

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

**SEPTEMBER 26, 2022
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 Smith 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 and Code Enforcement Officer Chad Powell. Jared Amos attended the meeting as legal counsel.
CITIZENS & MEDIA	See attached sheet.
APPROVAL OF AGENDA	Council Member York made a motion to approve the agenda as presented. All voted in favor.
APPROVAL OF MINUTES	Council Member Honeycutt made a motion to approve the August 22, 2022 regular meeting minutes as presented. All voted in favor.
PUBLIC COMMENTS	Ricky Barnes, EB YAO President, presented a handout to Council regarding the conditions of the gym, repairs needed and addressed EB YAO rent. Joe Cline asked if he could have some of the broken bricks and concrete at the tower demo site to use for personal use.
PUBLIC HEARINGS ZMA 2022-2 TO REINSTATE THE MOBILE HOME PARK OVERLAY AT 208 US HWY 70 E	Mayor Hildebrand opened the public hearing for ZMA 2022-2 at 7:09 p.m. Planner Wooster stated that the applicant, Highway 70 Land Trust, requested a Zoning Map Amendment to reinstate the mobile home park overlay on 208 US Hwy 70 E. Ms. Wooster stated that earlier this year, staff initiated contact concerning the removal of the mobile home park

overlay for both 208 and 327 US Hwy 70 E. The Planning Board, at its June 7, 2022 meeting, provided a recommendation to Council to remove the overlay and informed Council that the change would not impact the Comprehensive Plan. On June 27, 2022 Council voted to approve the removal of the mobile home park overlay at the properties located at 208 and 327 US Hwy 70 E at its regular meeting after a public hearing.

The proposed Zoning Map Amendment would reinstate the mobile home park overlay onto 208 US Hwy 70 E. This amendment would allow for the property owner to add additional manufactured and mobile homes to the property as long as they comply with the regulations and provisions listed in Section 8.3 on the Zoning Ordinance.

Ms. Wooster stated that staff believes this request is not reasonable and not in the best interest of the Town due to the prior precedent set by the Planning Board and Council that voted to remove the overlay from the property.

Additionally, the request is not in the best interest of the Town due to the lack of density provided with a mobile home park overlay district compared to affordable high density housing, such as apartments, townhomes or condo units. As the Town has experienced a population loss there is a need for high density housing that will grow the tax base, increase opportunities to provide public services, and encourage population growth.

Ms. Wooster stated that the request is not in accordance with the Comprehensive Development Plan. The Plan calls for a prioritization of apartments and mixed use developments. The Plan states, "it is important to provide a selection of housing options including affordable housing. Apartments are an option for affordable housing. Apartments located nearby to retail centers, downtowns and other activity centers not only preserve land through increased density but encourage walking and biking." A mobile home park does not fall into either category. Therefore, staff recommends denial of the Zoning Map Amendment request.

The Planning Board met on September 6, 2022 and voted to recommend denial of the request due to the prior Planning Board recommendation to remove the overlay months prior and Council's complementary action.

Eric Gabriel, trustee of Hwy 70 Land Trust, provided comments. He stated that he is acting as a good Samaritan. He stated that every day he receives multiple calls from people looking to rent. He would like to be able to add more mobile homes to the property. He stated that he did not care about the money. He just wants to help people find places to live and requested that the overlay be reinstated for his property.

Mr. Gabriel stated that there are four developed lots already on the property where he could add mobile homes and provide affordable housing to those with restricted incomes or those with disabilities. He requested that the overlay be reinstated to his property.

Jamie Carter stated that she was here on the behalf of other moms and parents. She stated that affordable housing would be a great opportunity to help many people with families. She stated that everything is expensive right now and having more affordable housing would be appreciated by many people. She requested to add the mobile home park overlay back on the property.

Diane Speigle stated that her and her family have managed many rental homes and apartments in Town. She addressed a comment that was made that someone outside Town knew more about what the Town needs than the residents of the Town. She stated that the residents of the Town have to deal with the consequences of all decisions made because they live here.

Ms. Speigle stated that recently a community meeting was held and although there were multiple comments, the main vision of the Town that everyone agreed upon was that the residents wanted progress and to move forward while maintaining the small family and charm from the past. She stated that in reviewing the Town's Comprehensive Plan, it noted that land is a precious resource and she feels the Town needs to be responsible for the needs and what residents want for the growth of our Town.

There being no other comments, Mayor Hildebrand closed the public hearing for ZMA 2022-2 at 7:21 p.m.

ZTA 2022-7
REGARDING MINI-
STORAGE IN CBD

Mayor Hildebrand opened the public hearing for ZTA 2022-7 regarding mini-storage in the Central Business District (CBD) at 7:21 p.m. Planner Wooster stated that staff requested that the Zoning Ordinance be amended to

remove the allowance of mini-storage units in the CBD through a Special Use Permit. There are concerns that mini-storage use is not compatible with the Comprehensive Plan's guidance regarding the future development of the CBD. She stated that according to Section 8.5 B7 of the Zoning Ordinance, mini-storage units are permitted through a Special Use Permit, "when authorized by the Hildebran Board of Adjustment after said Board holds a public hearing." The staff is requesting that this use no longer be permitted in the CBD. This change will render any existing storage facilities non-conforming, meaning they could not expand upon existing structures.

Ms. Wooster stated that staff believes the request is reasonable. The spirit of the CBD "is intended that this district shall develop and be maintained as a tightly knit core activity. Pedestrian traffic is a key element to a successful downtown. Pedestrian facilities should provide a safe means to get to and from the various shops, businesses, and parking areas." By nature storage units are spread out and therefore do not provide a close-knit area for core activities. Furthermore, the storage units do not facilitate downtown or pedestrian activity due to the units being void of people for the majority of the day.

In accordance with the current Comprehensive Development Plan, "The CBD zoning contains regulations to encourage a downtown feel that is aesthetically pleasing and pedestrian friendly. Regulations to achieve the downtown atmosphere include parking placed to the rear and side of new buildings, facades constructed of material other than vinyl, unpainted cinder block or metal paneling, and buildings close to the front property line." The purpose of mini storage does not fit with the intended use of the CBD, as it is not facilitating a walkable downtown atmosphere. Mini-storage will increase car and truck use from customers dropping off and loading storage. The increased automobile traffic has the possibility of causing safety concerns to pedestrians who are walking downtown.

Ms. Wooster stated that the Town allows mini storage in both the Highway Business District and General Manufacturing District through a Special Use Permit. Therefore, residents are not fully restricted from opening a mini-storage unit within the Town of Hildebran. Because of this, staff recommends proceeding with the approval of the proposed text amendment.

There being no comments, Mayor Hildebrand closed the public hearing at 7:24 p.m.

**OLD BUSINESS:
ZMA 2022-2**

Mayor Hildebrand asked Council if there were any comments or discussion regarding ZMA 2022-2 regarding reinstating of mobile home park overlay at 208 US Hwy 70 E. There being none, Council Member Stroupe made a motion to deny Zoning Map Amendment 2022-2 to reinstate the mobile home park overlay at 208 US Hwy 70 E. The request is not consistent with the Town of Hildebran Comprehensive Plan and is not in the public's best interest due to the need for increased residential density to support economic development and promote population growth. Additionally, the request is not consistent and in the best interest of the Town due to the most recent majority decision to remove the overlay from the property. All voted in favor. A copy of the ZMA is hereby incorporated by reference and made a part of these minutes (Attachment A).

ZTA 2022-7

Mayor Hildebrand asked Council if there were any comments or discussion regarding ZTA 2022-7 regarding mini-storage in the Central Business District. There being none, Council Member York made a motion to approve the removal of mini-storage as a Special Use in Section 8.5 B7 of the Town of Hildebran Zoning Ordinance. I find that the proposed text amendment is consistent with the Town of Hildebran Comprehensive Plan, due to the desire of the Central Business District to be a tight knit core promoting uses where pedestrian facilities are present and pedestrian activity is higher to allow for safe means of travel from shops, businesses and parking areas. The request to remove mini-storage as a special use option is reasonable and in the public interest, due to mini storage being an automobile oriented business operation with patrons arriving to load, unload and exit their vehicles. All voted in favor. A copy of the ordinance and amendment is hereby incorporated by reference and made a part of these minutes (Attachment B).

**PRESENTATION OF
CONTRACT FOR
ATTORNEY SEARCH
SERVICES BY THE WPCOG**

Ashley Bolick, Director of Administrative Services and Human Resources at the WPCOG, was in attendance. She reviewed the services that the WPCOG provides. She also reviewed the contract for the WPCOG to develop a RFQ for attorney search services for the Town. A timeline of the process was given. She stated that two members of the Board should be chosen to assist in the interview process

once the final candidates have been chosen. Mayor Hildebrand and Council Member Stroupe were appointed to participate in the interview process at the August 22, 2022 meeting. She reviewed a proposed RFQ and stated that she will follow up with the Board members in a few weeks after they have time to review it for further input.

CONTINUE DISCUSSION REGARDING HOW TO INCORPORATE TOWER BRICKS INTO TOWER REBUILD PROJECT

Town Manager Shook stated that Council made a request to postpone discussing the use of the original tower bricks to this meeting. He reminded Council that the bricks are not strong enough to be used for any structural building. Council Member Smith and Weaver suggested using them as pavers leading up to the tower. Council Member Stroupe suggested using them to build a veterans' wall. It was the consensus of Council to use the bricks to build a veterans wall first and use any leftovers as pavers. Town Manager Shook stated that he would contact the tower rebuild architect, Bob Smith, to determine if he felt the bricks were in good enough shape to use to build a veterans' wall.

CONTINUE REVIEW OF PROPOSAL FOR REORGANIZATION OF THE HILDEBRAN AUDITORIUM (BAKHTIAR ALAM)

Bakhtiar Alam, the architect assisting with the auditorium reorganization, was in attendance and reviewed his proposal that was distributed at the August 22, 2022 meeting. He provided a list of improvements that could be made to the auditorium. He pointed out that doing any work to the auditorium will require that the building be brought up to ADA codes. In addition to ADA codes, he stated that a sprinkler system will be required to be installed if there are over 299 seats. His suggestion was that if seats are upgraded, that no more than 299 be installed. Council discussed starting renovations by replacing seats, making the building ADA compliant and upgrading the dressing area. A copy of the proposal is hereby incorporated by reference and made a part of these minutes (Attachment C).

CONSIDER APPROVAL OF ORDINANCE TO RATIFY ACTIONS TAKEN AT THE JUNE 27, 2022 MEETING

Town Manager Shook stated that ZMA 2022-1 was approved at the June 27, 2022 meeting. The ZMA removed the mobile home park overlay at the properties located at 208 and 327 US Hwy 70 E, Hildebran. This approval was done via a motion, with a consistency statement, and vote. Subsequently, staff contacted the NC School of Government attorney who specializes in Planning and was informed that an ordinance is required to approve a Zoning Map Amendment. As a result, staff is presenting an ordinance to ratify the Board's action taken at the June 27th meeting.

Council Member York made a motion to ratify by ordinance action taken during the June 27, 2022 meeting to approve Zoning Map Amendment 2022-1 to remove the mobile home park overlay at 208 and 327 US Hwy 70 E. The request is consistent with the Town of Hildebran Comprehensive Plan and is in the public's best interest due to the need for increased residential density to support economic development and to promote population growth. Additionally, the request is consistent and in the best interest of the Town due to the most recent majority decision to remove the overlay from the property. All voted in favor. A copy of the ordinance is hereby incorporated by reference and made a part of these minutes (Attachment D).

NEW BUSINESS:
CALL A SPECIAL
MEETING TO
REVIEW/APPROVE
CONTRACT WITH WEST
CONSULTANTS TO
DESIGN, BID AND
OVERSEE THE ROYAL
PARK PROJECT

Town Manager Shook stated that he had received the proposed contract with West Consultants for professional services to oversee the Royal Park project. He stated that he would like to review it and call a special meeting for Council to discuss and approve. Council Member Honeycutt made a motion to call a special meeting on Tuesday, October 11, 2022 at 6:00 p.m. in the Council's Chamber to review and approve the contract with West Consultants for professional services for the Royal Park project. All voted in favor.

SEPTEMBER FACILITIES

The September Facilities Reports 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 E).

AUGUST DEPUTY REPORT

The August Deputy reports were provided for review.

COMMITTEE REPORTS

Transportation Advisory Committee (TAC) and Technical Coordinating Committee (TCC) – Council Member York stated that there were revisions to the STIP program: 1) Construction to access road into Burke County Industrial Park is delayed until FY 2023
2) Improvements to SR 1687, Goat Farm Rd, access road into the Industrial Park, delayed to FY 2023
3) Construction to SR 1001, Connelly Springs Rd, to replace bridge 110010 over Catawba River, is delayed to FY 2024.

WPCOG Policy Board – No report.

Burke Economic Development – Town Manager Shook stated that the County would like to see a 2% population growth rate throughout the County. The committee is reviewing how to achieve this goal. The Steering Committee is reviewing via a Comprehensive Plan. BDI will create a committee for creative solutions for housing and Mr. Shook plans to participate.

Recreation and Tourism Committee – No report.

Water Resource Committee – No report.

VEDIC –Karen Robinson reported that financial reports and delinquent reports were reviewed. Board Member Forrest Fleming passed away.

Library Board – No report.

Comprehensive Master Plan Steering Committee – Council Member Stroupe stated that the committee reviewed zoning and the zoning map.

PARADE
BUDGET AMENDMENT
FOR PARADE

Festival Committee – Mayor Hildebrand stated that the Town will be overseeing the parade this year and asked if Council was in agreement to delegate this task to the Festival Committee. Council was in agreement. A brief discussion of the parade occurred. Deputy Towery stated that he would like to have more police manpower at each of the main intersections and stated that the cost to hire an off-duty officer is \$30/hr. Mayor Hildebrand and Council Member York volunteered to assist with lineup the day of the parade. Council was in agreement to allow an additional \$2,000 to the already budgeted \$800 for the parade. Council Member Smith made a motion to approve a budget amendment in the amount of \$2,000 for the parade. All voted in favor. A copy of the amendment is hereby incorporated by reference and made a part of these minutes (Attachment F).

OTHER BUSINESS:
GYM

Mayor Hildebrand asked Council if a discussion regarding EB YAO's rental fees to use the gym should be held at this meeting or the next. Council was in agreement to wait until the October regular meeting.

Ricky Barnes, EB YAO President, provided several issues that needs to be addressed in the gym to include electrical work, lockers to be secured to the wall and repair of the

floors in the back area. Council was in agreement that these issues needed to be addressed and that the electrical issues should be addressed right away. Council also asked that staff evaluate the gym to determine any other issues.

Town Manager Shook stated that Council needs to be aware of available funds for all of the Town's upcoming projects (Royal Park, Tower, Sidewalks and Auditorium). He stated that Royal Park will cost more than was originally budgeted. He stated that Council may need to create a list of all the projects desired and then prioritize the projects.

AUDITORIUM

Council Member Stroupe asked that Council determine a list for Mr. Alam to focus his attention on to obtain pricing. It was the consensus of Council that the auditorium be brought up to ADA codes first. Updating the stage/dressing room areas and replacing the seats were also discussed as priorities.

Town Manager Shook stated that the \$150,000 grant that was earmarked for the auditorium has to be spent by June 30, 2023. Staff could ask for an extension or those funds could be moved to the park which would free up those funds in the General Fund that could be used for the auditorium.

CODE ENFORCEMENT QUARTERLY REVIEW

Chad Powell, Town Code Enforcement Officer, provided his quarterly review.

ANNOUNCEMENTS

None.

ADJOURN

All business being concluded, Council Member Honeycutt made a motion at 8:30 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