

Town of North Wilkesboro

Commissioners Meeting

May 24, 2023

5:30 pm

**Held at the North Wilkesboro Board of Commissioners Board Room & on Zoom Meeting
ID 81711693477; Passcode 534428**

Recording:

https://us02web.zoom.us/rec/share/ae_okCTuaInp0ZiIV0AXYNEF2SGFibOfWhT2I5PZLWBojegKwpSGfNSddaApNdkB.jDYdtB7zvcPvvezW

Passcode: f18pY.GM

Board of Commissioners Present: Otis Church, Bert Hall, Mayor Marc Hauser, Angela Day, Michael Parsons, and Andrew Palmer via Zoom.

Staff present: Town Manager Holly Minton, Sarah Davis Planner I, Taylor Gann Community Development Director, Danny Johnson Town Attorney, Meredith Detsch Planning Director & Interim Town Clerk, Rob Thornburg Police Chief, and Kini Hamby Interim Fire Chief.

Audience included: Martha Nichols (PB), Brooke Horn (Art Gallery), Rob Horn, Greta Ferguson, Carla Hauser (applicant), Scott Nafe (applicant), Kenneth Umana (applicant), representatives from Samaritan's Kitchen Kathy Byrd and Roger Queen.

Items I., II., and III. Call to Order, Invocation, and Pledge of Allegiance were conducted by Mayor Hauser. Hauser called the meeting to order at 5:30 p.m. and delivered the Invocation. Mayor Hauser then asked North Wilkesboro Chief Thornburg to lead in the Pledge of Allegiance.

Mayor Hauser asked Manager Minton if there were any additions or deletions to the agenda and Manager Minton told the board none at this time.

Mayor Hauser asked the board for approval of the agenda as presented and **Commissioner Church moved to approve the agenda as presented. Commissioner Day seconded the motion and it passed unanimously, 4-0.**

Mayor Hauser asked Manager Minton if there were any speakers tonight or anyone had signed up and there were none besides a brief presentation by Samaritan's Kitchen. Before Samaritan's Kitchen presented Martha Nichols asked to address the board briefly. She noted she heard we had the best week ever with Fanfest. The Mayor replied that he feels we can do something once a year like this. Samaritan's Kitchen representatives Kathy Byrd and Roger Queen presented to the board. They explained people don't know us and there are new people in town. Real estate market gets questions on where folks can get food. They are located in the old Wilkes telephone building near Highway 16. Tyson does a chicken give away which is helpful. Roger retired and is volunteering now. Their board is made up of many local community members including Alex Blair, Tammy Withworth, Craig Langston, Cecil Wood, Harry Brandt, Sharon Huffman, Langston, Brent West with Tyson and ourselves. Currently Samaritan's Kitchen is feeding 12-12.5% of Wilkes County as SNAP has been reduced. Consistent donors including churches and farms are who they look to. They are the largest food bank in partnership with second harvest and United Way. They are celebrating their 25th anniversary on June 17th 11:00 am-2:00 pm with recognition at 12:00 pm. We are inviting you all to attend. Roger noted that we survived by the good people of Wilkes County. They are successful because of partners like Tyson, churches, other industries

and businesses helping out. A girl at North Middle School reached out and her youth group sold hot dogs to backpack and over \$700.00 was donated. Our master gardens donate food. They receive lots of support from a check for \$10,000 to a special needs individual donating what he can a month. They are the sponsor to the backpack program for the county which includes supplies and food for kids over the weekends. Pamphlets were given to the board and they spoke more on how successful the backpack program was. Their backpack program includes food for 22,000 bags to our residents, over a 100,000 pounds. They invite everyone to come help volunteer. The board thanked them for coming to speak and look forward to continue working with them and our community. No other speakers were signed up so the Mayor moved forward on the agenda items.

VIII. Routine Business/Consent

A.) Approve the appointment of Brooke Horn to the N. Wilkesboro Housing Authority Board and reappoint Jane Wilborn

*B.) Minutes to be approved: March 23rd Regular Board Meeting
April 4th Regular Board Meeting
April 4th Budget Retreat Meeting*

Commissioner Hall moved to approve the consent/routine business agenda and Commissioner Church seconded the motion. The motion passed unanimously 4-0.

IX. Manager's/Town Attorney's Report/Emerging Issues- *Town Manager Holly R. Minton & Town Attorney Daniel Johnson*

Town Manager Minton thanked Brooke Horn for serving on the Housing Authority Board. Staff has done a debrief on the Fanfest internally and will coordinate with Wilkesboro to do a community debrief. Town has budgeted for Fanfest for next year. There has been a delay in appointing a Fire Chief as she would like a three-man panel to assist her in interviewing and have been experiencing scheduling conflicts. For the Town Clerk position, she has extended an offer today and hopefully will hear back in 48 hours. If accepted, she is hoping they will start by mid-June for that position. The raw water intake contract was signed off on with McGill and scheduling a meeting with NCDEQ. We're moving forward with that project well. Marcus Abernathy reached out on behalf of the League district 10 for (Ashe Alleghany Watauga, Iredell,) their board of directors to apply for that position if the board is interested. They hold our insurance policy and advises the Town. The Town issued an RFP behind Wilkes Hardware on 10th Street for stormwater and finally got a second quote and would like three but can deliberate at the next meeting. The quotes are about 60-70,000 dollars and below anticipated cost. For the end of year close out of the budget, staff would recommend the board meeting to be moved to June 29th for budget amendments for year-end housekeeping items. **Motion made by Commissioners Parsons and Commissioner Church seconded the motion. 4-0 approve the change in schedule.** The first concert on the deck is June 17th and Board meeting is before then but wanted to mention it to them now. Elonzo Wesley and Wayne Graham will play and staff will contact to residents through a robot call and social media. We have sent out the lineup to all and Commissioner Parsons complimented the lineup with a diverse group. Commissioner Day complimented her quick turnaround with everything going on. Commissioner Parsons has an emerging issue but will save it for the June 6th meeting- they need to circle back to aerial truck dedication for the late Chief Martin. The Town Attorney did not have a report for tonight.

X. Consideration of Old Business

C.) Public Hearing for a Rezoning Request Application at 100 Finley Avenue from Office & Institutional (OI) to Highway Business (HB)- Meredith Detsch, Planning Director.

Staff noted they needed a vote by the board to recuse the Mayor from this item. Mayor Hauser recused himself and Commissioner Church to be lead with this item. **Commissioner Parsons**

moved to recuse the Mayor and Commissioner Hall seconded the motion. They would enlist Mayor Pro-tem Church to preside over the item and the vote to recuse the Mayor passed unanimously 4-0 approve. Mayor Hauser left the room.

Planning Director Detsch presented the item to the board. Detsch explained that before them tonight is a request to rezone Parcel ID 1403459, 4.20 acres, the former Elks Lodge from OI, Office and Institutional to Highway Business. This rezoning request is for potential multi-family housing. Action requested tonight from the Board is to approve or deny the rezoning after they hold a public hearing. Director Detsch went through their staff report and went over the property information with the board. The property is surrounded by a mix of commercial, high-, and low-density residential properties in an established neighborhood. Access to the property is along Finley Avenue, Reynolds Road, and 2nd Street. Water and sewer are available to the property. In reviewing a rezoning, the Board needs to consider several aspects. Consistency of the proposed zoning with the Town of North Wilkesboro Comprehensive Plan: the future land use plan identifies this property as general commercial. Existing land uses within the general vicinity of the subject property: Surrounding properties along the northern and eastern side of 2nd Street/Highway 18 are identified as general commercial and surrounding properties to the northwestern and southern side of the property are identified as either medium density residential or high density residential-multifamily. The zoning classification of property within the general vicinity of the subject property includes: HB- Highway Business, GB- General Business, R-6- High Density Residential, and R-10- Low Density Residential. The suitability of the subject property for the uses permitted under the existing and proposed zoning classification must also be considered by the Board. The property has been vacant for many years. Most recently, the property was used as the North Wilkesboro Elks Lodge. Only one residential use (dormitory) and very limited commercial uses are permitted on the property under its existing classification as Office and Institutional. Under the proposed zoning classification of Highway Business, the property would be permitted to provide multi-family housing and greater options for commercial use. Staff feels there will be a low impact with the property being rezoned to Highway Business. The property serves as a buffer between residential neighborhoods and a commercial district. Developing the property for mixed use would continue to provide a buffer because it would incorporate current established uses along both sides of 2nd Street/Highway 18. Developing the property for a multifamily housing complex is a reasonable use of the land because it is adjacent to existing multifamily housing and a residential district. Additionally, the property has egress to both Finley Avenue and 2nd Street so traffic would not build up substantially into one single thoroughfare. Spot zoning is not an issue as there are other properties adjacent to the subject one already zoned as Highway Business. Staff recommended approval to the Planning Board who also approved the rezoning of the property and their approval document is attached with their formal recommendation. Mayor Pro-Tem Church opened the floor up for public comments and Scott Nafe spoke that he has struggled with what to do with the property. He feels better about the Town in his time here, 16 years, as opportunities on the community are good. We are trying to do something good here and he is pleased with the leadership. With no other public comments Mayor Pro-Tem Church declared the board out of public hearing. **Commissioner Parsons moved to approve the request for the proposed rezoning which is consistent with the North Wilkesboro 25 Year Comprehensive Plan and all other applicable plans. The proposed rezoning is aligned with the following Goals and Policies identified in the Comprehensive Plan: Goal B.2 - Maximize Redevelopment Potential for Vacant Structures and Parcels, Policy 21 – Encourage the use of existing buildings and sites within current town limits; Goal B.4 - Encourage Quality, Affordable Residential Development, Policy 45 – Encourage multi-family developments to be located close to major arterials or transportation corridors; and Goal C.1 - Encourage Fiscally Responsible Utility Extension, Expansions, and Servicing, Policy 48 – Implement higher density/mixed use zoning codes. The Board of Commissioners considers the vote to be reasonable in the public’s interest. The Board of Commissioners recommends to approve the proposed rezoning at 100 Finley Avenue, PIN: 3869-60- 7146/Parcel ID #: 1403549 from OI, Office and Institutional to**

HB, Highway Business. Commissioner Hall seconded the motion and it passed unanimously 4-0 approve.

Mayor to re-join the board for the next item.

D.) Public Hearing on the Proposed Zoning Ordinance changes to Accessory Dwelling Units. Director Detsch asked Sarah Davis to present on her behalf. Ms. Davis presented to the board the proposed changes which includes changing the requirements for power and water meters for accessory dwelling unit. The Zoning Ordinance requires Accessory Dwelling Units (ADUs) to have one meter for water and power and staff feels that should not be a zoning matter as safety issues do come into the mix with that. This proposed change also will promote redevelopment in the Town and encourage housing. Ms. Davis explained it was a simple change, a strike through one of the supplemental standard requirements, article D and staff renumbered the standards. The public hearing statutory requirements were met for this item and the Planning Board held a public hearing on May 1st approving it 5-0. Kenneth Umana, the applicant who requested the petition to change is redeveloping houses in our town and is available to answer any questions. Mayor Hauser opened the floor for the public hearing. Hearing none, Mayor Hauser closed the public hearing and called for a motion. **Commissioner Day moved to approve the text amendment and stated the Town of North Wilkesboro's Board of Commissioners deems the proposed amendment to the Zoning Ordinance, in regards to allowing accessory dwelling units to have a separate power and water system as the principal structure, is consistent with the Town's Comprehensive Plan, any small area plans or elements thereof, and does support the Comprehensive Plan's goals and policies. Further, the proposed amendment regarding allowing accessory dwelling units to have a separate water and power meter is reasonable in the public's interest. The Board of Commissioners recommends to approve the amendment to the Zoning Ordinance. Commissioner Parsons seconded the motion and it passed unanimously 4-0 approve.**

E.) Public Hearings on Decriminalization to the Town Code Chapter 5 Buildings and 16 Subdivisions, Zoning Ordinance, and Wireless Communication Ordinance- Meredith H. Detsch, Planning Director and Sarah Davis, Planner I.

Director Detsch notified the Board that there will be four separate public hearings under item E. – Decriminalization.

Public Hearing on Wireless Communication Ordinance. Mayor Hauser declared the Board in public hearing and relinquished the floor to Staff. Ms. Davis explained that Session Law 2021-138 limited the police powers of zoning ordinances. Municipalities can no longer enforce development ordinances with criminal penalties except for very narrow and explicit violations. Session Law 2021-138 passed after Chapter 160D updates, so the Town needs to clean up development ordinances to remain in compliance with State statute. Historically, the Town has not relied upon criminal penalties to enforce development ordinances, choosing instead to issue notices of violation and impose civil penalties. Ms. Davis explained that the proposed amendment entails striking criminal penalties from the language in the ordinance. Director Detsch explained to the Board that the Wireless Communication Ordinance is a stand-alone ordinance and not part of the Town Code or Zoning Ordinance. Following the conclusion of staff's presentation, Mayor Hauser asked the Board for any questions. Hearing none, Mayor Hauser asked for any public hearing. No comment being offered, Mayor Hauser closed the public hearing and asked for a motion. Commissioner Parsons made a motion to approve the proposed text amendment as presented and read the following into the record: **The Town of North Wilkesboro's Board of Commissioners deems the proposed amendment to the Wireless Communication Ordinance Article II – Administration and Enforcement, in regards to removing criminal penalties, is consistent with the Town's Comprehensive Plan,**

any small area plans or elements thereof, and does support the Comprehensive Plan's goals and policies. Further, the proposed amendment regarding removing criminal penalties is reasonable in the public's interest. The Board of Commissioners recommends to approve the amendment to the Wireless Communication Ordinance. Commissioner Church offered a second and the motion carried unanimously 4-0.

Public Hearing on Town Code Chapter 5 – Buildings. Mayor Hauser declared the Board in public hearing. Director Detsch explained that Chapter 5 included regulations for minimum housing standards. The Town has already chosen not to do criminal enforcement of non-residential buildings when the Board adopted the Non-Residential Buildings Ordinance. The only language that needs to be amended in Chapter 5 regards removing criminal penalties from minimum housing standards enforcement. The Town will continue to enforce minimum housing standards through civil penalties. Staff consulted with Code Enforcement Officer John Ganus to develop appropriate language to be included in Chapter 5 regarding penalties and enforcement. Mayor Hauser asked if any member of the Board had questions for Director Detsch and none were voiced. No members of the public chose to speak on this topic; Mayor Hauser subsequently closed the public hearing and asked for a motion. **Commissioner Church made a motion to approve the proposed text amendments as presented and reads the following into the record: The Town of North Wilkesboro's Board of Commissioners deems the proposed amendment to Town Code Chapter 5 – Buildings, Article V – Minimum Housing Standards, in regards to removing criminal penalties, are consistent with the Town's Comprehensive Plan, any small area plans or elements thereof, and do support the Comprehensive Plan's goals and policies. Further, the proposed amendments regarding removing criminal penalties are reasonable in the public's interest. The Board of Commissioners recommends to approve the amendments to the Town Code. Commissioner Day offered a second and the motion carried unanimously 4-0.**

Public Hearing on Town Code Chapter 16 – Subdivisions. Mayor Hauser declared the Board in public hearing. Ms. Davis explained that the proposed amendments are to remove criminal penalty enforcements. She explained that enforcement will be pursued through notices of violations and civil fines. Mayor Hauser asked if any member of the Board had questions for Ms. Davis. None being offered, Mayor Hauser then asked for any public comment. With no comment offered, Mayor Hauser closed the public hearing. **Commissioner Church made a motion to approve the proposed text amendments as presented and read the following into the record: The Town of North Wilkesboro's Board of Commissioners deems the proposed amendments to Town Code Chapter 16 – Subdivisions, in regards to removing criminal penalties, are consistent with the Town's Comprehensive Plan, any small area plans or elements thereof, and do support the Comprehensive Plan's goals and policies. Further, the proposed amendments regarding removing criminal penalties are reasonable in the public's interest. The Board of Commissioners recommends to approve the amendments to the Town Code. Commissioners Parsons provided a second and the motion carried unanimously 4-0.**

Public Hearing on Zoning Ordinance. Mayor Hauser declared a public hearing in session. Ms. Davis explained the proposed amendment is to decriminalize Zoning Ordinance Article IV Enforcement and Penalties. Staff will continue to utilize notices of violations and civil penalties for code enforcement. Mayor Hauser asked both the Board and members of the public for any questions or comment. None being offered, Mayor Hauser declared the public hearing closed and requested a motion. **Commissioner Parsons made a motion to approve the text amendment as presented and read the following into the record: The Town of North Wilkesboro's Board of Commissioners deems the proposed amendments to Zoning Ordinance Article IV – Enforcement and Penalties, in regards to removing criminal**

penalties, are consistent with the Town's Comprehensive Plan, any small area plans or elements thereof, and do support the Comprehensive Plan's goals and policies. Further, the proposed amendments regarding removing criminal penalties are reasonable in the public's interest. The Board of Commissioners recommends to approve the amendments to the Zoning Ordinance. Commissioner Church provided a second and the motion carried unanimously 4-0.

XI. Consideration of New Business

F.) Resolution to Surplus 700 Boston Ave, North Wilkesboro, NC 28659 - Daniel Johnson, Town Attorney

Town Attorney Daniel Johnson gave a background on the property and explained that the county opened a new training facility recently and noted the Fire Department did not feel this sale of the property would impact them. Manager Minton noted the sales of this property could be used to go towards the Fire Department for improved equipment or facilities, the board would just need to make that intent known. Commissioner Parsons asked if the intent could come at a later date, and Manager Minton said yes. Commissioner asked Ms. Detsch about the zoning classification on the property and what Office and Institutional (OI) allowed. Ms. Detsch noted uses of offices and medical uses are the primary uses of that district and looked at the vicinity on GIS to see if rezoning it would be feasible. Ms. Detsch noted that the area was primarily residential and to avoid spot zoning she would recommend possibly changing the table of uses to accommodate more uses in the Office and Institutional District. Hearing no other discussion, the Mayor asked for a motion. **Commissioner Parsons moved to accept the resolution rescinding prior resolution 2021-017 designating 700 Boston Avenue as a firefighter training facility and adopt resolution 2023-010 designating this property as a surplus property. Commissioner Hall seconded the motion and it passed unanimously, 4-0.**

G.) Request to call for a Public Hearing on proposed Zoning Ordinance text amendment on 11.6-3 Recreation Services, Indoor and Outdoor- Meredith Detsch, Planning Director.

Planning Director Detsch introduced the next item. This item was brought to staff's attention from a new business wanting to located in our jurisdiction. We regulate hours of operation for both indoor and outdoor recreation facilities. Ms. Detsch noted this is limiting to our gyms and any recreation facilities in our jurisdiction and we don't regulate other business's hours of operations. Ms. Detsch believes this ordinance's intent was to focus on outdoor recreation as there could be loud music, lights, and noise. For this text amendment staff is recommending a simple strikethrough of the indoor portion. Commissioner Hall asked staff to separate the uses. Commissioner Parsons asked the board if they were agreeable to not limiting any businesses hours and see the table of uses to notate there is a difference from indoor and outdoor facilities. Staff will update the request to include changing the table of uses as well as the supplemental standards. Commissioner Parsons and Director Detsch noted how to clean the zoning ordinance up the best and will advertise as needed. **Commissioner Parsons moved to call for a public hearing on June 29th and removing indoor recreation from 11.6-3 and updating the table of uses 6.7. Commissioner Church seconded the motion and it passed unanimously 4-0.**

XII. Closed Session- *no closed session.*

XIII. Adjourn

With no other business, the Mayor asked the board to adjourn. **Commissioner Church moved to adjourn and Commissioner Day seconded the motion at 6:20 pm. The motion passed unanimously, 4-0.**

Submitted respectively,

Marc R. Hauser, Mayor

Meredith Detsch, Interim Town Clerk

Approved: _____