

**TOWN OF HILDEBRAN
WESTERN PIEDMONT
COUNCIL OF
GOVERNMENTS
CONF ROOM A1**

**AUGUST 29, 2016
7:00 P.M.**

**REGULAR MEETING
MINUTES**

CALL TO ORDER AND
INVOCATION

Mayor Cook called the regular meeting of the Town Council to order at 7:00 p.m. Tim Limbo led a prayer.

PLEDGE OF
ALLEGIANCE

Town Clerk Sanders led the pledge of allegiance to the United States flag.

COUNCIL PRESENT

The following members of the Board were present: Mayor Virginia Cook, and Council Members Brenda Banks, Barbara Lowman, Lee Lowman, Theresa Messer, and Jody York.

STAFF PRESENT

The following staff members were present: Attorney Redmond Dill, Town Administrator Thomas Drum, Town Clerk Alice Sanders, and Finance Officer Fredrick Rankins.

CITIZENS & MEDIA
PRESENT

See attached sheet.

ADOPTION OF
AGENDA

Council Member L. Lowman made a motion to amend the agenda to add "Hildebran Sewer System Financial Assessment" to the agenda under New Business.

Council Member York made a motion to approve the agenda as amended. All voted in favor.

APPROVAL OF
MINUTES

Council Member Messer made a motion to approve the July 25, 2016 regular meeting minutes. Council Member York asked to change part of the minutes that discussed the issue of the fence between the auditorium and Hildebran United Methodist Church based on information that she researched after the meeting. Mayor Cook informed her that the content of the minutes could not be changed because the minutes reflect what was said at the meetings and she advised Ms. York to bring up her issues in Other Business. All voted in favor to the motion.

OLD BUSINESS:
CONSIDER REVISED
RESOLUTION FOR
LEASED PROPERTY IN
THE GYMNASIUM

Mayor Cook informed the Board that Tim Limbo, President of the Hildebran-Icard Community Development Council (HICDC), stated that HICDC oversees East Burke Youth Athletic Organization (EBYAO) and EBYAO is not its own entity. As a result, the resolution to approve the lease for the girls locker room and an office in the gymnasium needs to be revised to read HICDC instead of EBYAO. In addition, the word "old" in front of "girls locker room" needs to be omitted.

Council Member York made a motion to approve the omission of the word “old”. Council Member L. Lowman asked if the organization’s nonprofit status and the certificate of insurance was under EBYAO or HICDC. Ms. Sanders stated that the 1023-EZ form requesting nonprofit status that was presented to the Town lists HICDC and the Certificate of Insurance lists HICDC and, after consultation with Mr. Drum, it was determined that the resolution and lease needs to be in the name of HICDC. Mr. Lowman had a concern that during sporting events, the organization is representing itself as EBYAO.

Attorney Dill stated that the Town will lease to HICDC for specific purposes and as long as HICDC carries out those purposes, meets all criteria, pays rent, has insurance and meets the IRS requirements, he does not see a problem. He stated that EBYAO does not stand alone and probably cannot qualify, but HICDC can, according to what Mr. Limbo has told Clerk Sanders. Mr. Lowman stated that it sounded like a loop hole to him.

Council Member York stated that her motion was to remove the word “old” before “girls locker room” and added to her motion to approve the revised lease. Council Members Banks, B. Lowman, Messer and York voted in favor of the motion. Council Member L. Lowman was opposed. The motion passed. A copy of this revised resolution is hereby attached and made a part of these minutes (Attachment A).

Tim Limbo reported that he had been working with Universal Pools and it has been discovered that there was a chip of paint over the rubber flap of the anti-hydraulic valve at the bottom of the pool which was allowing water to seep out. A new valve has been purchased and will be sealed soon and testing will be done to see if the leak is fixed. They are also looking at painting or mortar plastering the pool interior.

Mr. Limbo informed the Board that EBYAO is a youth organization and falls under the umbrella of HICDC. They want everyone to know that HICDC covers the pool facility and EBYAO. The insurance is under HICDC.

VOLUNTARY
SATELLITE
ANNEXATION REQUEST

The Board directed the Clerk to certify the sufficiency of the voluntary non-contiguous satellite annexation request from Jerry Baker for the property at 7841 Old NC 10. Clerk Sanders provided a certificate of sufficiency in the agenda packet. The next action is to call a public hearing. Council Member B. Lowman made a motion to approve resolution #08-29-16 fixing the date of the public hearing on question of annexation

pursuant to G.S. 160A-58.2. The hearing will be held on Monday, September 26, 2016 at 7:00 p.m. at the Western Piedmont Council of Governments. All voted in favor. A copy of this resolution is hereby attached and made a part of these minutes (Attachment B).

NEW BUSINESS:

PROCLAMATION FOR NATIONAL RECOVERY MONTH

Joe Marks, Executive Director at Burke Recovery, informed the Town that September is National Recovery Month and requested that the Town declare September as “Recovery Month” in Hildebran. Council Member Banks made a motion to approve the proclamation. All voted in favor. A copy of this proclamation is hereby attached and made a part of these minutes (Attachment C).

REVISED CODE OF ORDINANCES APPROVAL

Clerk Sanders reviewed the Town’s Code of Ordinances and revised the formatting, fixed typos and added the location of the new town hall to the section that prohibits smoking. Council Member York made a motion to approve the revised Code of Ordinances. All voted in favor.

REFUND FOR UTILITY OVERBILLING (VIVIAN WILSON)

Mr. Drum stated that Vivian Wilson asked the Town to investigate her sewer bills for overbilling. After investigating, it was determined that she had been overbilled. Ms. Wilson’s sewer tap was not connected to the Town’s sewer system. The sewer ordinance states that if a tap is provided, the citizen should connect to the sewer system. If the citizen does not connect, the Town will charge a minimum bill, currently \$18.00. Ms. Wilson was billed based on usage, by mistake, resulting in overbilling. Mr. Drum stated that the last 10 months have already been resolved. There are 14 months that still has not been refunded. He reported that G.S. 1-53(1) states that a utility customer has a 2 year statute of limitations for recovering overbilled utility charges from a local government.

The total amount of the 14 months she was overbilled, after correcting the past 10 months, is \$435.50. The remainder of the overbilling for her account that occurred past the 2 year statute of limitations, is \$594.81, which will be at the discretion of the Council since there is only a 2 year legal obligation to refund. Mr. Drum stated that going back further than 2 years will be setting a precedent, but is at the discretion by the Board.

Attorney Dill stated that cases in the future will be handled on a case by case basis.

Council Member York made a motion to refund the total amount of Ms. Wilson’s overbilling, totaling \$1,030.31.

Council Member B. Lowman wanted to verify that this motion would refund the 14 months that the Town was obligated to refund, as well as the additional \$594.81. Attorney Dill confirmed that is the motion.

Council Member Messer asked the reason that Ms. Wilson did not connect and Mr. Drum stated that he did not know. Attorney Dill stated that the Town allowed for a minimum bill if the tap was not connected to the sewer system. Mr. Drum stated that Ms. Wilson asked about a high sewer bill that resulted from a leak which is what started the investigation of her account.

Council Members Banks, B. Lowman, Messer and York voted in favor of the motion. Council Member L. Lowman opposed the motion. The motion carried.

NEW TOWN HALL
RENOVATION PROJECT
ORDINANCE

Mr. Drum informed the Board that this project ordinance will take the new town hall renovation project and incorporate all or most of the expenses for the life of the project. If the project were to cross over fiscal years, this ordinance will dictate the project. The numbers might need to change in the future, which a budget ordinance could be done. The ordinance works like an enterprise general fund budget but is only for this particular project. The amount of the ordinance is \$200,000. Council Member Banks made a motion to approve the new town hall renovation project, capital project ordinance #08-29-16. Council Members Banks, B. Lowman, L. Lowman and Messer voted in favor. Council Member York was opposed. The motion carried. A copy of this ordinance is attached and hereby made a part of these minutes (Attachment D).

OLD TOWN
HALL/HILDEBRAN
SCHOOL
REPAIR/CLEANUP
PROJECT ORDINANCE

Mr. Drum reported that this project ordinance for the old town hall/Hildebran school repair/cleanup is for \$250,000 which will be funded from the general fund. Proceeds from insurance reimbursements will be reviewed and transferred as needed. Council Member York made a motion to approve the old town hall/Hildebran school repair/cleanup project, capital project ordinance #08-29-16A. All voted in favor. A copy of this ordinance is attached and hereby made a part of these minutes (Attachment E).

BIDS AND AWARD OF
CONTRACT FOR FINAL
REPAIRS TO THE OLD
TOWN HALL BUILDING

Request for bids for the final repairs to the old town hall, due to damage resulting from the fire, were solicited from four contractors. Mr. Drum explained that three bids were received. The first nine items were repairs to town hall that insurance will reimburse. Alternate # 1 is to upgrade to laminate flooring. Insurance will not pay for this upgrade. Alternate # 2 includes the old Communication Worker's leased room. Mr. Drum

stated that the room has damage that needs to be repaired that was not due to the fire. Since workers would already be there, he felt it would be a good chance to get better pricing to fix this room. He recommended that the Board choose the lowest bidder, which was Moss-Marlow Building Co. The total for all 3 bids was \$62,232. Mr. Drum reviewed the work needed for the room in alternate #2. He stated the base bid was the only work that had to be done. Council Member York made a motion to approve a contract with Moss-Marlow Building Co., including option #1 and option #2, for a total of \$62,232. All voted in favor.

Other bids received included: Matthews Construction for a total of \$85,961 and Hickory Construction for a total of \$86,100.

**BID FOR STREET
REPAIR (OAK RIDGE
DR)**

Council Member L. Lowman provided a quote from Evans Construction to clean edges and re-asphalt at Oak Ridge Drive. Mr. Drum reviewed the street, as well as other streets in Town, and felt that it is in need of repair. He stated that streets can be repaired that will then last up to five years and Oak Ridge Drive is probably one of those streets, as well as other streets in town. He suggested that a third party review the Town streets and come up with a priority list, which will include the extension of the walking trail at the park. He stated that he did contact West Consulting and the cost to update the priority list would be \$3,500. Council Member York stated that Oak Ridge Drive was listed as #27 on the street priority list that was done in 2009. Council Member L. Lowman stated that since the list was produced the Town cut a two-foot strip off the side of the road to put sewer in and repairs are needed to prevent a more expensive fix later.

Council Member Messer made a motion to approve a contract with West Consultants to review Town streets and prepare a street priority list, not to exceed \$3,500, and to report at the September meeting. All voted in favor.

**CONSIDER ALLOWING
LESSEES TO BEGIN
THEIR RESPECTIVE
ANNUAL LEASE TERM**

Mr. Drum recommended that the Town allow all the lessees back into their premises by September 1st. He stated that there were a few things that the Town needed to complete by order of the Fire Marshall which might take a few days after the 1st, but the Town would try to get it all done in time. The Fire Marshall stated that until the floors are repaired in the old town hall, no one should be allowed back into the basement. He stated that all the air tests and asbestos tests done in the past five months have come back below any levels that are detrimental to humans and there are no other tests that the Town has been advised to perform. The Building Inspector has cleared all the

buildings in the past, but he will have the Inspector produce another letter clearing the building. Council Member B. Lowman made a motion to allow lessees back into their lease premises, as of September 1, 2016, providing the Building Inspector has no issues. All voted in favor.

FACILITIES REPORT

Mayor Cook reviewed the facilities report. Mr. Drum informed the Board that a moving company was hired to move the dias due to the excessive weight of the dias and safety of Town employees.

JULY TAX REPORT

Ms. Sanders reviewed the July tax report. A copy of the report is hereby attached and made a part of these minutes (Attachment F).

CHARGE TAX
COLLECTOR WITH
ORDER OF
COLLECTING FY 16-17
TAXES

Mayor Cook read the charge to Tax Collector Sanders the order of collecting FY 16-17 taxes, not including motor vehicle taxes. Council Member York made a motion to approve the charge. All voted in favor. A copy of the charge is hereby attached and made a part of these minutes (Attachment G).

JULY DEPUTY REPORT

Deputy Towery reviewed the July deputy report.

COMMITTEE REPORTS
& UPDATES

Transportation Advisory Committee (COG) – Mayor Cook reported that Exit 104 will be completed in September. The resurfacing on Hwy 70 will be completed by November. She asked that resurfacing on S. Center St. and N. Center St be added to the list for 2019.

WPCOG Policy Board – Council Member B. Lowman had no report.

Burke Economic Development Representative – Mayor Cook reported that the meeting was held in closed session.

Recreation and Tourism Committee – Council Member York had no report.

Water Resource Committee – Ms. Schotte had no report.

VEDIC – Mayor Cook reported that the committee reviewed its bylaws and financial statement.

HILDEBRAN SEWER
SYSTEM FINANCIAL
ASSESSMENT

Mayor Cook reported that the last assessment of the sewer system was in 2008. A scope of work from MartinMcgill Management Consulting was provided to the Board. The expense of the assessment would be split between the Town and the City of Hickory, each paying \$9,500. Mr. Drum stated that it

is a good idea for the Town to do an assessment periodically to determine the financial assessment of the system, how old the system is, what repairs might be needed in the future, and what rates should be charged in order to maintain the system. In addition, insurance companies sometimes ask for appraisals and this assessment will preempt that. Council Member Banks made a motion to approve a contract with MartinMcgill to perform a financial assessment of the sewer system. All voted in favor.

OTHER BUSINESS:

Council Member York wanted to address Council Member L. Lowman's statement from the previous meeting regarding the fence between the auditorium and the Hildebran United Methodist Church. Ms. York asked Mr. Lowman where he got his information regarding the Town condemning the property to tear down the fence and install a sidewalk because she had conflicting information. Mr. Lowman replied that he had spoken with Rev. Tony Bowman and Jamie Hollowell, who is a member of the church. They informed Mr. Lowman that the church was against the fence being torn down, however, the former Mayor and Council wanted to connect the sidewalk to the church's parking lot and condemned the property in order to tear down the fence and install the sidewalk. Ms. York asked Attorney Dill if the Town has ever condemned a piece of property like that and Attorney Dill responded that he had never filed a formal condemnation during his time with the Town. There were other attorneys that have served the Town in the past.

Council Member York stated that her information came from a Burke County maintenance worker who did not want to provide his name. The worker informed Ms. York that the fence was removed by the school during the time that the school owned the property. The school was using the basement office for the technology department and in order to allow its employees to park in the church parking lot and to have access to its basement offices, the school had the fence taken down and had the sidewalk poured, which was done by Chris Ramsey with the Burke County Maintenance Department. The worker informed Ms. York that the Town did not condemn any property to take down the fence or add a sidewalk.

Council Member L. Lowman stated that if Council Member York did not provide the name of her source, that the information is hearsay. He stated that he had provided the name of his sources.

Council Member L. Lowman stated that he and other Board members have heard complaints from the church about excessive use and trash in its parking lot and he suggested that in order to

resolve the issue, the Town could put the fence back up. If the sidewalk was done illegally, the Town should remove the sidewalk. Ms. York stated that she would go back to her source to see if she can use his name. Attorney Dill stated that the person could also provide a written, signed statement.

Council Member York stated that she spoke to Gayle Fulbright from Hildebran United Methodist Church, who stated that someone from the Town approached Jamie Hollowell and asked him to get Terry Annas, chairman of the church board, to get the church to write a letter requesting a fence be installed. She asked why the Town is doing this when the church does not want the fence. Mr. Lowman replied that in the past, the church approached Jamie Hollowell asking what could be done and Mr. Hollowell brought it to the Board and it was decided that the only thing that could be done was to put a fence back up. He stated that Vivian Wilson spoke at the last meeting that the church had provided a letter to the Town stating that the church did not want the fence, but that letter has not been seen by the Board. The only letter from the church that the Board has seen is the letter from the church requesting gates be installed to the fence. Mr. Lowman went back to Mr. Hollowell and asked if there was another letter from the church requesting the fence and Mr. Hollowell stated there was a letter and Mr. Lowman requested to get a copy of this letter. To date, the letter has not been presented to the Board. He stated that until that letter is produced, a fence will not be installed. Ms. York stated that she wanted to clear up the statements made by Mr. Lowman about the previous administration condemning the property to remove the fence and add a sidewalk.

ANNOUNCEMENTS

None at this time.

PUBLIC COMMENT

Richard Bell voiced his displeasure with the Mayor and Council.

Vivian Wilson stated that the church does not want a fence unless there are gates. She also thanked the Council for refunding her sewer overbilling over the years.

ADJOURNMENT

All business being concluded, Council Member Messer made a motion to adjourn at 8:16 p.m. All voted in favor.

I attest these are the approved minutes of the Board.

Alice Sanders, Town Clerk

Virginia Cook, Mayor