**TOWN OF MOUNT GILEAD**

**PLANNING BOARD**

**MEETING MINUTES**

**110 West Allenton Street, Mount Gilead, North Carolina, 27306**

**June 27, 2024**

The Mount Gilead Planning Board met Thursday, June 27, 2024, at 5:30 p.m. at Mount Gilead Library, 119 West Allenton Street, Mount Gilead, North Carolina. Present were Devon Little, Mitchell Lucas, Jessica Ingram, Sam Everhart, Edwina Martin, Lynn Smith, Angela Deaton, Town Manager Dylan Haman and Planning board Secretary Allena Ingram. Absent were Jim Sharpe

Devon Little called the meeting to order at 5:33 p.m.

ITEM I. ADOPTION OF AGENDA

Jessica Ingram made a motion to adopt the agenda with a second from Lynn Smith. Motion carried unanimously.

ITEM II. APPROVAL OF MINUTES

Jessica Ingram made a motion to approve the May 30, 2024, Meeting Minutes with a second from Lynn Smith. Motion carried unanimously.

ITEM III. PUBLIC COMMENT – No one present for public comments.

ITEM IV. PLANNING BOARD TRAINING

Quasi-Judicial Procedures

Dylan Haman started the Quasi-Judicial Procedures by saying that someone applied for a certificate of appropriateness. When someone wants to do something to a building downtown, they must get a certificate from the Planning Board saying this is appropriate to do in the historic district. In this case this person wants to paint the front of the building. It’s already painted they just want to paint it a different color.

The Quasi-Judicial Procedures is what you’re supposed to use for this certificate. It’s also use for other types of actions that the Planning Board might do such as variances or special use permits. The important thing about Quasi-Judicial hearing is that the decision must be based on competent materials and substantial evidence in the record. It cannot be someone’s opinion and must be based on facts. The general statue says that every Quasi-Judicial decision shall be based on competent material.

This concept is included in the sagittal rules regarding these procedures must be repeated this way every Quasi-Judicial hearing that happens. What does that mean? Competent evidence must be a trustworthy, reliable source of evidence. Can’t be a Facebook post or hear-say. It can be evidence from an attorney, engineer, staff such as Michael Harvey. It’s not a good idea to rely on a Facebook post or what people are talking about at the gas station or coffee shop. Essentially, it’s run like a court room with loosely rules and when it comes to that testimony they should have first-hand experience of the issue. Somebody living on the other side of town, and they are not related to that issue they’re not going to be eligible to make any kind of testimony as it relates to what we are talking about. For example, someone who does not own a building. Mitchell would not be someone who can testify in a Quasi-Judicial hearing about this property because he has no relationship to this property.

Material evidence relates to the question that board must answer. Regardless of what we are going after – if it’s a special use permit, variances, or a certificate of approval. There are certain standards that apply to the decision. Material evidence should relate to those standards, or the lives use.

Insufficient evidence is evidence that tends to support the finding that’s relevant. What evidence is sufficient? Kind of its own class here. Depends on the continents. The burden of proof here if you have watched any criminal law they go beyond the shadow of doubt. We don’t use that standard; in this case it’s called the preponderance of evidence and can think of that as a seesaw. All evidence will have to be on the records, so Allena Ingram will have to include what people say in the meeting minutes. Once the board has heard all the evidence what can you do with it? Depends on what matters you are looking at, but you have a few options: If it’s an appeal on an administrate decisions in other words if Dylan Haman or Michael Harvey decides and someone says they don’t agree with that decision we like to appeal it. The board has a good deal of flexibility. You can either affirm what we did or reverse the decision. You can also decide the affirm part of it or reverse part of it.

Basically, make any decision that Dylan Haman could’ve made in the office. If it’s a development approval: for example, the development at the lake the rules get specific and Dylan would prefer if we ran into that, we would discuss how it works before that. We would bring in Michael for any type of development because the rules get specific and if you don’t follow them it could end up with legal troubles. Most decisions require a simple majority vote: One that we are going over today requires a majority vote. Some of them can require a super majority – meaning four out of five people or more. Four out of every five people must do it, so for us we must have five out of six people to vote.

Also, must issue a written decision at the end of this about why you made the decision that you made. So, someone whether it be Devon or Mitchell or anybody on the board must write why you voted the way you did, and the board must have that as a whole. Once that decision has been made by the board you must provide copies of the decision – to the applicant, landowner, and anyone who has submitted a written request for a copy. Staff will take care of the part once you all have made your decision, we will take care of the administration side of getting it out.

In this case the one that we are discussing is low stakes. You’re not going to have any kind of push back whichever way you go. In a higher stake if someone was applying for a variance or a development. That has a lot of real-world monetary impact on someone. It’s very important that if something like that comes up you bring in Michael and you can vote the way that you want, but you need to follow that correct process. Michael Harvey will guide you on those procedures. Dylan Haman then asked the Planning Board were there any questions. There were no questions.

ITEM V. OLD BUSINESS

1. Short Term Rental

Dylan Haman thinks that we are okay with the Short-Term Rental policy, but the hang-up has been on the parking policies. It’s not a high stakes item and the people that are wanting or have made this application are waiting on us. Dylan thinks they deserves an answer on if we want to do it or don’t want to.

Jessica Ingram informed the Planning Board to look on page 20 at 9.13. On A: Host Occupied number 7 has Room Rental – Rooms shall not be rented for less than 8-hours in duration during a 24-hour period. While B and C doesn’t have it. Lynn Smith feels that it fits under B more than A. Dylan stated that the intent of it was the host occupied piece is supposed to encapsulate bed and breakfast which is going to be in residential area. So, they don’t want people coming in and out, where the other ones are more like what you would think of a hotel/motel more of a commercial in a commercial area.

Jessica Ingram made the motion to include the language of Room Rentals: Rooms shall not be rented for less than 8 hours in duration during a 24-hour period which is in A number 7 to be added to B and C. Devon Little second the motion. Motion carried unanimously.

1. Proposed Parking Changes

Jessica Ingram expresses that part of the parking problem is we still must decide. One of the things we discuss last time was downtown area: historic district – there’s certain things you can’t make. You can’t make parking where there’s not any parking and Jessica disagree with charging people for parking that has never happen. Right now, there’s no parking issue.

Dylan informed the board that the historic overlay is what you consider downtown that’s already define. Jessica Ingram asked do we have a definition of what is downtown. Dylan stated that we don’t, but we could use the historic overlay district. The historic overlay starts at the library and goes down to the fire department and starts at the veranda and goes down to the police station. That’s the historic district that’s on the national historic register. Dylan recommended that the issue is on the historic buildings that’s where the parking situation comes up and if the Planning Board wants to do something that applies to that he suggested that we could use that definition because it’s defined already.

Mitchell Lucas expressed if we do something, if we do decide tonight does that mean Dylan would put it in for us and you start abiding by it. Dylan Haman said yes, and Mitchell went on to say that we don’t have any problem parking downtown, so why are we lending ourselves into something we don’t have a problem. Thought the whole thing was that we do have it and have it here in front of us in case in the future there is a problem we have something to refer to it. Jessica expressed the problem is the way it’s written. Right now, it said that every so many square feet you must have a parking space that’s the way it’s written right now. Which is what the issue is. Dylan said that what we could do if we wanted to exempt the historic district, the paperwork in front of us is just the draft. We could make a motion to approve what is written or to approve it as amend so the historic district is exempt from all parking requirements. Jessica agreed to what Dylan said and Mitchell express that if we vote to change and go with what’s written here now; we don’t have to do anything as far as parking at this time. Jessica agreed to what Mitchell said and went on to say that the second part of it is charging people of payment of looting: contribute to payment of loot.

Edwina Martin asked was we talking about after hours parking? Dylan said what we have been talking about is parking. You would have to make a motion to donate it as amended so that the downtown historic – the national historic register is exempted from all parking requirements. We would just change it, so it just says it’s exempted instead of having that language. By the book that’s the right way to do it, but at the same time it’s a small overall issue we preferred to do it differently and it’s not going to impact just that much. They wanted to put in a little hotel/restaurant at Ben’s old building. The only issue that exists is that our zoning ordinance that we have is what is creating the issue. That’s why we created that language because it gives her options. If you don’t like the language and you just want to exempt the downtown, you just make the motion to say to adopt the proposed ordinances as an amended to exempt the national historic register from all parking requirements. Sam Everhart made the motion to do what Dylan Haman said, Jessica Ingram second the motion. Lynn Smith asked if that would take any of the possible parking meters out of downtown? Dylan expresses that you can always, if you have a problem. This is a discussion since there’s a motion of the floor; if thirty years from now you decide that parking here is horrible, and you can’t ever find a parking space you can come here and address it since you are not lock into this for the end of time.

Mitchell Lucas asked but if you go and have a living quarter second floor for the whole historic district downtown if it happens someday. Parking is going to be a problem; the town is going to have to do something. The funds are supposed to come from parking meters and other sources to build up a ripe to be able to combine; be pragmatic for taxpayer money. Dylan expresses that the idea of this was not parking meters, a new business would help to fund future improvement. Relatively talking about a small amount of money. Jessica said the reason I said a lot about not charging is because start-up is expensive to start up a company and I don’t think people would have the ability to the start a company and must pay future parking. Devon Little asked the board do you think we would run into a problem down the road if this business does become good and then you have overnight parking up and down the street and they don’t like it because it’s in front of their business? Dylan stated that when the situation does happen, we should address it then, but for now we don’t have a parking problem.

Sam Everhart, express we don’t know what’s going to happen in the future. We can always come back and fix it. Mitchell Lucas stated that it’s something that’s worthy to monitored over the years because if we’re not concern someone else will. They don’t want to get blind-sided with something like this comes-up and have a problem and should be address along the lines. Right now, we don’t have a problem, and I think it’s fine. Jessica asked the motion is to accept the way it’s written here, but exempt where they must do payment in loot of? Page 17 says that the exception for parcels in historic overlay district would be exempt. Dylan answer correct. Motion is to approve the entire ordinance that’s written amend to allow for exempt in the downtown historic district without a payment in of loot. Payment of loot would be removed.

ITEM VI. NEW BUSINESS

For the business commonly known as Memory Lane run by Amy Johnson. Must open the Quasi-Judicial hearing, so the board will have to make a motion to open the hearing. Lynn Smith made the motion to open the hearing and Jessica Ingram second the motion. The motion was carried unanimously.

Dylan asked the Planning Board does anybody have material evidence of related to the building known as Memory Lane. Angela Deaton expressed that she thinks it will be a good edition to Mt. Gilead. She thinks it’s what the building needs and for our town to be bright, cheerful and welcoming. Mitchell asked how did this get approve in April? If this is the first that the board has seen of it. Dylan expresses that he didn’t know when Amy Johnson filled out the form, but he got it last month. Lynn asked did she wrote a letter requesting this. Dylan answer yes. She is requesting a certificate from the board to paint the building. Since we are in the Quasi-Judicial hearing, and this is important for future things. When we open the Quasi-Judicial hearing, we can’t have a discussion at this time it has to be a testimony of evidence. So, we can’t have a discussion, we must wait after the hearing to talk about what’s going on.

Jessica Ingram bought up tax incentive to get a good idea of what’s considered legitimate changes and what’s considered nos. While she was reading through the guidelines, and she couldn’t find anything specific if there’s was anything the law in the preservation that said anything about painting. It said things about removing the suds, removing pieces of metal, wood and changing out the windows. Couldn’t find anything on paint schemes. Mitchell expresses there’s a paint color, but the colors she has here who approve them. Dylan stated that those are the colors that she is requesting. Mitchell asked that the colors she requesting aren’t the historic town certain colors we have to use. We don’t have all that information, and we need that information. Jessica asked does anybody know what the original colors were. Before it was painted red and yellow. Nobody on the Planning Board knew what the original colors were, and Lynn Smith said that it has change cerebral times over the years. Mitchell, express you have a color scheme and guidelines that you must go by. We must talk about before getting all this information, so we can study it.

Dylan Haman recommended that the Planning Board should close the Quasi-Judicial hearing because we heard the testimony. Jessica Ingram made the motion to close the Quasi-Judicial hearing and Lynn Smith second the motion. Motion was carried unanimously.

Jessica googles Secretary of the Interior’s Standards for Rehabilitation and what the standards for rehabilitation are and their guidelines to it. She couldn’t find anything to it that specific about paint. Mitchell stated that this committee in the previous time back when the painting was going on control the color of the paint that belong down here. You couldn’t put certain colors downtown. Are there certain colors that’s require to be use downtown? Dylan stated on the zoning ordinances; we don’t have certain colors for downtown. But if we want it to be truly historic, we need to find out what the original colors were, or at least what they were.

Dylan recommended that he would get Amy Johnson to provide the Planning Board with paint samples, and he going to work with Angela Deaton to find out what the original colors or close to the original colors that we can find, and we can go from there next month. Lynn Smith suggested that Amy Johnson attach a sketch of what she wants to do.

ITEM VII. ADJOURNMENT  
With no further business Mitchell Lucas made a motion to adjourn the meeting with a second from Jessica Ingram. Motion carried unanimously. Meeting adjourned at 6:30 p.m.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mitchell Lucas, Vice-Chairman Allena Ingram, Planning Board Secretary