

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

**JUNE 24, 2019
7:00 PM**

**REGULAR MEETING
MINUTES**

CALL TO ORDER	Mayor Hildebrand called the regular meeting of the Town Council to order at 7:03 p.m.
INVOCATION	Council observed an invocation.
PLEDGE OF ALLEGIANCE	Council Member York 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 arrived at 7:18 p.m.
STAFF PRESENT	The following staff members were present: Attorney Redmond Dill, Town Clerk Alice Sanders, Interim Town Manager/Finance Officer Fredrick Rankins, Jr. and Town Planner Hunter Nestor.
CITIZENS & MEDIA PRESENT	See attached sheet.
APPROVAL OF AGENDA	Council Member Messer made a motion to approve the agenda. All voted in favor.
APPROVAL OF MINUTES	Council Member York made a motion to approve the May 13, 2019 recessed meeting and closed session minutes; May 20, 2019 regular meeting and closed session minutes; June 3, 2019 recessed meeting and closed session minutes; June 4, 2019 recessed meeting and closed session minutes; and the June 6, 2019 special meeting and closed session minutes, as presented. All voted in favor.
PUBLIC COMMENTS	None.
PUBLIC HEARINGS FY 2019-2020 BUDGET ORDINANCE	Mayor Hildebrand opened the public hearing at 7:05 p.m. to hear comments regarding the FY 2019-2020 budget ordinance. Interim Town Manager/Finance Officer Rankins reviewed changes from last month's budget submission regarding an increase in the fees in the Simply Green Recycling, Inc. contract. There being no other comments, Mayor Hildebrand closed the public hearing at 7:06 p.m.

Council Member Messer made a motion to adopt the FY 2019-2020 Budget Ordinance, as presented. All voted in favor. A copy of the Ordinance is hereby incorporated by reference and made a part of these minutes (Attachment A).

ZMA 2019-1 REQUESTING
REZONING CHANGE
FROM R-10 TO G-M

Mayor Hildebrand opened the public hearing at 7:06 p.m. to hear comments concerning ZMA 2019-1. Planner Nestor explained that a proposed rezoning of the property located at 377 I40 Access Rd SE (2782435626) in Hildebran was presented by the owner of the property, Mr. Lohr Loveland. The property is currently zoned Residential High Density (R-10). Mr. Loveland also owns the adjacent property at 379 I40 Access Rd SE (2782437626) which is zoned General-Manufacturing (G-M) and is the site of Henry River Manufacturing. Mr. Loveland would like the property at 377 I40 Access Rd SE to be rezoned to G-M in order to expand the business by building a complex on the lot which would create new jobs for Hildebran. Mr. Hunter explained that the proposed zoning map amendment (ZMA 2019-1) is not consistent with the recommendations of the Comprehensive Plan, however, the current surrounding uses and zoning are consistent with the proposed zoning map amendment. The Planning Board recommends that ZMA 2019-1 (Rezoning to G-M) be approved. There being no other comments, Mayor Hildebrand closed the public hearing at 7:08 p.m.

Council Member York made a motion to recommend approval of the requested zoning of 377 I40 Access Rd SE to General Manufacturing (G-M) and finds that the proposed map amendment is not consistent with the Town of Hildebran Comprehensive Plan and other officially adopted plans but is reasonable and in the public interest and is consistent with surrounding uses and zoning. All voted in favor. A copy of the ZMA is hereby incorporated by reference and made a part of these minutes (Attachment B).

ZTA 2019-3 ADDRESSING
SPECIFIC LANGUAGE FOR
MOBILE FOOD VENDORS

Mayor Hildebrand opened the public hearing at 7:08 p.m. Planner Nestor stated that the proposed ZTA 2019-3 will add specific language to add Mobile Food Vendors in the Town's community zoning districts. The Planning Board and staff finds that allowing Mobile Food Vendors to operate in the Town would promote diversification of the Town's economy, provide employment opportunities and would support the incubation and growth of entrepreneurial/start-up businesses. Mr. Nestor stated that

there would be precautions in place so as to not hurt local businesses. Approval from the Planner/Town Manager would be required, along with a permit. Mobile Food Vendors would not be allowed to operate during special events that would compete with other food vendors. There being no other comments, Mayor Hildebrand closed the public hearing at 7:11 p.m.

Council Member Honeycutt made a motion to approve ZTA 2019-3 to add specific language to allow Mobile Food Vendors in the commercial zoning districts. All voted in favor. A copy of the ZTA is hereby incorporated by reference and made a part of these minutes (Attachment C).

ZTA 2019-4 ADDRESSING
THE KEEPING OF
DOMESTIC PETS AND
OTHER ANIMALS IN
RESIDENTIAL ZONING
DISTRICTS

Mayor Hildebrand opened the public hearing at 7:11 p.m. Planner Nestor stated that the Town has been receiving complaints on animals from our Code Enforcement Officer for both domestic pets and other animals (chickens, horses, etc.). This ordinance would regulate the keeping of animals and address these complaints. The Planning Board and staff is recommending amendments to the Zoning Ordinance that will add Animal Keeping as an accessory use in the Residential Districts. The new language will permit chickens and other fowl in residential districts, if all requirements are met. In addition, the amendment will address the keeping of domestic pets. The amendment will limit the number of chickens per property owner to ten (10) with no male rooster(s). In addition, the amendment will limit the number of domestic pets per property owner to six (6).

There was a question about the requirement of animals to have all necessary immunizations. Mr. Hunter stated that the Town has adopted Burke County's animal ordinance and that is a requirement in the ordinance.

There was a question about a home owner feeding feral cats and claiming the cats were not hers. Mr. Nestor stated that if there is proof of the property owner feeding feral cats, the Town can work with the County to begin the process of notifying the property owner according to the policy, which could lead to fines.

There was a question about the Town buying traps for citizens to use to capture stray animals. Mr. Nestor stated that the Town could purchase traps and make them available to rent and can create a policy for use.

There was a question about a bull that makes noise and if this amendment will address that situation. Mr. Nestor stated that this amendment does not address farm animals, however, the amendment could be revised to include farm animals, if Council wishes.

There was a question about existing horses and the amendment. Mr. Hunter stated that currently horses are not allowed, but actions will only be taken if there is a complaint. If there are complaints, the matter could be addressed with the Planning Board. Council Member Honeycutt stated that he would like the amendment to address horses and farm animals.

Council Member Messer stated that she felt ten (10) chickens per property owner was too low and wanted to increase the limit. Mr. Nestor stated that most ordinances allow for six (6) to eight (8) chickens and more chickens were only allowed if there was more property owned. He stated that it would be up to Council to make any changes to the proposed amendment. There being no other comments, Mayor Hildebrand closed the hearing at 7:28 p.m.

Council Member Messer asked if goats are prohibited. Mr. Nestor stated that if goats are deemed as farming animals, then they will be permitted. He stated that any issue would only be addressed if a complaint is made. The Planner will address all complaints to ensure they are valid.

Council Member Herrell made a motion to adopt ZTA 2019-4 addressing the keeping of domestic pets and other animals in the Residential Zoning Districts, as written. Council Members Herrell, Smith and York voted in favor of the motion. Council Members Honeycutt and Messer were opposed. The motion did not carry since this is the date of introduction and the required 2/3 majority vote was not met. The ZTA will be presented for a second reading at the July 22, 2019 regular meeting.

OLD BUSINESS

None.

NEW BUSINESS
CONSIDER APPROVAL OF
ZONING FEE SCHEDULE
FOR FY 19-20

The proposed FY 19-20 zoning fee schedule was presented for approval. Mr. Nestor stated that there were a few changes from last year's schedule as follows:

Under Zoning Permits: Residential Accessory Use permits will now be \$5.00. Residential permits will now be \$25.00. Non-Residential permits will now be \$50.00.

Under Other: “Temporary Sign” was added for no charge. “Sign” was added for a charge of \$15.00. “Mobile Food Vendor (One Time)” was added for \$25.00. “Mobile Food Vendor (Calendar Year)” was added for \$100.00.

Council Member Herrell made a motion to approve the Zoning Fee Schedule for FY 19-20, as presented. All voted in favor. A copy of the Zoning Fee Schedule is hereby incorporated by reference and made a part of these minutes (Attachment D).

CONSIDER APPROVAL OF REVISION TO THE PLANNING BOARD/BOARD OF ADJUSTMENT BY-LAWS TO ADD AN ALTERNATE BOARD MEMBER

A revision to the Planning Board/Board of Adjustment By-Laws was presented for approval. Mr. Nestor stated that due to recent issues of some members not being able to attend meetings, he suggested to revise the By-Laws to add an alternate Board member. The alternate member would serve on a yearly term. The alternate member is encouraged to attend all Planning Board/Board of Adjustment meetings and may take part in discussions. The alternate member would only be allowed to vote if he/she is filling in for an absent member. The location of the meeting room was also updated to state Council’s Chamber.

Council Member Messer made a motion to approve the revision to the Planning Board/Board of Adjustment By-Laws to add an alternate board member and to update the room location as Council’s Chamber, as presented. All voted in favor. A copy of the By-Laws is hereby incorporated by reference and made a part of these minutes (Attachment E).

CONSIDER APPOINTMENT OF TWO PLANNING BOARD/BOARD OF ADJUSTMENT MEMBERS AND ONE ALTERNATE MEMBER

Two (2) Planning Board/Board of Adjustment members’ terms will expire on June 30, 2019. Council was presented with three (3) applications to consider for the two (2) terms as well as the alternate term. Council voted for the two (2) members by written ballot as follows:
Council Member Herrell: Ashley Heine and Cheyanne Lovelace. Council Member Honeycutt: Cheyanne Lovelace and Terry Weaver. Council Member Messer: Cheyanne Lovelace and Terry Weaver. Council Member

Smith: Cheyanne Lovelace and Terry Weaver. Jody York: Ashley Heine and Terry Weaver.

Council Member Herrell made a motion to appoint Cheyanne Lovelace and Terry Weaver to the Planning Board/Board of Adjustment for three (3) year terms effective July 1, 2019 and ending June 30, 2022 and to appoint Ashley Heine as an alternate member to the Planning Board/Board of Adjustment for a one (1) year term effective July 1, 2019 and ending June 30, 2020. All voted in favor.

CONSIDER APPROVAL OF THE FACILITY RENTAL FEES FOR FY 19-20

The Facility Rental Fees for FY 19-20 was presented for approval. Council Member Herrell requested to add a reduced gym rental fee during the off season from EBVAO recreation basketball and indoor soccer. He suggested \$50.00 a day rental fee, with no additional discounts.

Council Member Herrell made a motion to approve the Facility Rental Fees for FY 19-20 with the revision to add an off season (July 1–October 31, 2019 and April 12–June 30, 2020) gym rental rate of \$50.00 per day, Monday through Saturday, with no additional military or non-profit discount rate. All voted in favor. A copy of the Facility Rental Fee schedule is hereby incorporated by reference and made a part of these minutes (Attachment F).

CONSIDER APPROVAL OF AMENDMENT TO THE CONTRACT FOR PARK MAINTENANCE TO ALLOW FOR ADDITIONAL MOWING AND SPRAYING IN THE PARK

The Town has entered into a two (2) year contract with The Grounds Keeper for park maintenance that expires June 30, 2020. The contract allows for mowing and spraying in the disc golf course once per month. It has been determined that once a month is insufficient to provide proper control of snakes and bees due to the fast growth of grass and weeds. An amendment to the contract is presented for approval to allow for mowing and spraying twice a month, in the amount of an additional \$2,500.00. Council Member Herrell made a motion to approve the amendment to the park maintenance contract to allow for mowing and spraying in the disc golf course two times a month, increasing the amount to be paid by the Town by \$2,500.00. A copy of the amendment is hereby incorporated by reference and made a part of these minutes (Attachment G).

CONSIDER ACTION FOR DRAINAGE REPAIR AT

Mr. Rankins stated that during recent heavy rains, water infiltrated the downstairs community center due to the drain in the stairwell backing up and overflowing. He

THE COMMUNITY
CENTER DOORWAY

stated that after the parking lot was repaved and pavers being added years ago, there is no longer a raised curb preventing water and debris from entering the stairwell. He suggested hiring an engineer to evaluate the problem. Council Member York made a motion to add the drainage area at the community center stairwell entrance to the facilities Capital Improvement Project. All voted in favor.

CONSIDER APPROVAL OF
CONTRACT WITH SIMPLY
GREEN RECYCLING, INC.
FOR CURBSIDE
RECYCLING

A contract for curbside recycling services with Simply Green Recycling, Inc. was presented for approval. Mr. Rankins stated that Simply Green was recently purchased by two brothers, Isaac and Sam Crouch. He stated that there are increased costs to recycle as a result of a large reduction of demand for recycled materials. As a result, the proposed contract has a cost increase from the current \$5.00 charge per customer per month to a proposed \$10.00 charge per customer per month. Mr. Rankins stated that the owners had mentioned that they would be open to negotiate the price per customer to \$8.00 per month. He stated that he had requested a quote for recycling services from Republic Services multiple times without a response. A neighboring Town that uses Republic Services for recycling stated that Republic Services charges them over \$12.00 per customer per month for recycling services.

Council Member Messer made a motion to approve the contract for curbside recycling with Simply Green Recycling, Inc. with a price of \$8.00 per month per customer effective July 1, 2019 and ending June 30, 2021. All voted in favor.

DISCUSSION
CONCERNING HIRING A
REALTOR FOR THE
VACANT OFFICES IN THE
ALBERT PARKHURST
MUNICIPAL COMPLEX

Mayor Hildebrand stated that he wanted to address Council concerning hiring a realtor to help find a renter for the two (2) vacant offices in the Albert Parkhurst Municipal Complex building. In addition, he would like to explore the possibility of a renter offering to renovate portions of the 3rd floor with the Town renovating other parts of the 3rd floor. Council Member Herrell stated that if any renovations on the building were to begin, the Town would have to install a water sprinkler system, as well as other things, in order to bring the building up to current building codes. Mayor Hildebrand stated that he believed a sprinkler system would not be needed unless there were 250 people in the building. Council Member Herrell stated that a sprinkler system would need to be installed if the capacity of the building could hold 250 people, not if there were 250 people in the building at one time. After

further discussion, Council directed staff to contact a realtor to help rent the two vacant offices on the 2nd floor.

MAY FACILITIES REPORT

The May facilities report was presented for review.

MAY DELINQUENT TAX REPORT

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

MAY DEPUTY REPORT

The May deputy report was provided for review.

COMMITTEE REPORTS

Transportation Advisory Committee (COG) – Council Member York gave an update on the I40 paving project.

WPCOG Policy Board – Council Member Honeycutt will email his report to Council.

Burke Economic Development Representative – Council Member Herrell reported that SynergyLabs has purchased the old Peds building and will be bringing approximately 250 jobs to Hildebran.

Recreation and Tourism Committee – No report.

Water Resource Committee – No report.

VEDIC – Karen Robinson reported that VEDIC continues to move its bank accounts to Capital Bank. After a committee study, VEDIC's interest rates were found to be in line with other relending organizations. The budget and officers were approved. Longview will be joining the Board on July 1st. The Board approved one new loan, and one loan modification. VEDIC is still working on an ARC grant for \$200,000.

Library Board – No report.

OTHER BUSINESS

Deputy Towery reported that his vehicle has over 90,000 miles on it and would like Council to consider the approval of purchasing a new vehicle. He also stated that a gaming business is working to come into Town.

Clerk Sanders reported that SynergyLabs has submitted a request to rename the NCDOT street Neuville Ave to Synergy Way. Council will discuss this request at the July 22, 2019 meeting.

Clerk Sanders reported that the street paving project has been completed and the final costs were under budget.

The pot hole on Clarence Towery Circle that Council Member Herrell requested to be fixed is located on a private road. Council directed staff to research the process for the Town to take over the road as well as research the request from Miller Creek subdivision to take over the streets in the subdivision.

ANNOUNCEMENTS

None.

CLOSED SESSION

Council Member Messer made a motion at 8:19 p.m. to recess to closed session pursuant to NC General Statute 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee and/or 143-318.11(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. All voted in favor.

Council Member Honeycutt made a motion to return to open session at 8:33 p.m. All voted in favor.

TOWN MANAGER
CONTRACT

Council Member Herrell made a motion to approve the employment contract with Logan Shook as the Town Manager upon the terms and conditions of the contract dated June 24, 2019. All voted in favor.

ADJOURN

All business being concluded, Council Member Messer made a motion at 8:35 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