed and Breakfast Home.

A Tourist Home may be permitted in the Zoning Districts identified in Sec. 6.2, Use Table, with the issuance of a Special Use Permit (See Section 4.6 Special Use Permit).

6.5.12 Restaurants

A restaurant may be permitted in the Zoning Districts identified in Sec. 6.2, Use Table, with the issuance of a Special Use Permit (wording added here).

6.5.12 Restaurants

A restaurant may be permitted in the Zoning Districts identified in Sec. 6.2, Use Table, with the issuance of a Special Use Permit (See Section 4.6 Special Use Permit).

6.5.14 Self-service Storage Facilities

Self-service Storage Facilities may be permitted in the Zoning Districts identified in Sec. 6.2, Use Table, (wording added here) including the following additional requirements:

6.5.14 Self-service Storage Facilities

Self-service Storage Facilities may be permitted in the Zoning Districts identified in Sec. 6.2, Use Table, with the issuance of a Special Use Permit per Section 4.6 Special Use permit and including the following additional requirements:

6.6.3 Preferred Locations for Wireless Communication Facilities and Applicability

B.

Attachments on lands not identified in Table A. Wireless Communication Facilities with support structures on lands not identified in Table A shall only be permitted by approval of the Zoning Board of Adjustment by means of a Special Use Permit (add wording here).

6.6.3 Preferred Locations for Wireless Communication Facilities and Applicability

B.

Attachments on lands not identified in Table A. Wireless Communication Facilities with support structures on lands not identified in Table A shall only be permitted by approval of the Zoning Board of Adjustment by means of a Special Use Permit per Section 4.6 Special Use Permit.

Unified Development Ordinance of Highlands, NC (UDO) – Article 8. Dimensional and Density Standards; Section 8.2 Residential Development, Section 8.5.2 Common Open Space 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 ____ 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 8. DIMENSIONAL AND DENSITY STANDARDS

Sec. 8.2 - Residential Development

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

Sec. 8.2 - Residential Development

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

8.5.2 Common Open Space Requirements

C.
Required landscape buffers per Sec. 11.5, Landscape, Screening and Buffers, shall be included in the total area of dedicated common open space calculations.

8.5.2 Common Open Space Requirements

C.
Required landscape buffers per Sec. 11.4, Landscape Buffers and Screening shall be included in the total area of dedicated common open space calculations.

Unified Development Ordinance of Highlands, NC (UDO) – Article 9. Parking and Loading; Section 9.2.1 Purpose.

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 9. PARKING AND LOADING

Sec. 9.2 - Shared Parking for Restaurants

9.2.1 Purpose

C.

General Requirements

2.

Along with the applications required pursuant to this Section, each restaurant shall submit an application for an amended Special Use Permit under Sec. 6.5.10, Restaurants. No application under this Section shall be granted unless and until the restaurant applies for and obtains an amended Special Use Permit.

Sec. 9.2 - Shared Parking for Restaurants

9.2.1 Purpose

C.

General Requirements

2.

Along with the applications required pursuant to this Section, each restaurant shall submit an application for an amended Special Use Permit under Sec. 6.5.12, Restaurants. No application under this Section shall be granted unless and until the restaurant applies for and obtains an amended Special Use Permit.

Unified Development Ordinance of Highlands, NC (UDO) – Article 12. Natural Resources and Environmental Protection; Section 12.6.2 Permits Required, Section 12.7.1 Findings of Fact.

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 12. Natural Resources and Environmental Protection

12.6.2 Permits Required

Before the owner of any impoundment drains an impoundment, he shall first notify the Town's Watershed Administrator. The owner or his agent shall not proceed with the draining without issuance of an impoundment draining permit (wording added here) from the Watershed Administrator.

12.6.2 Permits Required

Before the owner of any impoundment drains an impoundment, he shall first notify the Town's Watershed Administrator. The owner or his agent shall not proceed with the draining without issuance of an impoundment draining permit (see Section 4.15 Dam Impoundment Draining Permit) from the Watershed Administrator.

Sec. 12.7 - Stormwater Management

12.7.1 Findings of Fact

It is hereby determined that:

Development and redevelopment alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reduce groundwater recharge. These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment. These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from new development sites.

Therefore, the Town of Highlands establishes this set of water quality and water quantity requirements to meet the requirements of State and Federal law regarding control of stormwater runoff and discharge. For the Operations and Maintenance Agreement Requirements, see Article 14, Applications and Permits, Sec. 4.16.4, Operations and Maintenance Agreement.

Sec. 12.7 - Stormwater Management

12.7.1 Findings of Fact

It is hereby determined that:

Development and redevelopment alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reduce groundwater recharge. These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment. These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from new development sites.

Therefore, the Town of Highlands establishes this set of water quality and water quantity requirements to meet the requirements of State and Federal law regarding control of stormwater runoff and discharge. For the Operations and Maintenance Agreement

Requirements, see Article 4, Applications and Permits, Sec. 4.16.4, Operations and Maintenance Agreement.

Unified Development Ordinance of Highlands, NC (UDO) – Article 13. Sign Standards; Section 13.2.3 Illumination, Section 13.4.2 Permanent Regulated Signs Allowed Without a Permit

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 13. Sign Standards

13.2.3 Illumination

A.

Signs may be directly illuminated with the following conditions:

2.

Any sign, with the exception of those permitted for subdivisions or multi-family developments per Sec. 3.5.2, Permanent Regulated Signs Requiring a Permit, **Item 1A, Residential Zoning Districts**, is prohibited from being illuminated between the hours of 12:00 midnight and 6:00 a.m. if located within three hundred (300) feet of a residential zoning district, or between the hours of 8:00 p.m. and 7:00 a.m. if located within one hundred (100) feet of a residential zoning district.

13.2.3 Illumination

A.

Signs may be directly illuminated with the following conditions:

2.

*Any sign, with the exception of those permitted for subdivisions or multi-family developments per Sec. 3.5.2, Permanent Regulated Signs Requiring a Permit, **Item A, Subdivision or Multi Family Development in All Zoning Districts**, is prohibited from being illuminated between the hours of 12:00 midnight and 6:00 a.m. if located within three hundred (300) feet of a residential zoning district, or between the hours of 8:00 p.m. and 7:00 a.m. if located within one hundred (100) feet of a residential zoning district.*

13.4.2 Permanent Regulated Signs Allowed Without a Permit

H.

Restaurant message boards on the wall or in a window, as close to the main entrance of a restaurant as possible, containing changeable lettering or numbering, or an electronic monitor type display with a rate of up to four (4) changes per minute, not to exceed a brightness of two (2) foot-candles at twelve (12) inches of the display screen, and not to exceed twenty-seven (27) inches in size. Sizes of such monitors shall be measured diagonally across the display screen, provided such signs shall be considered part of the aggregate surface area based on building frontage if on the wall per Sec. 13.5.2, Permanent Regulated Signs Requiring a Permit, Item C, Single Business in the B-1 Business District, Item 1, or Item F, Shopping Centers in the B-1 Business Districts, Item 2.a; or part of the maximum permissible area allowed on window glass per Sec. 13.4.1, Temporary Regulated Signs Allowed Without a Permit, Item B.

13.4.2 Permanent Regulated Signs Allowed Without a Permit

H.

Restaurant message boards on the wall or in a window, as close to the main entrance of a restaurant as possible, containing changeable lettering or numbering, or an electronic monitor type display with a rate of up to four (4) changes per minute, not to exceed a brightness of two (2) foot-candles at twelve (12) inches of the display screen, and not to exceed twenty-seven (27) inches in size. Sizes of such monitors shall be measured diagonally across the display screen, provided such signs shall be considered part of the aggregate surface area based on building frontage if on the wall per Sec. 13.5.2, Permanent Regulated Signs Requiring a Permit, Item C, Single Business in the B-1 Business District, Item 1, or Item F, Shopping Centers in the

B-1 Business Districts, Item 2.a; or part of the maximum permissible area allowed on window glass per Sec. 13.4.1, Temporary Regulated Signs Allowed Without a Permit, Item B.

Unified Development Ordinance of Highlands, NC (UDO) – Article 15. Inspections, Violations and Enforcement; Section 15.4.4 Public Hearings.

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 15. Inspections, Violations and Enforcement

15.4.4 Public hearings

Nothing in this Article shall be construed to modify or limit the right of any person to a public hearing as may be provided for under other Articles of this Ordinance.

ARTICLE 15. Inspections, Violations and Enforcement

15.4.4 Public Hearings

Nothing in this Article shall be construed to modify or limit the right of any person to a public hearing as may be provided for under other Articles of this Ordinance.

C. Public Comment

There were no public comments.

D. Close Public Hearing

Mayor Pro Tempore Patterson made a motion to close the public hearing at 7:24pm, which was seconded by Commissioner Dotson and the vote was unanimous.

E. Council Action

Mayor Pro Tempore Patterson stated she had a problem with adding the word dedicated to the table in section 4.2.1 of Article 4 as the term dedicated needed to be defined as it was used differently throughout other sections of the UDO.

Mayor Pro Tempore Patterson made a motion to approve all the amendments presented with the exception of the one before mentioned amendment in section 4.2.1 of Article 4 regarding dedicated rights-of-way. The motion was seconded by Commissioner Dotson 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.		

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 made one request that the money for the SRO salary given by the county be used for the Debt Service payment to lower the amount of Fund Balance Appropriation needed to cover that cost instead of it going into the Salaries and Wages line.

Mayor Pro Tempore Patterson made a motion to approve the amendments, which was seconded by Commissioner Pierson.

Commissioner Dotson request the motion be amended to pull the Broadband budget until further discussions were held.

Commissioner Patterson amended her motion to include Dotson’s request. The motion failed due to a lack of a second.

The original motion to approve the amendments with the one reallocation of the SRO monies to fund the Debt Service payment was approved 3 to 1 with Dotson voting nay.

9. Miscellaneous Matters:

A. Sewer Easement Request

Easement for a 2” pressurized sewer line was requested from Diane V. Stone at 121 Laurelwood Lane.

Mayor Pro Tempore Patterson asked if Laurelwood Lane was a town road.

Public Works Director Nix informed Patterson the line would start on town property and enter private property.

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.

B. Resolution Supporting Bee Friendly Plateau

Sonya Carpenter with the Highlands Biological Station gave a brief presentation on the importance of bees and becoming a bee friendly plateau. Carpenter asked the board to pass a resolution designating Highlands as a NC Bee City USA.

RESOLUTION DESIGNATING Highlands, NC A BEE CITY USA®

WHEREAS, the goal of *BEE CITY USA* is to promote healthy, sustainable habitats and communities for bees and other pollinators; and

WHEREAS, thanks to the many species of native bees, and the success of honey bees that were brought here from Europe in the 1700s, we have very diverse dietary choices, rich in fruits, nuts and vegetables: *"One in every three bites of food we eat is courtesy of insect pollination. Even our meat and milk trace back to insects that pollinate the alfalfa and other feed for beef cattle and cows"* (Mace Vaughan, Pollinator Program Director for the Xerces Society for Invertebrate Conservation); and

WHEREAS, bees and other pollinators around the globe have experienced dramatic declines due to habitat loss, pesticides, and pests and diseases, and these declines threaten not only the survival of the pollinators, but also the survival of many plants, including food crops, and the animals who depend on them; and

WHEREAS, communities have the opportunity to support bees and other pollinators on both public and private land; and

WHEREAS, supporting pollinators increases the health of our natural world, and also fosters environmental awareness and sustainability, and increases interactions among community stewards such as commercial and backyard beekeepers, farmers, children, educators, Master Naturalists, Master Gardeners, plant nurseries, municipalities, neighborhoods, and garden suppliers and clubs; and

WHEREAS, the economic benefits of (native and honey) bee-friendliness are:

- Healthy ecosystems--insect pollinators are required for pollination and reproduction of about 85% of flowering plants globally, plants that: 1) are vital for clean air and water; 2) provide food, fiber and shelter for people and wildlife; and 3) support the very insects that pollinate our crops and form the basis of food webs.
- Increased vegetable and fruit crop yields due to bee pollination.
- Increased habitat for natural enemies of crop pests and therefore reduced need for and costs associated with pesticides.
- Increased demand for pollinator-friendly plant materials from local nurseries and growers.
- Income earned by beekeepers and others through the sale of bee products, beekeeping equipment and supplies, and hive rentals for pollination; and, heightened prestige and premium asking prices for place-based honey, which enhances the visibility and reputation of its community of origin; and

WHEREAS, Highlands, NC should be certified a *BEE CITY USA* community because:

- The forest ecosystem surrounding Highlands is recognized as a biodiversity hotspot with more species of plants and animals, including pollinators, than nearly any other temperate forest ecosystem.
- As a high elevation, temperate rain forest, Highlands supports many diverse pollinator species that are rare and/ or disjunct northern affinity species seldom found in the southeastern US.

- As a vacation destination, becoming a Bee City will provide Highlands the opportunity to educate not only residents, but also the many visitors to our town, on the value of protecting pollinators.

WHEREAS, ideal pollinator-friendly habitat:

- Provides diverse and abundant nectar and pollen from plants blooming in succession.
- Provides clean water for drinking, nest-building, cooling, diluting stored honey, and butterfly puddling.
- Is pesticide-free or has pesticide use carried out with least ill effects on pollinators.
- Is comprised of mostly, if not all, native species of annual and perennial wildflowers, shrubs, trees, and grasses because many native pollinators prefer or depend on the native plants with which they co-evolved.
- Includes, where possible, designated pollinator zones in public spaces with signage to educate the public and build awareness.
- Provides for safe and humane removal of bees when required.
- Provides undisturbed spaces (leaf and brush piles, un-mowed fields or field margins, fallen trees and other dead wood) for nesting and overwintering for native pollinators; and

WHEREAS, in order to enhance understanding among local government staff and the public about the vital role that pollinators play and what each of us can do to sustain them, Highlands, NC agrees to meet the following commitments required of all *BEE CITY USA* communities:

1) Pass this *BEE CITY USA* **resolution** (which articulates these commitments).

2) Designate a local government department as the Bee City USA sponsor and an employee from that department as the Bee City USA “**liaison**,” and **assign facilitation of the local Bee City USA program** either to a) a new or existing commission or b) a non-profit organization, to encourage and coordinate local pollinator habitat and awareness activities. This body will serve as the intermediary between the citizenry and local government on matters of enhancing pollinator awareness, health and habitat, fulfilling the following commitments:

- **Annually celebrate** National Pollinator Week (third full week of June) or some other appropriate occasion with educational events, pollinator habitat plantings or restoration, proclamations or promotions that showcase the municipality’s commitment to enhancing pollinator health and habitat.
- Annually **apply for renewal** of the community’s designation and submit a report of the previous year’s *BEE CITY USA* activities following the format provided.

3) **Publicly acknowledge** the community’s commitment by agreeing to a) install/maintain at least one authorized *BEE CITY USA* street sign in a prominent location, and b) create/maintain links on appropriate pages of the local government’s website which includes, at minimum, links to a PDF of this signed Resolution and the national *BEE CITY USA* website, contact information for the local government’s *BEE CITY USA* liaison and designated “facilitator commission or non-profit organization committee,” and reports of the pollinator-friendly activities the community has accomplished the previous year(s).

NOW, THEREFORE, BE IT RESOLVED BY THE HIGHLANDS, NC BOARD OF COMMISSIONERS THAT:

The Town of Highlands, NC accepts the designation and commits to the standards of *BEE CITY USA*.

Read, approved, and adopted this ____ day of _____, 20____.

Town Clerk

Mayor

Approved as to form:

Town Attorney

After a brief discussion, Commissioner Pierson made a motion to approve the resolution and appoint Lamar Nix as the Town's liaison for the bee initiative. The motion was seconded by Commissioner Dotson and the vote was unanimous.

C. Offer of Property Donation

The Town received an offer of a donation of a piece of property located at 1005 Brushy Face. The property in question was deemed unbuildable due to topography and does have a small town sewer pump station on the upper portion that serves the upper portion of Brushy Face.

Commissioner Dotson questioned when the lift station was put in service and was told in the 1980's. Dotson said he had rode by the property and felt it was buildable and the property evaluation was \$300,000.

Commissioner Stiehler asked if the town could accept the property and donate it to the Land Trust.

Commissioner Dotson made a motion to graciously refuse the offer of property, which was seconded by Mayor Pro Tempore Patterson and the vote was unanimous.

D. Chestnut Hill Water Agreement

The Board received a draft water agreement with the Highlands Cashiers Hospital in regards to Chestnut Hill. Chestnut Hill was recently purchased by a new owner and in the new contract was allowing water rights to be granted for new expansion.

Commissioner Patterson stated that she did not want to set a precedent that anyone outside the city limits could come to the town and receive water rights.

After brief further discussion, Commissioner Pierson made a motion to deny the agreement on the basis that the town does not supply water to private developments outside the town. The motion was seconded by Mayor Pro Tempore Patterson and the vote was unanimous.

10. Closed Session: Pursuant to NCGS §143.318.11(a)(3) Attorney Client Privilege Pursuant to NCGS §143.318.11(a)(6) Personnel

Commissioner Pierson made a motion to go into Closed Session pursuant to NCGS §143-318.11(a)(3) and §143-318.11(a)(6) at 8:05pm to discuss matters under attorney client privilege and a personnel matter, which was seconded by Commissioner Dotson and the vote was unanimous.

Once discussion was held, Commissioner Dotson moved the Board back into open session at 9:30pm, which was seconded by Mayor Pro Tempore Patterson and the vote was unanimous.

No action was taken.

11. Adjournment

As there were no further matters to come before the Board of Commissioners, Commissioner Stiehler moved to adjourn which was seconded by Commissioner Pierson and upon a unanimous vote, the Town Board adjourned at 9:35pm.

Patrick Taylor
Mayor

Rebecca R. Shuler, CMC, NCCMC
Town Clerk