

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

**APRIL 22, 2019  
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.
INVOCATION	Council observed an invocation.
PLEDGE OF ALLEGIANCE	Council 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, Theresa Messer, Mike Smith and Jody York. Council Member Cole Herrell was absent.
STAFF PRESENT	The following staff members were present: Attorney Redmond Dill, Town Clerk Alice Sanders, Interim Town Manager/Finance Officer Fredrick Rankins and Town Planner Hunter Nestor.
CITIZENS & MEDIA PRESENT	See attached sheet.
APPROVAL OF AGENDA	Council Member Smith made a motion to approve the agenda. All voted in favor.
APPROVAL OF MINUTES	Council Member Messer made a motion to approve the March 20, 2019 special meeting minutes, the March 25, 2019 regular meeting minutes, and the March 25, 2019 closed session minutes as presented. All voted in favor.
PUBLIC COMMENTS	Michael Johnson, Pastor at Passion Christian Fellowship, spoke about the time capsule and parking at the church. He provided paperwork regarding regulations for use of the parking lot.
PUBLIC HEARINGS	Public Hearing # 1: Mayor Hildebrand opened the public hearing at 7:08 p.m. to hear comments regarding authorizing the expenditure of public funds to assist with the location of Project NW for a building reuse program.  There being no comments from the public, Mayor Hildebrand closed the public hearing at 7:09 p.m. Council Member Honeycutt made a motion to approve the authorizing resolution to expend \$7,812.50 as the Town's matching portion of a building reuse grant from the Rural

Economic Development Division, North Carolina Department of Commerce for the purpose of the economic renovation of an existing building in Town to assist Project NW with an expansion. All voted in favor. A copy of the resolution is hereby incorporated by reference and made a part of these minutes (Attachment A).

Public Hearing #2: Mayor Hildebrand opened the public hearing at 7:10 p.m. to hear comments regarding ZTA 2019-1 concerning the clarification of the Minor Subdivision Final Plat approval process. Planner Nestor stated that the existing Zoning Ordinance contradicts itself regarding the approval of a final plat of a minor subdivision. He stated that “Article VI Procedure For Review And Approval Of Minor Subdivision Plats Section 6.0 General” states that the final approval shall be made by the Town Council; however, “Section 6.2 Part F. Final Plat Approval of Minor Subdivision” states that final approval shall be made by the Subdivision Administrator. Mr. Nestor recommended that Article VI of the Zoning Ordinance be revised to state that the Subdivision Administrator shall have final approval of a final plat of a minor subdivision. He stated that minor subdivisions usually are not approved by Council. Minor subdivisions are specifically defined and must meet the requirements of the ordinance in order to be approved. In addition, the recommended change would not cause any unnecessary expense to the developer nor to the administrative departments of the Town.

There being no public comments, Mayor Hildebrand closed the public hearing at 7:12 p.m. Council Member Honeycutt made a motion to revise “Article VI Procedure For Review And Approval Of Minor Subdivision Plats Section 6.0 General” by changing the final approval of a final plat of a minor subdivision from ‘Town Council’ to ‘Subdivision Administrator.’ All voted in favor. A copy of ZTA 2019-1 is hereby incorporated by reference and made a part of these minutes (Attachment B).

Public Hearing #3: Mayor Hildebrand opened the public hearing at 7:12 p.m. to hear comments regarding ZTA 2019-2 to include additional permitted uses in the Central Business District. Planner Nestor stated that the Town has received interest for a Climate Controlled Storage Facility on a property located in the Central Business Zoning District. The proposed amendment will allow mini-storage in the Central Business District as a conditional

use. A conditional use must be approved by the Board of Adjustments and can have specific conditions set for the use. He stated that the Town already has mini-storage located in the Central Business District and approving ZTA 2019-2 will help that property conform to the Zoning Ordinance.

There being no public comments, Mayor Hildebrand closed the public hearing at 7:14 p.m. Council Member York made a motion to approve ZTA 2019-2 adding “Mini-storage” as a conditional use in the Central Business District. All voted in favor. A copy of ZTA 2019-2 is hereby incorporated by reference and made a part of these minutes (Attachment C).

Public Hearing #4: Mayor Hildebrand opened the public hearing at 7:14 p.m. to hear comments from the public concerning amending “Section 3-1.6 Chronic Violator” of the Hildebran Town Code. Planner Nestor stated that the Town’s current Code, Section 3-1.6: Chronic Violator, states:

“The Town may notify a chronic violator of the Town’s public nuisance ordinance that, if the violator’s property is found to be in violation of the ordinance, the Town shall, without further notice in the **12 month rolling period** in which notice is given, take action to remedy the violation...”

Mr. Nestor stated that “12 month rolling period” should be revised to be in compliance of G.S. 160A-200.1 and revised to read “calendar year.”

There being no public comments, Mayor Hildebrand closed the public hearing at 7:15 p.m. Council Member York made a motion to approve the revised change to the Hildebran Town Code Section 3-1.6: Chronic Violator to change the wording from “12 month rolling period” to “calendar year.” All voted in favor. A copy of the revised Hildebran Town Code is hereby incorporated by reference and made a part of these minutes (Attachment D).

**OLD BUSINESS:  
CONSIDER APPROVAL OF  
RESOLUTION LEASING  
PROPERTY FOR ONE YEAR  
OR LESS**

A resolution leasing property for one year or less to Hildebran Heritage and Development Association (HHDA) was presented for approval. The lease is for the use of the band room by HHDA for the period of March 1, 2019 to June 30, 2019 at no cost. Council Member Messer

made a motion to approve the resolution leasing property for one year or less with HHDA for the use of the band room located in the basement of the auditorium, as presented. All voted in favor. A copy of the resolution is hereby incorporated by reference and made a part of these minutes (Attachment E).

CONSIDER APPROVAL OF  
ORDINANCE  
ESTABLISHING A  
SEPARATE MUNICIPAL  
SERVICE DISTRICT  
LOCATED WITHIN THE  
CENTRAL BUSINESS  
DISTRICT, AND REFERRED  
TO AS THE "TOWN OF  
HILDEBRAN BUSINESS  
IMPROVEMENT DISTRICT  
"BID"

An ordinance establishing a Municipal Service District (MSD) within the Central Business District and referred to as the Town of Hildebran Business Improvement District (BID) was presented for approval. Planner Nestor stated that prior staff proposed the establishment of an MSD defining a "downtown" district in order to administer the \$44,000 Downtown Revitalization Grant from the N.C. Department of Commerce (the Rural Economic Development Division) that was awarded to the Town. The MSD would establish the boundary in which property owners within the boundary would be allowed to apply for funding through a façade improvement plan that will be established.

Mr. Nestor stated that the Town has already adopted plans that define the Downtown District that was adopted in the Downtown Master Plan Study Area in 2007 and in the Future Land Use Map as part of the Comprehensive Plan that was adopted in 2010. He stated that the Town has already established a Downtown District and would just need to establish and adopt the Façade Improvement Grant Program.

Mr. Nestor contacted Melody Adams, Director of the Rural Grant Program for NC Commerce Rural Economic Division, and she stated that an MSD was not needed for the Town to administer the grant funds. She also stated that once the Town adopts the Downtown Revitalization / Façade Improvement Grant Program and allocates the funds, then the Town can send its final report and close out the project with the Commerce.

Mr. Nestor stated that establishing an MSD would require more staff time. In addition, the Town has received letters from property owners inside the MSD boundary that have requested to be excluded due to the potential of an additional tax that could be imposed. He opined that the MSD is not needed and recommended that Council administer the \$44,000 that has been gifted for the Downtown Revitalization with an adoption of a grant program with the existing Downtown District.

Council Member Smith made a motion to not approve Ordinance # 04-22-2019F Establishing a Separate Municipal Service District (MSD) within the Central Business District and Referred to as the Town of Hildebran “Business Improvement District.” All voted in favor. The Ordinance was not approved.

DISCUSSION REGARDING  
HILDEBRAN DEPUTY  
CONTRACT WITH BURKE  
COUNTY/SHERIFF  
EFFECTIVE JULY 1, 2019

Attorney Dill reported that the Town had received an email earlier that morning from Bryan Steen, County Manager. The email stated that since a resolution could not be agreed to between both parties that was mutually beneficial, as well as the passing of Mr. Whisenant’s mother, Mr. Steen will ask the Board of Commissioners to extend our current relationship for another year and to allow us more time to reach a mutually agreeable solution to the Worker’s Compensation liability exposure.

NEW BUSINESS:  
DISCUSSION REGARDING  
APPALACHIAN REGIONAL  
COMMISSION (ARC)  
GRANT

Planner Nestor stated that he has worked with the WPCOG and the Town has submitted a pre-application for an ARC Grant for a total of \$100,000 (\$50,000 from ARC and a 50% match from the Town of \$50,000). If awarded, these funds would be added to the \$44,000 grant money making a grand total of \$144,000 to be used for the façade improvement program.

CONSIDER APPROVAL OF  
ORDINANCES DECLARING  
TEMPORARY ROAD  
CLOSURES FOR CRUISE  
INS, FESTIVAL AND  
PARADE

N.C. Department of Transportation requires that a resolution be passed by Council to declare a temporary road closure in Town limits for events. Clerk Sanders provided resolutions for approval for the five cruise-ins, September festival and the parade. Council Member Smith made a motion to approve the six resolutions declaring a temporary road closure for the Cruise-Ins in May, June, July, August and September, the Festival in September, and the parade in December. All voted in favor. A copy of the resolutions are hereby incorporated by reference and made a part of these minutes (Attachments F, G, H, I, J, and K).

CONSIDER APPROVAL OF  
REPAIRS TO GYM  
BLEACHERS

Interim Town Manager Rankins stated that staff had acquired an inspection of the gym bleachers and presented the report to Council. He stated that the inspection recommended general maintenance, service and upgrades to meet current codes, and to repair any hazards which includes replacing damaged boards, fixing the bleacher end-to-wall gap and deck gaps, and replacing any damaged wheels on the bleachers. Mr. Rankins stated that these

items should be fixed prior to refinishing the floors. The quote to fix these repairs, which includes a lift rental, is \$16,000. Council Member Smith made a motion to approve the contract with FaciliServ to provide the necessary general maintenance, service and upgrades as described in the highlighted sections only of the quote dated February 22, 2019. All voted in favor.

CONSIDER APPROVAL OF BUDGET AMENDMENTS FOR FY 18-19

Finance Officer Rankins provided five budget amendments for approval for FY 18-19 as follows:

- 1. \$15,500 to fund unexpected costs in the Buildings & Grounds department for a) auditorium utilities \$11,000 b) grading of old school building site \$4,550.
- 2. \$4,182 to fund unexpected repairs and expenses in the Parks department a) park security patrols \$2,650 b) replacement of main park sign \$1,196 c) replacement of damaged glass in kiosk \$336.
- 3. \$2,500 to fund increased advertising expenditure in the General Government department related to planning, zoning and economic development.
- 4. \$800 to fund additional signage at the park to include a new “Hildebran” sign at the depot and a “No Thru-Way” sign at 1<sup>st</sup> St SE.
- 5. \$20,022 to increase appropriations for maintenance in the Buildings and Grounds department for a) repairs and service of the bleachers in the gym \$16,000 b) refinishing the gym floors \$3,000 c) servicing of light covers \$500 and d) blood kits \$522.

Council Member Smith made a motion to approve all five budget amendments, as presented. All voted in favor. A copy of the budget amendments are hereby incorporated by reference and made a part of these minutes (Attachments L, M, N, O, P).

MARCH DELINQUENT TAX REPORT

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

FACILITIES REPORT

The March facilities report was provided for review.

MARCH DEPUTY REPORT

The March deputy report was provided for review.

COMMITTEE REPORTS

Transportation Advisory Committee (COG) – No report.  
WPCOG Policy Board – No report.

Burke Economic Development Representative – No report.

Recreation and Tourism Committee – No report.

Water Resource Committee – No report.

VEDIC – Karen Robinson reported that VEDIC’s bank account was moved to another bank for better rates and fees. One new loan was approved. Chuck Mosley announced his retirement and Eddie McGinsey will be his replacement. Council was encouraged to visit VEDIC’s website.

Library Board – Mayor Hildebrand reported that the Valdese library expansion is currently in works and there are future plans to expand the Morganton library. The library is hosting a free estate planning event on April 29 and a story, song and dance festival on May 4<sup>th</sup>.

OTHER BUSINESS

Council requested pricing to install an AED in the gymnasium.

ANNOUNCEMENTS

None.

RECESS

All business being concluded, Council Member Honeycutt made a motion at 7:51 p.m. to recess the meeting to Monday, May 13, 2019 at 6:30 p.m. at the Western Piedmont Council of Governments for a review session of applications for the Town Manager position. The entire meeting will be held in closed session for personnel reasons. All voted in favor.

I attest these are the approved minutes of the Board.

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Alice Sanders, Town Clerk

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Wendell Hildebrand, Mayor