

**TOWN OF HILDEBRAN
COUNCIL'S CHAMBER
ALBERT PARKHURST
MUNICIPAL COMPLEX**

**SEPTEMBER 25, 2023
7:00 PM**

**REGULAR MEETING
MINUTES**

CALL TO ORDER	Mayor Hildebrand called the regular meeting of the Town Council to order at 7:00 p.m. The meeting was streamed live via the Town's YouTube channel.
INVOCATION	A moment of silence was observed.
PLEDGE OF ALLEGIANCE	Council Member Honeycutt led the Pledge of Allegiance to the United States Flag.
COUNCIL PRESENT	The following members of the Board were present: Mayor Wendell Hildebrand and Council Members Ben Honeycutt, Mike Smith, Mike Stroupe, Terry Weaver and Jody York.
STAFF PRESENT	The following staff members were present: Town Manager Logan Shook, Town Clerk Alice Sanders, Finance Officer Fredrick Rankins, Town Planner Rachel Wooster, Code Enforcement Officer Chad Powell, and Town Attorney Jared Amos.
CITIZENS & MEDIA	See attached sheet.
APPROVAL OF AGENDA	Council Member Honeycutt made a motion to approve the agenda as presented. All voted in favor.
APPROVAL OF MINUTES	Council Member York made a motion to approve the August 28, 2023 regular meeting minutes as presented. All voted in favor.
PUBLIC COMMENTS	None.
PUBLIC HEARINGS	Mayor Hildebrand opened the public hearing for ZTA 2023-2 at 7:01 p.m.
ZTA 2023-2 REGARDING THE CREATION OF A CONDITIONAL ZONING DISTRICT	Planner Wooster stated that staff requested a text amendment to the zoning ordinance concerning the language used regarding a repeal and replace of Section 10.4 and additional language to create a conditional zoning district that would be placed in Section 8.9. The proposed district would encourage the master planning of large scale, multiple and/or mixed use development patterns that allow for the development of fully integrated pedestrian-oriented neighborhoods. Applicants who propose a planned unit development have more flexibility

and creativity in design than is possible under conventional zoning regulations. The proposed district would also allow Town Council to place reasonable conditions on any proposed planned unit development requested. She then reviewed when the proposed district is applicable and the process for approval. She also reviewed the proposed changes in Articles VI and VIII as well as Sections 8.1-8.8, 8.9, and 10.4.

Planner Wooster stated that on August 15, 2023, the Planning Board voted to recommend approval of the request due to the consistency with the Hildebran Comprehensive Development Plan and being in the public's interest.

Mayor Hildebrand asked for public comments. There being none, he closed the public hearing at 7:13 p.m.

ZTA 2023-4
REGARDING THE UNITS
PER ACRE IN R-10

Mayor Hildebrand opened the public hearing for ZTA 2023-4 at 7:13 p.m.

Planner Wooster stated that staff requested a text amendment to the zoning ordinance concerning the language used regarding the changing of maximum 8 units per acre in the R-10 zoning district to 9 units per acre. This would allow for higher density housing in strategic areas within the Town of Hildebran. This would also allow a distinguishing difference between R-20 zoning, low density, and R-10 zoning, higher density. At this time both R-20 and R-10 allow a maximum of 8 units per acre.

Planner Wooster reviewed the proposed changes in section 8.2.C and stated that on August 15, 2023, the Planning Board voted to recommend approval of the request due to the consistency with the Hildebran Comprehensive Development Plan and being in the public's interest.

Mayor Hildebrand asked for any public comments. There being no comments, he closed the public hearing at 7:14 p.m.

OLD BUSINESS:
ZTA 2023-2 REGARDING
THE CREATION OF A
CONDITIONAL ZONING
DISTRICT

Mayor Hildebrand asked if Council had any questions regarding ZTA 2023-2. There being no discussion, Council Member York made a motion to approve the ordinance and updated language to create a Conditional

Zoning District, 8.9, and the corresponding changes regarding Planned Unit Developments, 10.4, of the Town of Hildebran Zoning Ordinance. She finds that the proposed text amendment is consistent with the Town of Hildebran Comprehensive Plan, due to the desire to provide a selection of housing in the Town of Hildebran and to diversify the tax base. The request to update Planned Unit Development language is reasonable and in the public interest, due to its ability to create a sense of community and to increase the walkable/bikable areas in Town. All voted in favor. A copy of the ordinance and ZTA 2023-2 are hereby incorporated by reference and made a part of these minutes (Attachment A).

ZTA 2023-4
REGARDING THE UNITS
PER ACRE IN R-10

Mayor Hildebrand asked if Council had any questions regarding ZTA 2023-4. There being no discussion, Council Member York made a motion to approve the ordinance and the change to section 8.2.C R-10 Zoning District, regarding replacing a maximum 8 units per acres to 9. She found that the proposed text amendment is consistent with the Town of Hildebran Comprehensive Plan, due to the desire to provide a selection of housing in the Town of Hildebran and to allow higher density multi-family housing in the R-10 district. The request to update Planned Unit Development language is reasonable and in the public interest, due to its placement being proximity to downtown and major roads. All voted in favor. A copy of the ordinance and ZTA 2023-4 are hereby incorporated by reference and made a part of these minutes (Attachment B).

APPOINT PLANNING
BOARD/BOARD OF
ADJUSTMENT VACANT
POSITION THAT EXPIRES
JUNE 30, 2025.

Due to the recent vacancy on the Planning Board/Board of Adjustment as a result of the resignation of Jacquie Rudisill, applications were open for residents to apply. There were three qualified applicants. Council voted by written ballot as follows:

Council Member Honeycutt – Mary Lowman
Council Member Smith – Mary Lowman
Council Member Stroupe – Karen Robinson
Council Member Weaver – Mary Lowman
Council Member York – Mary Lowman

After the results were announced by Clerk Sanders, Council Member York made a motion to appoint Mary Lowman to the Planning Board/Board of Adjustment, effective immediately, to fill the vacant position that expires June 30, 2025. All voted in favor.

CONSIDER APPROVAL OF
THE RIVER TRAIL OF
BURKE COUNTY
FEASIBILITY STUDY

Town Manager Shook stated that the presentation of the feasibility study of The River Trail at the last meeting by Johnny Wear, WPCOG, needs to be adopted. There being no discussion, Council Member Honeycutt made a motion to adopt The River Trail of Burke County Feasibility Study as presented. All voted in favor.

NEW BUSINESS:
CODE ENFORCEMENT
QUARTERLY REVIEW

Code Enforcement Officer Chad Powell provided his quarterly report.

CONSIDER APPROVAL OF
ORDINANCE DIRECTING
THE TOWN TO VACATE
AND CLOSE PROPERTY
3630 CURLEY'S FISH
CAMP RD W LOT 8

Mr. Powell reported that he received a complaint by a tenant regarding the property at 3630 Curley's Fish Camp Rd W - Lot 8. He stated that all steps of the minimum housing process have been followed with the property failing to meet the Town's minimum housing standards. The dwelling remains vacant and the condition is unfit for human habitation. He provided multiple pictures of the dwelling. The proposed ordinance would lawfully prohibit the human habitation of this dwelling in its current state of deterioration or disrepair. The property owner has signaled his intention to either fully renovate the unit to meet minimum housing codes or demolish or remove the unit within 12 months.

There being no discussion, Council Member York made a motion to approve the ordinance as presented directing the Town of Hildebran to vacate and close the property located at 3630 Curley's Fish Camp Rd W – Lot 8 (NC PIN# 2772-43-4353) as unfit for human habitation and directing that a notice be placed thereon that the same may not be occupied. All voted in favor. A copy of the ordinance is hereby incorporated by reference and made a part of these minutes (Attachment C).

CONSIDER APPROVAL OF
ORDINANCE DIRECTING
THE TOWN TO VACATE
AND CLOSE PROPERTY
3630 CURLEY'S FISH
CAMP RD W LOT 9

Mr. Powell reported that he received a complaint by a tenant regarding the property at 3630 Curley's Fish Camp Rd W - Lot 9. He stated that all steps of the minimum housing process have been followed with the property failing to meet the Town's minimum housing standards. The dwelling remains vacant and the condition is unfit for human habitation. He provided multiple pictures of the dwelling. The proposed ordinance would lawfully prohibit the human habitation of this dwelling in its current state of deterioration or disrepair. The property owner has signaled his intention to either fully renovate the unit to meet minimum housing codes or demolish or remove the unit within 12 months.

There being no discussion, Council Member York made a motion to approve the ordinance as presented directing the Town of Hildebran to vacate and close the property located at 3630 Curley’s Fish Camp Rd W – Lot 9 (NC PIN# 2772-43-4353) as unfit for human habitation and directing that a notice be placed thereon that the same may not be occupied. All voted in favor. A copy of the ordinance is hereby incorporated by reference and made a part of these minutes (Attachment D).

CONSIDER APPROVAL OF ORDINANCE DIRECTING THE TOWN TO REPAIR, ALTER, OR IMPROVE PROPERTY DESCRIBED AS UNFIT FOR HUMAN HABITATION 208 US HWY 70A E

Mr. Powell stated that an ordinance is presented to repair, alter or improve the property located at 208 US Hwy 70A E. He stated that the dwelling is unfit for human habitation under the Town Minimum Housing Code and that all procedures of the Minimum Housing Code have been complied with. He stated that the owner of the property has been given a reasonable opportunity to bring the dwelling up to the standards of the Code in accordance with NCGS Chapter 160D, Article 12 pursuant to an order issued by the Code Enforcement Officer on May 25, 2023 and the owner has failed to comply with the Order. He provided multiple pictures of the property.

He stated that the expenses to the Town to repair, alter or improve the property shall constitute a lien against the real property upon which the cost was incurred. The lien will have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of NCGS Chapter 160A.

After a brief discussion, Council Member Honeycutt made a motion to approve the ordinance as presented directing the Town to repair, alter, or improve the property herein described as unfit for human habitation. All voted in favor. A copy of the ordinance is hereby incorporated by reference and made a part of these minutes (Attachment E).

SEPTEMBER FACILITIES REPORT

The September Facilities Report was provided for review.

AUGUST DELINQUENT TAX REPORT

Tax Collector Sanders provided the August tax report. A copy of the report is hereby incorporated by reference and made a part of these minutes (Attachment F).

AUGUST DEPUTY REPORT

The August Deputy report was provided for review.

COMMITTEE REPORTS

Transportation Advisory Committee (TAC) and

Technical Coordinating Committee (TCC) – Town Manager Shook stated that he was unable to attend the meeting but he forwarded the agenda topics to Council.

WPCOG Policy Board – No report.

Burke Economic Development – Town Manager Shook stated that the mega site on the western part of the County was awarded \$30 million in the state budget.

Recreation and Tourism Committee – No report.

Water Resource Committee – Planner Wooster stated that a presentation from the state department was given and a new watershed ordinance will be required to be adopted to bring us up to state standard regarding density averaging. The first draft will go to the Planning Board and the deadline to approve the ordinance is December 2024.

VEDIC – No report.

Library Board – No report.

Events Committee – Town Manager Shook stated that the committee had determined that the cost for a horse and carriage, candy, REACT, drone coverage, a vehicle for Council and basketballs to pass out would be around \$3,000. They would also like to have some type of band or chorus concert on the Friday night before. The committee would like to contract with Eddie Marlow to help with parade lineups. All of Council will be in attendance.

OTHER BUSINESS:

Council Member Honeycutt announced that East Burke High School's Homecoming will be held on Friday and they have asked all prior football players, band members and homecoming queens to attend. It is the school's 50th anniversary.

ANNOUNCEMENTS

Town Manager Shook stated that the Burke County Chamber Board of Directors held their last meeting at the Depot. They are revamping their membership packets.

Karen Robinson requested that Council and staff sign a thank you card for a lady that donated a flag that flew at the pentagon to the Hildebran museum in honor of the class of 1944 students who joined the military.

Town Manager Shook stated that a candidate forum was being held on September 28th at 6:00 p.m. at Western Piedmont Community College.

ADJOURN

All business being concluded, Council Member Honeycutt made a motion at 7:41 p.m. to adjourn. All voted in favor.

I attest these are the approved minutes of the Board.

Alice Sanders, Town Clerk

Wendell Hildebrand, Mayor