

**TOWN OF HILDEBRAN  
AUDITORIUM**

**JULY 27, 2015  
7:00 p.m.**

**REGULAR MEETING  
MINUTES**

**\*\*These minutes were prepared by the Town Clerk's notes and recollections of the meeting. The audio recording was mostly inaudible due to excessive background noise and technical difficulties. \*\***

**CALL TO ORDER AND  
INVOCATION**

Mayor Cook called the regular meeting of the Town Council to order at 7:03 p.m.

**COUNCIL PRESENT**

The following members of the Board were present: Mayor Virginia Cook, Council Members Brenda Banks, Wendell Hildebrand, Jamie Hollowell, Barbara Lowman and Lee Lowman.

**STAFF PRESENT**

The following staff members were present: Attorney Redmond Dill, Town Clerk Alice Sanders, Finance Officer Fredrick Rankins, Administrative Assistant Rebecah Isenhour and Office Assistant, Greta McKinney.

**CITIZENS PRESENT**

See attached list for other citizens.

**MEDIA**

No one from the media was in attendance.

**PLEDGE OF  
ALLEGIANCE**

The Pledge of Allegiance to the United States flag was led by Council Member L. Lowman.

**ADOPTION OF  
AGENDA**

Council Member Hollowell made a motion to adopt the agenda. All voted in favor.

**PUBLIC COMMENT**

Lohr Loveland spoke in favor of demolishing the building and in support of Mayor Cook.

Elsie Childres complained about the illegal signs among the Town and reminded the Council of the Code of Ethics.

Richard Bell gave his views about the number of Council members the Town should have and its operational procedures.

Stephanie Higdon asked Council why it didn't accept the recent HHDA proposal.

Shana Packer expressed her displeasure with the suggested new Town Hall.

Vivian Wilson asked if the Town Attorneys' fees were being paid for with tax payer money and spoke about Council's body language during open meetings.

Betty Martin asked Council to revoke the contract to demolish the building and turn the building over to HHDA.

Marti Smith spoke about Council working for the residents of the Town and spoke against certain Council members.

Mark Lackey asked Council to do the will of the people or resign.

Julie Walker commended Council for taking the stand to demolish the building in order to grow as a Town.

Bobbie Spencer asked for all expenses incurred by the lawsuit brought against the Town by HHDA.

Troy Smart asked Council to rescind its vote to demolish the building.

Tina Martin Hart spoke against Council.

Ben Honeycutt spoke against Council and the decision to demolish the old school building.

**APPROVAL OF  
MINUTES**

Council Member Banks made a motion to approve the June 22, 2015 recessed special meeting and the June 22, 2015 regular meeting minutes. All voted in favor.

**OLD BUSINESS:  
CEILING REPAIR IS  
AUDITORIUM/QUOTES**

Four quotes were provided to Council to repair the ceiling in the auditorium due to a recent roof leak. Administrative Assistant Isenhour reported that there were issues with three of the four contractors. She stated that George Hilton Construction was unresponsive after the initial quote was provided. ServePro of Burke County provided a quote, but later stated they would retract their bid. Mike's Painting did not have the equipment to repair the ceiling.

Council Member Hollowell made a motion to accept the quote from Northwest Drywall Company to repair the ceiling in the auditorium in the amount of \$3,670.00. All voted in favor.

Other quotes included: Mike Painting in the amount of \$1,000; Servpro in the amount of \$1,200.00; and George Hilton Construction, Inc. in the amount of \$1,895.00

**OLD SCHOOL BUILDING**

Attorney Dill addressed the public regarding the old school building. He stated that Council and staff cannot and will not discuss the old school building due to the pending lawsuit

brought against the Town. He stated that comments made in the past by the Town have been misconstrued and therefore the Town will not be answering any questions from the public regarding this matter.

**GROUND  
MAINTENANCE AT  
RAILROAD AND HWY  
70A/QUOTES**

Town Clerk Sanders reported that initially, Council voted to put out bids for mowing and weed eating at the railroad and Hwy 70A and to have Maintenance Technician Bivens perform the spraying. During onsite visits with contractors, Mayor Cook determined that the area of spraying would not be feasible for Mr. Bivens due to time and safety issues. Ms. Sanders revised the specifications for the job, with Council's approval, to include mowing, weed eating and spraying. Ms. Sanders contacted the NC Department of Agriculture and Consumer Services and was informed that the contractor needed to have the "H-Right of Way Pest Control" license and contacted six qualified businesses. Five people submitted bids for Council's review.

Council Member Hollowell stated that he had spoken to Ken Lowman and that Mr. Lowman stated that he had a background working along railroads. Mr. Lowman notated on his bid that he would remove the large piece of concrete, big rocks and stumps. There was also discussion about Mr. Lowman regrading an area after removal of large debris.

Council Member L. Lowman stated that it was his understanding that the initial cleanup project at this area was a one-time cleanup and was not the responsibility of the Town to maintain. He also asked if the Town had permission to remove the large debris and stumps. Mayor Cook responded that the Town has permission to mow and spray at this area. Mr. L. Lowman stated his concerns about moving debris without written permission from the railroad. Mr. Hollowell stated that no work could be done close to the gravel area at the railroad.

Mr. L. Lowman stated that a ditch would need to be cut if the concrete was moved. He brought up the large ditch area that the railroad will not fix and pointed out that one car in the past has already fallen into the hole.

Mr. L. Lowman also pointed out that the Town, not the contractor, will need to get permission from the railroad to perform the additional debris removal.

Mr. L. Lowman asked Clerk Sanders if the other four quotes included removal of the additional debris. Ms. Sanders

confirmed that the debris removal was not in the original specifications.

Council Member Hollowell made a motion to accept the quote from Ken Lowman Construction in the amount of \$6,075.00 contingent upon written permission from the railroad to remove the concrete, large debris and stumps. It was noted that Mr. Lowman could begin mowing, weed eating and spraying. The work will involve no more than eight occurrences per year between July 2015 and June 30, 2016. All voted in favor.

Other quotes included: The Grounds Keeper LLC in the amount of \$5,350.00; C&K Erosion Control Products in the amount of \$9,440.00; A-Scape Above LLC in the amount of \$12,200.18 and Ikerd Grading in the amount of \$29,995.00.

**BUDGET  
AMENDMENT/GROUND  
MAINTENANCE AT  
RAILROAD ALONG  
HWY 70A**

Mayor Cook explained to Council that the current budget had \$5,000 as a line item for the ground maintenance at the railroad and Hwy 70A and the additional mowing, weed eating and spraying along Hwy 70 that was given to Mr. Bivens. With the approval of the previous quote from Ken Lowman Construction, a budget amendment is needed in the amount of \$2,625.00. Council Member Hildebrand made a motion to approve the budget amendment which includes \$1,500.00 for Hwy 70 project and \$1,125.00 for the railroad/Hwy 70A project. Mr. Hollowell emphasized that workers have safety vests on and appropriate signs are displayed for safety reasons. All voted in favor. The budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment A.)

**LEASE AGREEMENTS  
WITH THE TOWN**

Ms. Sanders reviewed with Council that action from the last meeting requires documentation from all 501(c)(3) organizations of the past three years of the 990 filings with the IRS before the lease agreements with the Town would be approved. She reported that East Burke Christian Ministries provided a letter from the IRS explaining that it was classified as a church and was exempt from filing the 990 forms and as a result, the lease agreement has been signed. She stated that she spoke with the accountant for East Burke Youth Athletic Association, Johnny Davidson, and Mr. Davidson reported that he had filed the reports, but needed more time to get verification. She reported that Hildebrand/Icard Little League provided documentation of filings from 2012 and 2013. She reported that Hildebrand Heritage and Development Association had not provided any documentation, but the IRS website showed they had filed for 2013 and 2014.

Council Member Hollowell stated that a deadline should be given and Attorney Dill suggested that a letter be sent with a hard deadline and that if the documentation is not provided, the lease agreement will be withdrawn. Council Member Hollowell, made a motion to set the deadline and if documentation is not received by the August 24<sup>th</sup> meeting, the lease agreement will be withdrawn. All voted in favor.

**TOWN STREET  
MAINTENANCE/PAVING  
PRIORITY LIST**

Mayor Cook reviewed with Council that the Town took over 1<sup>st</sup> Street SE a few months ago. She recommended to Council to get quotes to perform road repair work for 4<sup>th</sup> Ave SE, to be paid by the State, and 1<sup>st</sup> Street SE and 5<sup>th</sup> Ave SE to be paid by the Town. She stated that the State had already provided a quote for 4<sup>th</sup> Ave SE. She verified the funding would be paid with Powell Bill funds.

Attorney Dill stated that engineers would need to get the bids and act as the project manager since the Town staff is not qualified to do road construction bidding.

Council Member L. Lowman asked why two roads paved in 2013 were ranked higher on the paving priority list, performed by West Consultants in 2009, than other roads that have not been paved.

Council Member Hollowell made a motion to obtain quotes to perform road maintenance at 1<sup>st</sup> Street SE, 4<sup>th</sup> Ave SE and 5<sup>th</sup> Ave SE. Mayor Cook stated that she would contact West Consultants to receive these quotes. All voted in favor.

Mayor Cook recessed the meeting for a five minute break at 8:30 p.m. Mayor Cook called the meeting back to order at 8:36 p.m.

**NEW BUSINESS:  
SEWER RELEASE  
REQUEST – KENNETH  
MOSTELLER**

Mayor Cook reported that Kenneth Mosteller has requested a sewer release because he watered trees and the water did not go into the sewer system. Council reviewed the current sewer policy regarding releases and determined that watering trees or gardens does not qualify for a release. Council Member L. Lowman stated that having two taps, one for sewer and one for watering only, could be a possible solution. After discussion, Council Member B. Lowman made a motion to deny the sewer release request. All voted in favor.

**CONTRACT FOR  
MAINTENANCE  
SANITARY SEWER**

Mayor Cook explained that the current contract for sewer maintenance with the City of Hickory expired June 30, 2015. She and Mr. Rankins met with Kevin Greer from the City to

**SYSTEM WITH CITY OF HICKORY**

discuss the new contract. After review from Attorney Dill, the proposed contract is presented to Council for approval. Council Member Hollowell made a motion to approve the contract with the City of Hickory for maintenance sanitary sewer system. All voted in favor.

**BUDGET AMENDMENT-SEWER SYSTEM MAINTENANCE CONTRACT**

Mayor Cook explained that the yearly fees with the City of Hickory for sewer maintenance increased and as a result, a budget amendment was needed in the amount of \$4,200.00. Council Member B. Lowman made a motion to approve the budget amendment in the amount of \$4,200.00. All voted in favor. This budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment B.)

**SEWER PUMP UPGRADE**

Mayor Cook reviewed with Council the suggested upgrade to replace the Town's sewer pumps. The new pumps will measure temperatures, flow levels and PH levels to be more proactive in preventing problems. Council Member B. Lowman made a motion to upgrade the pump monitors. The cost will be between \$8,000.00 and \$10,000.00. All voted in favor.

**RESOLUTION – ADOPT UNIFOUR REGIONAL HAZARD MITIGATION PLAN - APPROVAL**

Council Member Hollowell made a motion to approve the resolution to adopt the Unifour Regional Hazard Mitigation Plan. All voted in favor. The resolution is hereby incorporated by reference and made a part of these minutes (Attachment C.)

**RESOLUTION – GREATER HICKORY MPO AMENDED MEMORANDUM OF UNDERSTANDING**

Council Member Banks made a motion to approve the resolution to adopt the Greater Hickory MPO Amended Memorandum of Understand. All voted in favor. The resolution is hereby incorporated by reference and made a part of these minutes (Attachment D.)

**FACILITIES REPORT**

No report at this time.

**JUNE TAX REPORT**

Ms. Sanders provided her report for the month of June 2015.

**2014 TAX COLLECTOR SETTLEMENT REPORT/2015 CHARGE TO THE TAX COLLECTOR**

Ms. Sanders provided the 2014 tax settlement report which shows a 99.46% collection rate as of June 30, 2015. Council Member B. Lowman made a motion to approve the 2014 settlement report. All voted in favor. The 2014 tax settlement is hereby incorporated by reference and made a part of these minutes (Attachment E.)

Council Member Hildebrand made a motion to require the Tax Collector, in compliance with the North Carolina General Statutes, to collect the taxes and levy by the Town. All voted in favor. The 2015 charge to the Tax Collector is hereby

incorporated by reference and made a part of these minutes  
(Attachment F.)

**DEPUTY REPORT  
GARY TOWERY**

Deputy Towery provided his report for the month of June 2015.

**COMMITTEE REPORTS  
& UPDATES**

Transportation Advisory Committee (COG) – Mayor Cook reported that she was not able to attend the meeting.

Western Piedmont Council of Governments Policy Board - Council Member Hildebrand had no report.

Burke Economic Development – Mayor Cook reported that new projects were discussed in closed session and that there were two promising projects to benefit the Eastern part of the County.

Recreation & Tourism Committee – Council Member Hollowell reported that football, indoor soccer and cheerleading signups are starting.

Water Resource Committee – Ms. LoCicero reported that there is a volunteer water conservation due to the phase 1 drought.

VEDIC (Valdese) – Mayor Cook had no report.

**CLOSED SESSION**

Council Member Hollowell made a motion at 9:00 p.m. to recess into closed session pursuant to General Statute 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 B. Lowman made a motion to reconvene in open session at 9:25 p.m. All voted in favor.

**RESOLUTION – ACCEPT  
UNNAMED STREET  
AND PLACE ON  
POWELL BILL SYSTEM**

Council Member J. Hollowell made a motion to approve the resolution accepting unnamed street and place on Powell Bill system in order to ratify the Shook Builders lawsuit. All voted in favor. The resolution is hereby incorporated by reference and made a part of these minutes (Attachment G.)

**RESOLUTION – 3<sup>RD</sup>  
STREET PLACE SW  
RIGHT OF WAY  
ACCEPTANCE**

Mayor Cook explained that the current owner wishes to subdivide his land and put two houses on the property and is dedicating a 30 foot right of way to the Town in order for the Town to maintain the road as it has been doing in the past. Council Member B. Lowman made a motion to approve the resolution to accept the right of way on 3<sup>rd</sup> Street Place SW. All

voted in favor. The resolution is hereby incorporated by reference and made a part of these minutes (Attachment H.)

PARK – ADDITIONAL  
PLAYGROUND  
EQUIPMENT,  
MEDIATIATION AREA,  
AND MULCH QUOTE

Mayor Cook explained that two large dogwoods will be planted in the park as a memorial for Chesley Lester donated by the 2015 Senior Class at East Burke High School.

Mayor Cook reported that she will work with two elementary teachers to show pictures of additional park equipment to students and let the students participate in a survey to vote for their favorite choice.

Council Member B. Lowman requested to revisit the topic of connecting the walking track at the park. It was the consensus of Council to obtain quotes.

A quote was provided to Council to place mulch in the park by The Grounds Keeper LLC, who the Town is currently in contract with for park maintenance. Council Member Banks made a motion to approve the quote in the amount of \$6,240.00. All voted in favor.

OTHER BUSINESS

Council Member Hollowell requested the Town host an Emergency Services Appreciation Day at the August 22, 2015 cruise in. He suggested a pot luck dinner or local churches to volunteer to provide food. It was suggested that an ambulance and ladder truck be provided for citizens to view.

Mayor Cook informed Council that she will not be able to attend the August 8<sup>th</sup> cruise in. She reported that Greta McKinney will be doing cruise in advertising in the future.

ANNOUNCEMENTS

None at this time.

ADJOURNMENT

All business being concluded, Council Member L. Lowman made a motion to adjourn at 9:45 p.m. All voted in favor.

I attest these are the approved minutes of the Board.

**\*\*These minutes were prepared by the Town Clerk's notes and recollections of the meeting. The audio recording was mostly inaudible due to excessive background noise and technical difficulties. \*\***

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Alice Sanders, Town Clerk

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Virginia Cook, Mayor