

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

**SEPTEMBER 25, 2017
7:00 PM**

**REGULAR MEETING
MINUTES**

**CALL TO ORDER AND
INVOCATION**

Mayor Cook called the regular meeting of the Town Council to order at 7:08 p.m. Wendell Hildebrand led a prayer.

PLEDGE OF ALLEGIANCE

Attorney Redmond Dill 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, Theresa Messer, Barbara Lowman and Jody York. Council Member Lee Lowman was absent.

STAFF PRESENT

The following staff members were present: Attorney Redmond Dill, Town Manager Thomas Drum, Town Clerk Alice Sanders, Finance Officer Fredrick Rankins, and Administrative Support Specialist Laurie Brawley.

**CITIZENS & MEDIA
PRESENT**

See attached sheet.

APPROVAL OF AGENDA

Mayor Cook requested to amend the agenda to add "Consider Zoning Text Amendment 01-17 Concerning Planned Unit Developments (PUDs)" as the last item under New Business. Council had no objections. Council Member Banks 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 August 28, 2017 regular meeting minutes. All voted in favor.

**PUBLIC HEARING
ZONING TEXT
AMENDMENT 01-17
PLANNED UNIT
DEVELOPMENTS (PUDS)**

Mayor Cook opened the public hearing for Zoning Text Amendment 01-17 concerning Planned Unit Developments (PUDs) at 7:11 p.m. Johnny Wear, Senior Planner/Natural Resources Administrator, from the Western Piedmont Council of Governments, was in attendance and reviewed the changes that the Planning Board unanimously approved. He explained that the R-20 district did not have lot sizes for multi-family developments in the Town's zoning ordinance. The Planning Board's goal was to provide lot size guidelines and any other stipulations it deemed appropriate in the R-20 district. He reviewed the changes in section 8.1 and section 10.4 of the zoning ordinance. Diane Speigle, a

member of the Planning Board, explained mixed use developments. There being no public comments, Mayor Cook closed the public hearing at 7:19 p.m.

OLD BUSINESS:
DISCUSSION OF EXIT 119
LANDSCAPING
MAINTENANCE
CONTRACT WITH N.C.
D.O.T. AND BUDGET
AMENDMENT

Mr. Drum discussed at the August meeting that the N.C. D.O.T. had contacted him regarding the 1997 agreement between the Town and the D.O.T. for landscaping maintenance at the 119 interchange. The D.O.T. informed Mr. Drum that the maintenance that is currently being done at the 119 interchange is not what was agreed to in 1997 or 2013. The additional landscaping that the D.O.T. is requesting the Town to do includes raising the loft on the trees in certain areas and cutting back the Burning Bush and Crape Myrtle trees at the bridge. This work should be done in the Fall of 2017, after which the D.O.T. will then provide mulch. This expense will be \$7,500 more this budget year that is not budgeted.

Other additional work that the D.O.T. would like to see the Town do would begin next budget year. This work includes maintaining everything in green, outside of the hash marks, triangles, and the median in the middle, on map #1. The cost for this maintenance is an additional \$12,500 each year moving forward from what The Grounds Keeper is currently doing.

The D.O.T. informed Mr. Drum that if the Town decides not to commit to the additional maintenance, the D.O.T. will take it back and either keep it up themselves or let it go back to grass. The 1997 agreement requires the Town to keep up the plantings, which is not being done. He explained that it is very unclear what the Town is supposed to be doing.

Council Member Messer made a motion to not do any additional landscaping or maintenance at the 119 interchange, other than what is currently being done by The Grounds Keeper. All voted in favor. The current landscaping that the Town will continue to maintain is notated by hash marks in map #1. A copy of map #1 is hereby attached and made a part of these records (Attachment A).

CONSIDER AUDITORIUM
FEE SCHEDULE FOR
DAILY, WEEKEND AND
WEEKLY RATES

Mr. Drum explained that Ms. Brawley provided rates from other towns and theaters for comparison. Mr. Drum stated that the Town currently charges an hourly rate, with a four-hour minimum. A common threshold mark with the

other facilities was six-hour minimum rentals. Other expenses reported were to account for additional personnel or equipment that is needed, or in the Town's case, to run the electronic equipment. Some facilities require law enforcement officials to be present. He stated that the Town is competitive with other facilities with a six-to-eight hour rental rate, which is considered a daily rate.

He stated that of the other towns and theaters polled, no one had a weekly, weekend, or monthly rate. He informed the Board that when the County owned the auditorium, a group had leased the auditorium for \$750/month. After the Town became the owner, the auditorium was offered to the same group for \$1500/month, plus utilities, but a lease was not signed. He suggested that a weekly rate should be somewhere between the past monthly rental rates divided by four.

He stated that the Town's hourly rate is competitive and if someone wants to rent the auditorium for a weekend, then our hourly rate is comparable to the other facilities' daily rates and he recommends using our hourly rate for a weekend rate.

He stated that any facility rental requires personnel to maintain and to staff events, which is very costly. The equipment in the auditorium is valued at over \$20,000 and the Town should not allow just anyone to run it. A Town employee is required which is an additional tech fee.

Mr. Drum suggested that the Town's existing hourly rate will work well for a daily or weekend rate. If the Town were to receive a request for weekly, monthly or yearly rates, then the Town will have to address personnel issues. Attorney Dill stated that a tenant could obtain event insurance that would be able to cover the cost of equipment and lighting should something happen.

Mr. Drum stated that if a monthly lease was requested, then he would address utility billing into the lease. Council took no other action at this time.

**NEW BUSINESS:
REVIEW FY 16-17 AUDIT
(ERIC BOWMAN)**

S. Eric Bowman, P.A., reviewed the FY 16-17 audit with the Board. Key points included:

Page 17

- Revenues exceeded expenditures by \$213,666 in the General Fund.

- \$504,220 was transferred from General Fund to Capital Projects.
- Ending total Fund Balance was \$1,682,136.
- Between the General Fund and Capital Projects, there was a \$7,746 deficit, which was almost a break even between the Governmental Funds.

Page 15

- Unassigned Fund Balance in the General Fund was \$1,071,157. This amount equates to seventeen months of expenditures in reserves. Small towns should have three to six months of expenditures in reserves.

Page 51

- Utility Fund ended with a \$43,041 surplus.

Page 13

- Cash and Cash Equivalents was \$2,497,250.

The tax collection rate was 99.4%.

Mr. Bowman stated that the Town was in excellent financial shape and commended Mr. Rankins for his hard work.

Council Member Banks made a motion to approve the FY 16-17 audit, as presented. All voted in favor.

DECLARE OLD TOWN SIGNS SURPLUS

Mayor Cook reported that since there is new signage at the new Town Hall, there are two old signs that the Town is no longer using. She requested that Council surplus the signs and donate the Albert Parkhurst Municipal Complex sign to Marie Parkhurst. Council agreed and discussed donating the second sign to the museum. Council Member York made a motion to surplus the signs and donate them to Ms. Parkhurst and the museum, as discussed. All voted in favor.

CONSIDER CONTRACT WITH BURKE COUNTY TO BILL AND COLLECT TAXES BEGINNING JULY 1, 2018

A proposed contract was presented to the Board for Burke County to bill and collect taxes for the Town. Mr. Drum explained the tax billing process. Burke County sends the Town all of its data. The Town has to convert that data into its own software system that involves Mr. Rankins and Ms. Sanders. That process takes at least 20 to 30 hours. The software company fee to convert the data, plus the cost to maintain the software, plus postage, is \$3,800 to \$4,000. He stated that the Town contacted Burke County to see what its fee would be to bill and collect Town taxes for the Town. The County stated that it would charge between \$3,300 and \$3,500 to bill and collect taxes for the Town. The contract states that the Town will pay postage and a \$750 setup fee. Danny Isenhour, Tax Collector for Burke County, clarified that there would not be any

postage fees since the County is already sending out the bills and the setup fee would not be that much, if there was a fee billed at all. Mr. Drum also explained that staff time and labor to fold the bills and stuff in envelopes took all five staff members. The final cost for the Town to get the bills mailed is around \$5,800, not including the cost to collect. The County will charge \$3,300 to \$3,500 to bill and collect. Mr. Drum also pointed out that the County already has all the data and mistakes will not happen during the conversion process.

Four other municipalities within the County have contracted with the County to bill and collect their taxes and when questioned, all four were very pleased with the outcome.

Mr. Drum further explained that the bulk of the work after the bills are mailed begins in September, then slows down until December, which is another rush. The collection of the taxes does not take away from the duties of staff that much and staff still will have a lot of things to do. Ms. Sanders will still be responsible for collecting any delinquent taxes from 2017 and back. In addition, staff will also reconcile monthly checks and review reports for accuracy. He summarized that the reasons to consider this contract is to streamline the process, decrease errors during the conversion process, and reduce costs.

Council Member Messer made a motion to approve the contract with Burke County to bill and collect Town taxes beginning with FY 18-19. All voted in favor.

CONSIDER RESOLUTION
OF APPRECIATION TO
BURKE COUNTY
COMMISSIONERS AND
COUNTY MANAGER

A resolution of appreciation to the Burke County Commissioners and County Manager for the new library and senior center was presented for approval. The facility opened September 1, 2017. This was the first library built in the County in the past 60 years. Council Member York made a motion to approve the resolution. All voted in favor. A copy of resolution #09-25-17 is hereby incorporated by reference and made a part of these minutes (Attachment B).

SEPTEMBER FACILITIES
REPORT

Mr. Drum reported that the park was cleaned up and some spraying still needs to be done. It was discovered that the disc golf course has copperheads and warning signs were put up. He is looking to eradicate the copperheads and bees.

The band room does have air conditioning and for some reason it was cut off. There is some mold under the platform areas that will need to be treated. The room only has heat strips, not a heating unit. The temperature in the room will need to be stabilized. New pipes on the outside will cost about \$3,000, mold remediation in the band room will be around \$3,000, and vents under the platform area will be an additional cost. Those contracts will be forthcoming.

Mr. Drum also reported that after the Board approved the termination of the cell tower lease and removal of the tower, the same company contacted him and asked if the Board would let them have the same site for half price per month for the next 24-36 months. He told the company that he would put it before the Board, but he thought the Board had spoken at the last meeting. The company has not provided any written documentation to bring before the Board at this time.

AUGUST TAX REPORT

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

CONSIDER TAX RELEASE FOR ILLEGAL TAXES AND NC DEPARTMENT OF REVENUE VALUATION CORRECTION

Tax Collector Sanders reported that during the tax conversion, the Town's system charged late listing to real property for those bills that had both real and personal property on them. The late listing should have only been charged to the personal property. In reviewing the error, it was determined that the same issue happened in 2016. Mr. Rankins provided a list of those affected for both years for Council approval to release. Tax year 2016 totaled \$395.41 and tax year 2017 totaled \$398.99. Council Member Messer made a motion to approve the releases and refunds, if necessary, for tax years 2016 and 2017. All voted in favor. A copy of the list of tax payers and amounts to be released/refunded is hereby incorporated by reference and made a part of these minutes (Attachment D).

Ms. Sanders reported that she received a letter from the N.C. Department of Revenue (NCDOR), Local Government Division, dated August 23, 2017. The letter stated that the NCDOR performed an audit for MFX, LLC and its office has determined there were variances. The variances require the Town to bill \$113.24 for tax year 2015 and to release \$109.63 for tax year 2016. Council Member York made a motion to approve the release and

refund of \$109.64 for tax year 2016. All voted in favor. A copy of the NCDOR letter is hereby incorporated by reference and made a part of these minutes (Attachment E).

Ms. Sanders reported that she received a notification from the Burke County tax office that the valuation for Food Lion LLC 2651 had decreased from \$1,059,431 to \$1,008,046. This change results in a release of \$77.08. Council Member Banks made a motion to approve the release. All voted in favor. A copy of the notice from the County is hereby incorporated by reference and made a part of these minutes (Attachment F).

AUGUST DEPUTY REPORT The August deputy report was provided to Council to review.

COMMITTEE REPORTS & Transportation Advisory Committee (COG) – Mayor UPDATES Cook reported that the TAC and WPCOG were combined into one meeting. The TAC is looking at widening the road at the bridge at N. Center St. and is considering putting the traffic light back up on Hwy 70 at Tex’s Fish Camp Rd. In addition, the TAC is looking at putting turn lanes at Food Lion and the new Library and Senior Center.

WPCOG Policy Board – No report.

Burke Economic Development Representative – Mayor Cook reported that a new website is being set up that will work with the Burke Chamber of Commerce.

Recreation and Tourism Committee – Mr. Limbo had a community meeting regarding the pool. The Town has set aside \$2,000 to help once final estimates have been obtained. Mr. Limbo stated that he might have to replace the pumps. He stated that the roof at the building was recently patched, but a new roof will be needed between 3-5 years which is estimated to cost about \$20,000 to \$30,000. He stated that they would be looking for grant money for the pumps and roof. He hopes to start fundraising soon.

Water Resource Committee – No report.

VEDIC – Mayor Cook reported that two loans were approved that are going to the executive board this week for final approval.

CONSIDER ZONING TEXT
AMENDMENT 01-17
CONCERNING PLANNED
UNIT DEVELOPMENTS
(PUDS)

Mayor Cook reported that the Board needs to vote on ZTA 01-17 after hearing the amendments. Council Member York made a motion to approve Zoning Text Amendment 01-17 concerning Planned Unit Developments. All voted in favor. A copy of the amendments is hereby incorporated by reference and made a part of these minutes (Attachment G).

OTHER BUSINESS

Mayor Cook announced that the new Town Hall ribbon cutting was held on September 22, 2017 with the County Manager, County Commissioners, D.A. David Learner, Sheriff Steve Whisenant, and many others, in attendance.

ANNOUNCEMENTS

None at this time.

PUBLIC COMMENTS

None at this time.

ADJOURN

All business being concluded, Council Member Messer made a motion to adjourn at 8:20 p.m. All voted in favor.

I attest these are the approved minutes of the Board.

Alice Sanders, Town Clerk

Virginia Cook, Mayor