

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

**DECEMBER 20, 2021
7:15 PM**

**REMOTE REGULAR
MEETING MINUTES**

CALL TO ORDER

Mayor Hildebrand called the remote regular meeting of the Town Council to order at 7:15 p.m. The meeting was held by simultaneous communication and was streamed live via the Town's YouTube channel.

INVOCATION

Pastor Rudy Hayes led a prayer.

PLEDGE OF ALLEGIANCE

Council Member Herrell 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 Cole Herrell, Ben Honeycutt, Mike Smith and Terry Weaver. There is one vacant seat.

STAFF PRESENT

The following staff members were present: Attorney Redmond Dill, Town Manager Logan Shook, Town Clerk Alice Sanders, and Finance Officer Fredrick Rankins.

CITIZENS & MEDIA

See attached sheet.

APPROVAL OF AGENDA

Council Member Honeycutt requested to amend the agenda to add "Discussion Regarding Showing the Henry River Mill Village Episode that Aired on Magnolia TV in the Auditorium" under New Business. Town Manager Shook stated that he would like to do a presentation on affordable housing in Town under section 10c. He also stated that staff had received applications to the steering committee after the agenda packet was distributed to Council and those applications would need to be included in Old Business under section 6b. There being no objections, Council Member Honeycutt made a motion to approve the agenda as amended. The motion was approved by the following **roll call vote**: Ayes: Council Members Herrell, Honeycutt, Smith and Weaver. Nays: None. Vacant: One Seat.

APPROVAL OF MINUTES

Council Member Honeycutt made a motion to approve the November 22, 2021 remote regular meeting minutes as presented. The motion was approved by the following **roll call vote**: Ayes: Council Members Herrell, Honeycutt, Smith and Weaver. Nays: None. Vacant: One Seat.

PUBLIC COMMENTS

Ben Lail requested that limb, brush and leaf pickup be offered a few times a year to citizens.

OLD BUSINESS:
CERTIFY TOWN OF
HILDEBRAN NOVEMBER
2, 2021 MUNICIPAL
ELECTION RESULTS

The November election results, provided by the Burke County Board of Elections, were presented for certification. Council Member Herrell made a motion to certify the November 2, 2021 Municipal Election Results by Contest as presented. The motion was approved by the following **roll call vote**: Ayes: Council Members Herrell, Honeycutt, Smith and Weaver. Nays: None. Vacant: One Seat. A copy of the results are hereby incorporated by reference and made a part of these minutes (Attachment A).

CONSIDER
APPOINTMENTS TO
COMPREHENSIVE PLAN
STEERING COMMITTEE

Town Manager Shook stated that the Comprehensive Plan Steering Committee will consist of two Council members, two Planning Board members and three members from the public. At the last meeting, Council voted to appoint Derek Cline and Mike Smith to the committee as Council members. Subsequent to the meeting, Mr. Cline resigned from Council and his position on the committee will need to be replaced. He stated that there were only two applications from the Planning Board that applied, Jennie Cook and Cheyanne Lovelace. He stated that of the citizen positions, there were two that lived in town, five that lived in Burke County, and two that did not live in Burke County but did own a business in Burke County, which qualifies them for the committee. He recommended that Council replace Mr. Cline and then appoint the three citizens.

There was one citizen in attendance that stated that he could not get the application to print but wanted to apply. Council Member Honeycutt stated that another Planning Board member wanted to apply and would submit her application in the morning. He suggested that Council postpone this item of business until next month to give Council more time to review the additional applicants. Council Member Herrell stated that since this item of business was old business Council cannot swear in new members until all old business is completed. It was the consensus of Council to recess to review the new applications that were recently received and to wait until the Town Attorney arrived who was in route but delayed due to two traffic accidents on Interstate 40. Mayor Hildebrand recessed the meeting at 7:33 p.m.

Mayor Hildebrand called the meeting back to open session at 7:36 p.m. Council was in agreement to move to the next item of business while still waiting for Attorney Dill.

CONSIDER RESOLUTION
OF APPRECIATION TO
COLE HERRELL

A Resolution of Appreciation to Council Member Herrell was presented. Council Member Honeycutt made a motion to approve the Resolution of Appreciation to Council Member Herrell. The motion was approved by the following **roll call vote**: Ayes: Council Members Herrell, Honeycutt, Smith and Weaver. Nays: None. Vacant: One Seat. Mayor Hildebrand read the resolution and presented Council Member Herrell with a Key to the Town. A copy of the resolution is hereby incorporated by reference and made a part of these minutes (Attachment B). Council Member Herrell made final comments highlighting accomplishments made by Council over the last four years.

CONSIDER
APPOINTMENTS TO
COMPREHENSIVE PLAN
STEERING COMMITTEE

Attorney Dill arrived at 7:41 p.m. and Council resumed discussion on the Comprehensive Plan Steering Committee. Mayor Hildebrand stated that there were some applications that Council just received and a few that were still to come. Council Member Herrell asked if old business had to be completed before the new Council takes over. Attorney Dill asked what the deadline for the applications were. Clerk Sanders stated that the notification for applications was posted on the Town's Facebook page and website on November 12th with a deadline to submit applications on December 8th. On December 6th, the deadline was extended to December 10th. On December 16th, the deadline was extended to December 20th at noon. Council Member Honeycutt stated that there was some confusion whether citizens had to live in Town or not to apply. Council Member Herrell stated that there was a large enough pool of applications already. Council Member Herrell made a motion to appoint members to the committee at this meeting. The motion failed by the following **roll call vote**: Ayes: Council Members Herrell and Weaver. Nays: Council Members Honeycutt and Smith. Vacant: One Seat. There being a tie, Mayor Hildebrand voted nay.

Town Manager Shook stated that the Council of Governments is planning to begin the comprehensive master plan in January and he recommended that Council call a special meeting in early January to appoint the committee members.

After further discussion regarding holding the meeting with the current Council or the newly elected Council, Attorney Dill stated that if the current Council holds a special meeting later this week it could be questioned. Clerk Sanders read from the statutes stating that the swearing in of newly elected Council members must occur at the first regular meeting in December. Town Manager Shook recommended that either the current Council appoint tonight from the existing applications, or the newly elected Council should call a special meeting and appoint at a later date in January. Council Member Smith made a motion to rescind the previous motion to vote to appoint members to the committee tonight. The motion was approved by the following **roll call vote**: Ayes: Council Members Herrell, Honeycutt, Smith and Weaver. Nays: None. Vacant: One Seat.

Council Member Smith made a motion to postpone the appointment of committee members to the comprehensive plan steering committee and to allow the newly elected Council Members to take action at a later date. The motion was approved by the following **roll call vote**: Ayes: Council Members Honeycutt and Smith. Nays: Council Members Herrell and Weaver. Vacant: One Seat. There being a tie, Mayor Hildebrand voted aye. Council set a final deadline for applications at noon on December 21st.

Council Member Honeycutt made a motion to call a special meeting for January 3rd at 7:00 p.m. in the Council's Chamber for the purpose of appointment of committee members to the comprehensive plan steering committee. The motion was approved by the following **roll call vote**: Ayes: Council Members Herrell, Honeycutt, Smith and Weaver. Nays: None. Vacant: One Seat.

OATHS OF OFFICE

Mabel Lowman, Burke County Clerk of Superior Court, preformed the swearing in of Mayor Hildebrand and Council Members Ben Honeycutt and Mike Smith. Clerk Sanders preformed the swearing in of Council Member Jody York earlier that day at Town Hall. A copy of the oaths of office are hereby incorporated by reference and made a part of these minutes (Attachment C, D, E, and F)

Council Member Jody York was in attendance via telephone.

ELECT MAYOR PRO TEM
AND OATH OF OFFICE

Mayor Hildebrand opened the floor for nominations for Mayor Pro Tem. Council Members Weaver and Smith nominated Council Member Honeycutt. There being no other nominations, Council Member Weaver made a motion to appoint Council Member Honeycutt as Mayor Pro Tem. The motion was approved by the following **roll call vote**: Ayes: Council Members Honeycutt, Smith, Weaver and York. Nays: None. Vacant: One Seat. Mabel Lowman, Burke County Clerk of Superior Court, preformed the swearing in of Mayor Pro Tem Honeycutt. A copy of the oath is hereby incorporated by reference and made a part of these minutes (Attachment G).

PUBLIC HEARING

Mayor Hildebrand opened the public hearing for ZTA 1-2021 consideration of zoning text amendments addressing the modification of specific language related to Senate Bill 300 (S.L. 2021-138) criminal justice reform at 8:19 p.m. Todd Justice, Town Planner, addressed Council. He stated that these text amendments are now required by SB 300 passed by the legislature in September 2021. He stated that for an ordinance to carry a misdemeanor penalty it must say so in the ordinance, not rely on a “general” application or a misdemeanor penalty in a separate ordinance or section. Also, any ordinance relying on the G.S.’s listed in subsection B1 may not have misdemeanor penalties, and so, must rely on administrative fines and penalties. He reviewed the proposed text amendments. He stated that the Planning Board reviewed his proposed text amendments during its November 9, 2021 meeting. Council will review these proposed text amendments and approve at its January meeting. There being no comments from the public, Mayor Hildebrand closed the public hearing at 8:31 p.m.

NEW BUSINESS:
CONSIDER APPROVAL OF
RESOLUTION ADOPTING
2022 TOWN COUNCIL
REGULAR MEETING
SCHEDULE

Staff presented a proposed regular meeting schedule for 2022. Clerk Sanders proposed moving the meetings to 7:00 p.m. and Council was in agreement. Council Member Weaver made a motion to approve the Resolution Adopting 2022 Town Council Regular Meeting Schedule as presented. The motion was approved by the following **roll call vote**: Ayes: Council Members Honeycutt, Smith, Weaver and York. Nays: None. Vacant: One Seat. A copy of the resolution is hereby incorporated by reference and made a part of these minutes (Attachment H).

CONSIDER
APPOINTMENTS OF TOWN
COMMITTEE
REPRESENTATIVES

After discussion and consensus among Council members, Council Member Honeycutt made a motion to appoint the following Council Members to the Town of Hildebran Committees:

Technical Coordinating Committee (TCC) – Town Manager Shook

Transportation Advisory Committee (TAC) – Council Member York

WPCOG Policy Board Delegate – Council Member Honeycutt

WPCOG Policy Board Alternate – Council Member Smith

Burke Economic Development – TBD

Recreation and Tourism Committee – Council Member Smith

Water Resource Committee – Town Planner Justice VEDIC – Town Manager Shook

Burke County Library Board of Trustees – Mayor Hildebrand.

The motion was approved by the following **roll call vote**: Ayes: Council Members Honeycutt, Smith, Weaver and York. Nays: None. Vacant: One Seat. A copy of the committees is hereby incorporated by reference and made a part of these minutes (Attachment I).

DISCUSSION ON
WORKFORCE HOUSING IN
TOWN

Town Manager Shook gave a presentation to Council about an affordable housing project in Town due to the most recent Census results showing a 17% loss in population over the last ten years. He stated that the project would be targeted towards families. He provided information about the developer, samples of projects completed in other areas, and locations in Town that the developer is interested in. He asked Council Members if they were interested in moving forward with a project that would begin in 2022. Council Member Weaver made a motion for staff to move forward and to work with the developer to begin the affordable housing project in the Town of Hildebran. The motion was approved by the following **roll call vote**: Ayes: Council Members Honeycutt, Smith, Weaver and York. Nays: None. Vacant: One Seat.

UPDATE AND DISCUSSION
ON TOWER BRICK
PROJECT

Town Manager Shook stated that the tower brick cleanup is about 90% completed and he needed direction from Council on the next step. It was the consensus of Council to rebuild the tower as the same size and specs as it originally stood.

DISCUSSION OF PART-TIME EVENTS PLANNER

Town Manager Shook stated that there are current events that a part-time events planner could work on that include the parade, fall festival, craft show, farmers market, yard sales, etc., but more work would be available once the new park is built and the auditorium is renovated. He suggested that Council revisit this topic in February. Council was in agreement.

DISCUSSION ON FILLING VACANT COUNCIL SEAT

Town Manager Shook stated that Derek Cline had tendered his resignation from Council this month and that Council will need to appoint someone to that position. Staff has provided a current application for review. The current requirements to serve on Council according to the Town's charter is that the person must be a resident of the Town and be registered to vote in Town limits. Council directed staff to advertise the vacancy in the newspaper, on the Town's Facebook page, website and digital signs. It was the consensus of Council that the deadline to apply be 10:00 a.m. on January 18, 2021.

DECEMBER FACILITIES REPORT

The December Facilities Report was provided for review.

NOVEMBER DELINQUENT TAX REPORT

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

NOVEMBER DEPUTY REPORT

The November report was provided for review.

COMMITTEE REPORTS

Transportation Advisory Committee (TAC) and Technical Coordinating Committee (TCC) – Town Manager Shook stated that the LAPP grant for the Main Ave sidewalk project should begin this month with DOT overseeing construction which should begin in 2023.

WPCOG Policy Board – No report.

Burke Economic Development – No report.

Recreation and Tourism Committee – No report.

Water Resource Committee – No report.

VEDIC – No report.

Library Board – No report.

DISCUSSION REGARDING
SHOWING THE HENRY
RIVER MILL VILLAGE
EPISODE THAT AIRED ON
MAGNOLIA TV IN THE
AUDITORIUM

Council Member Honeycutt requested that the Town show the episode of the Henry River Mill Village that aired on the Magnolia Network in the Town auditorium in January. Clerk Sanders stated that the Town does not have a screen or projector. Also, the sound board will need to be reinstalled. Council Member Honeycutt stated that he would contact Calvin Reyes to see if he had access to a projector and screen.

Clerk Sanders asked about copyrights to show the movie. Council Member Honeycutt stated that Mr. Reyes has permission to show the episode to the public as long as there is no charge to the public. Attorney Dill stated that Mr. Reyes would have to sponsor the showing since only he has permission, not the Town. Council Member Honeycutt stated that he would contact Mr. Reyes about permission rights and equipment. He suggested that the episode be shown on January 28th. Council was in agreement.

OTHER BUSINESS

Town Manager Shook reviewed the Christmas and New Year's Town Hall schedule.

ANNOUNCEMENTS

Attorney Dill stated that he felt that the Town should consider improving the existing Town sidewalks that need desperate repair. Town Manager Shook stated that he had spoken to Todd Poteet from West Consultants about getting a sidewalk priority list done like they do the street priority list for the Town. Mr. Poteet stated that he could do that for the Town. Mr. Shook stated that this project could be placed in the upcoming budget or this year's budget if Council wanted to move quicker on the project. It was the consensus of Council to begin the project now. Mr. Shook stated that he would provide a price and recommendation at the January meeting.

ADJOURN

All business being concluded, Council Member Honeycutt made a motion at 9:25 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