

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

**JUNE 25, 2018  
7:00 PM**

**REGULAR MEETING  
MINUTES**

|                          |  |
|--------------------------|--|
| CALL TO ORDER            | Mayor Hildebrand called the regular meeting of the Town Council to order at 7:10 p.m.  |
| INVOCATION               | A moment of silence was observed.  |
| PLEDGE OF ALLEGIANCE     | Council Member Smith led the pledge of allegiance to the United States flag.   |
| COUNCIL PRESENT          | The following members of the Board were present: Mayor Wendell Hildebrand and Council Members Cole Herrell, Ben Honeycutt, Theresa Messer and Mike Smith. Council Member Jody York was absent.   |
| STAFF PRESENT            | The following staff members were present: Attorney Redmond Dill, Town Manager Thomas Drum, Town Clerk Alice Sanders, and Finance Officer Fredrick Rankins.   |
| CITIZENS & MEDIA PRESENT | See attached sheet.  |
| APPROVAL OF AGENDA       | Council Member Herrell made a motion to approve the agenda. All voted in favor.  |
| APPROVAL OF MINUTES      | Council Member Herrell made a motion to amend the May 21, 2018 regular meeting minutes. He requested to add "rental inclusive" to page 2, paragraph 5, sentence 3. Clerk Sanders stated that she would correct a spacing issue on page 5. Council Member Honeycutt made a motion to approve the May 21, 2018 regular meeting minutes, as amended, and the May 21, 2018 closed session minutes, as presented. All voted in favor. |
| PUBLIC COMMENTS          | Tim Limbo spoke about the recent 30-year lease to purchase agreement between Hildebran-Icard Community Development Council and Passion Christian Fellowship regarding the pool, building and playground area.<br><br>Brian Martin spoke about the nuisance letter his mother, Betty Martin, received from the Town.  |
| PUBLIC HEARING           | Mayor Hildebrand opened the public hearing at 7:23 p.m. for the purpose of hearing comments from the public on the FY 2018/2019 budget.  |

Council Member Herrell stated that Karen Robinson was unable to attend the meeting but asked that he read a statement from her. Ms. Robinson asked that Council increase the amount allocated to VEDIC in the FY 18/19 budget from \$2,000 to \$3,000.

There being no other comments, Mayor Hildebrand closed the public hearing at 7:25 p.m.

FY 2018/2019 ZONING FEE SCHEDULE

The FY 2018/2019 Zoning Fee Schedule was presented for approval. There were no changes from the current fiscal year. Council Member Herrell made a motion to approve the FY 2018/2019 Zoning Fee Schedule, as presented. All voted in favor. A copy of the Schedule is hereby incorporated by reference and made a part of these minutes (Attachment A).

FY 2018/2019 FACILITY RENTAL FEES (HOURLY)

The FY 2018/2019 Facility Rental Fees (Hourly) was presented for approval. Council Member Smith stated that he felt that current military and military veterans should receive a discount for both facility rental fees and contracts. Council Member Herrell stated that in addition to the existing current active military discount, military veterans have been added to the facility rental fees (hourly) that is presented for approval for FY 18/19.

Council Member Smith stated that since Hildebran Heritage and Development Association (HHDA) runs the museum, does things to benefit the Town and is a non-profit organization, he would like to reduce HHDA's rent, as well as East Burke Christian Ministry's (EBCM) rent. He stated that he would like to reduce the rent rates to the rates they were being charged prior to the policy that was put in place charging nonprofits \$1.50 per square foot.

Council Member Herrell clarified that during the budget workshop, Council agreed to decrease the rate for HHDA and EBCM from \$1.50 to \$1.00 per square foot for FY 18/19. The next month, Council voted to abolish the policy charging \$1.00 per square foot for Town leases. At the same meeting, Council agreed to establish a lump sum annual rental fee for both; said lump sum fee would cost each organization exactly the same amount annually compared to the previous \$1.00 per square foot rate calculation. Mr. Drum confirmed that the rate Council agreed to charge both organizations for FY 18/19 would be a lump sum amount that equaled the same amount as if \$1.00 per square foot was charged. Council Member

Herrell stated that HHDA's rent would be a third less next fiscal year from what they are paying this fiscal year and that Council agreed to that rate in previous meetings.

Council Member Smith stated that the museum is the history of the Town and felt that the Town could afford to reduce the rental rates for HHDA and EBCM.

Council Member Herrell stated that he did not disagree about the museum, however, the museum is not staffed, is available by appointment only, and he has asked repeatedly for a log of visitors to the museum without response and wants to know how many people are using it. He stated that he was not opposed to having the museum, but he has not seen any figures to agree with Council Member Smith to reduce the rent to the previous rate in years past. He stated that it costs money to function and any other museum has to pay utilities, insurance and rental fees, and that is what HHDA is currently doing. He stated that he felt that the reduction of rent by a third in FY 18/19 is a step in the right direction.

Council Member Herrell also provided comments about renting out the gym. He stated that there are people who would like to rent the gym for a few hours, but feel \$40 an hour is too high. He would like for Council to consider offering the gym on Sundays for either reduced rent or open gym, with supervision. He stated that the gym operates at a loss regardless of rent so he would like to be able to offer the gym to citizens one day a week at a more affordable rate. Council Member Herrell stated that Tim Limbo had already offered his services to supervise an open gym.

After further discussion, Council was in agreement to have an open gym on Sundays for four hours, with Mr. Limbo supervising, at no cost to citizens.

Council Member Smith made a motion to reduce the rental rate for HHDA and EBCM to the rate they paid prior to the \$1.50 per square foot policy. Clerk Sanders stated that EBCM's rate would increase if this motion passed. Council Member Smith amended his motion to only reduce HHDA's annual rent of \$3,097 to \$1,800 and to leave EBCM's rate as \$1,513.00 per year. It was clarified that HHDA's rent, prior to the \$1.50 per square foot policy, was \$1,800 per year.

Lynn Mull addressed Council and stated that museum visitors are asked to sign a guest book. She stated that the Burke County museum has visited the Hildebran museum to get ideas to incorporate into the County museum. She also stated that Hildebran elementary classes have visited the museum and it is opened and manned during every cruise-in and festival. Council Member Herrell asked if any of these activities have happened since the fire to the old school building and Ms. Mull stated that they have.

Mr. Drum suggested that Council Member Smith wait until the annual leases of Town property were discussed later in the meeting to make his motion. Council Member Smith withdrew his motion.

Council Member Herrell made a motion to approve the Facility Rental Fees (Hourly) for FY 18/19, with the amendment to allow a four-hour open gym on Sundays at no cost to citizens, with Mr. Limbo supervising. The time will be determined based on Mr. Limbo's availability. All voted in favor. A copy of the Fees is hereby incorporated by reference and made a part of these minutes (Attachment B).

FY 2018/2019 BUDGET  
ORDINANCE

The FY 2018/2019 Budget Ordinance was presented for approval.

Council Member Herrell commented about Karen Robinson's request to increase the amount allocated to VEDIC in the FY 18/19 budget. He stated that he recommended to leave the amount at \$2,000 for FY 18/19 and to increase the rate in the FY 19/20 after he has heard from Calvin Reyes and his group about the study on economic development that will be performed.

Council Member Herrell asked Mr. Drum what pay increase was decided for employees. Mr. Drum stated that the budget includes a merit increase for two full-time employees (Clerk and Finance Officer) up to 3%, however, the performance reviews have not been performed yet. The increase for the Town Manager position was removed. The total increase in the presented budget, after these changes, was \$1,276.00. The performance reviews will be completed so as to be effective in the first actual paycheck for FY 18/19.

Council Member Smith asked if the Town's funds have been moved from First Citizens bank to BB&T. Mr. Drum

stated that he and Mr. Rankins have had a meeting with BB&T and they asked for an analysis of all of the Town's accounts with First Citizens so as to make a recommendation and once the Town gets back BB&T's recommendation, he will work swiftly to get all funds switched over.

Mr. Drum stated that if Council decides to change the amount of rents for the yearly leases, that will decrease the revenues in the presented budget ordinance, however, he stated that he felt the other revenues would most likely cover the difference.

Council Member Herrell made a motion to adopt the FY 2018/2019 Budget Ordinance, as presented. All voted in favor. A copy of the Ordinance is hereby incorporated by reference and made a part of these minutes (Attachment C).

**OLD BUSINESS:  
CONSIDER APPROVAL OF  
ANNUAL SERVICE  
CONTRACTS**

The four (4) annual service contracts for snow removal, street right-of-way maintenance, park maintenance and weekend cleaning of the park were presented for approval. Each contract is valid for two (2) years, beginning July 1, 2018 and ending June 30, 2020, and the pricing remains the same as the current fiscal year. Council Member Herrell made a motion to approve the service contracts with Jensen Lawn & Landscaping for snow removal, and The Grounds Keeper LLC for street right-of-way maintenance, park maintenance and weekend cleaning at the park, all as presented. All voted in favor. A copy of the first two (2) pages of each contract are hereby incorporated by reference and made a part of these minutes (Attachment D, E, F, G).

**CONSIDER APPROVAL OF  
RESOLUTIONS FOR  
ANNUAL LEASES OF  
TOWN PROPERTY**

Clerk Sanders stated that the lease with Hildebran-Icard Community Development Council (HICDC) had been revised to include the concession stand, along with the girls locker room and office, in the gymnasium. The price will continue to be \$5.00 a month. The organization will continue to rent the actual gym floor for \$50.00 a day for the days HICDC requests in writing.

Mr. Drum stated that there had been some confusion in the past with Mr. Limbo concerning the hours for "\$50.00 a day." Mr. Drum stated that moving forward, "\$50.00 a day" will be a 24-hour period, beginning at 12:00 a.m.

Council Member Smith made a motion to approve the resolution for lease of Town property for one year or less with HHDA for the rooms in the basement of the auditorium (rooms 102, 104, 105, 106, 107 and 108) with a revision that rent will be reduced to \$1,800.00 per year (Resolution #06-25-18B). Council Members Honeycutt and Smith voted in favor. Council Members Herrell and Messer were opposed. There being a tie, Mayor Hildebrand voted in favor of the motion. The motion carried by a vote of 3 to 2. A copy of the resolution (#06-25-18B) is hereby incorporated by reference and made a part of these minutes (Attachment H).

Council Member Herrell made a motion to approve the resolutions for lease of Town property for one year or less, as presented, with the following organizations:

- Don Barber-the old Town Hall Administrative Offices along with other vacant rooms located in the same building at 202 S. Center St. as well as the showers in the gymnasium. (Resolution #06-25-18)
- East Burke Christian Ministries-house located at 103 Third Ave., S.E. (Resolution #06-25-18A)
- Hildebran-Icard Community Development Council-concession stand, office and girls locker room in the gymnasium. (Resolution #06-25-18C)
- Hildebran-Icard Little League-building located at 207 First Street, S.W. (Resolution #06-25-18D)

All voted in favor. A copy of these resolutions are hereby incorporated by reference and made a part of these minutes (Attachments I, J, K, L).

**CONSIDER APPROVAL OF  
CONTRACT WITH WPCOG  
FOR TECHNICAL  
PLANNING ASSISTANCE**

Council Member Smith asked Mr. Drum if he would check with Burke County to see what the cost would be for planning services provided by the County. He stated that the Town of Connelly Springs and the Town of Rutherford College both have planning services provided by the County.

Council Member Herrell made a motion to approve the contract with Western Piedmont Council of Governments (WPCOG) for Technical Planning Assistance in the amount of \$22,453.00, as presented. All voted in favor.

**CONSIDER APPROVAL OF  
CONTRACT WITH WPCOG  
FOR CODE ENFORCEMENT**

Mr. Drum stated that the contract with the WPCOG for code enforcement is a new contract. If approved, the Planner would only deal with planning issues and all code enforcement would be handled with the new person provided by the WPCOG. The person will most likely

begin work in January 2019 due to training, etc. Mr. Drum clarified that this position would more than likely average at least 8 hours a week with the Town when actual enforcement activities started.

Council Member Smith asked Mr. Drum to contact Burke County to see what the cost would be for code enforcement provided by the County.

Mr. Drum stated that part of the first year charges to the Town would include paying for setup, including a vehicle, computer, etc.

Council Member Herrell made a motion to approve the two-year contract with the WPCOG for Code Enforcement services in the amount of \$37,960.00, as presented. All voted in favor.

**CONSIDER YEARLY  
AUDITORIUM AND  
COMMUNITY ROOM  
LEASE TERMS WITH CAST**

Mayor Hildebrand read a letter from CAST informing the Town that it is withdrawing its proposal to lease Town facilities due to a recent purchase of its existing building. Staff was directed to send a letter to CAST so as to let them know that the Town facilities are still available to them (either short- or long-term) in the future.

**NEW BUSINESS:  
CONSIDER APPROVAL OF  
ORDINANCE APPEALING  
ALL TOWN SEWER  
REGULATIONS,  
INCLUDING THE SEWER  
USE ORDINANCE**

Due to the sale of the sewer system to the City of Hickory, an Ordinance repealing all existing sewer regulations of the Town and establishing the City of Hickory, N.C.'s "Sewer Use Ordinance" and other regulated ordinances as the controlling regulations is presented for approval. Council Member Herrell made a motion to approve the Ordinance, as presented. All voted in favor. A copy of the Ordinance # 06-25-18A is hereby incorporated by reference and made a part of these minutes (Attachment M).

**CONSIDER APPROVAL OF  
BUDGET AMENDMENT #02  
TRANSFERRING SEWER  
FUND ASSETS TO  
GENERAL FUND**

Per Eric Bowman, Auditor, a budget amendment is presented so as to transfer all remaining monies of the Sewer Fund to the General Fund. Mr. Drum stated that the final amount should be lower than the amount of the amendment, \$1,700,000. Council Member Honeycutt made a motion to approve budget amendment #02, as presented. All voted in favor. A copy of the amendment is hereby incorporated by reference and made a part of these minutes (Attachment N).

REPORT FROM TOWN  
MANAGER REGARDING  
INTERDEPARTMENTAL  
BUDGET TRANSFER #01  
GENERAL FUND

Mr. Drum reported that due to unexpected additional expenses related to building maintenance since April 23, 2018, funds have been transferred as noted for the expense of excavating the property where the old school building burned so as to improve drainage and eliminate standing water. Said transfer does not exceed ten percent (10%) of the appropriated monies for Public Works (\$25,876). No action is needed from Council (Attachment O).

CONSIDER APPROVAL OF  
TEMPORARY ROAD  
CLOSURE FOR NON-  
NCDOT ROAD DURING  
BALL SEASON

Bert Smith from Hildebran-Icard Little League has submitted an application to temporary close a Town owned section of 1<sup>st</sup> Street, S.W. during softball practice/games from September and October 2018 and April, May and June 2019 from 5:30 p.m. to 9:00 p.m. on weekdays and 8:30 a.m. to 3:00 p.m. on weekends. Council Member Herrell made a motion to approve the temporary non-NCDOT road closure of 1<sup>st</sup> Street, S.W., as requested. All voted in favor.

CONSIDER APPROVAL OF  
RESOLUTION  
AUTHORIZING THE TOWN  
TO ENGAGE IN  
ELECTRONIC PAYMENTS

Mr. Drum explained that the Legislature modified G.S. 159-28 (d2) and 115C-441 (d2) to allow the Local Government Commission to adopt rules to address the execution of the pre-audit and disbursement process related to electronic transactions for local governments. Unit of governments can now be exempt from the pre-audit certificate and disbursement certificate requirements on electronic transactions if they follow the requirement as detailed in the new administrative code. One requirement is to adopt a resolution authorizing the unit to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441 and to develop policies for electronic payments. The required resolution is presented delegating the authority to the Finance Officer to develop policies and procedures for electronic obligations and payments. Council Member Herrell made a motion to adopt resolution #06-25-18E, as presented. All voted in favor. A copy of the resolution is hereby incorporated by reference and made a part of these minutes (Attachment P).

CONSIDER PARTIAL  
REFUND REQUEST FOR  
DEPOT RENTAL

Mr. Drum explained that one of the a/c units in the depot had a broken part that staff was unable to get fixed prior to a rental on Saturday, June 9, 2018. The renter has asked for a partial refund of \$50.00. Council Member Herrell made a motion to approve the \$50.00 refund to Billy Hyatt. All voted in favor.

CONSIDER AMENDMENT  
TO TAX COLLECTIONS  
CONTRACT WITH BURKE  
COUNTY DATED  
OCTOBER 17, 2017

An amendment to the contract with Burke County to bill and collect taxes for the Town beginning with the 2018 tax year is presented for approval. The amendment is to clarify that the Town will collect all delinquent taxes up to, and including, the 2017 tax year. Burke County will be responsible for all current and delinquent taxes beginning with tax year 2018. Council Member Honeycutt made a motion to approve the amendment to the contract with Burke County, as presented. All voted in favor. A copy of the amendment is hereby incorporated by reference and made a part of these minutes (Attachment Q).

APPOINT DANNY  
ISENHOUR AS TOWN TAX  
COLLECTOR FOR FY 18/19  
AND ALL FUTURE YEARS

Burke County will begin billing and collecting taxes for the Town beginning July 1, 2018. In accordance to G.S. 105-349, municipalities shall appoint a tax collector, even if the County collects its taxes. Council Member Herrell made a motion to appoint Danny Isenhour, Burke County Tax Collector, as the Town's Tax Collector, beginning on July 1, 2018 for the FY 18/19 and all future years. All voted in favor. Mr. Isenhour will be given the oath of office at a later date.

APPOINT ALICE SANDERS  
AS TOWN TAX  
COLLECTOR FOR FY 17/18  
AND ALL PRIOR YEARS

The Town will continue to collect delinquent taxes up to, and including, the 2017 tax year. Council Member Herrell made a motion to appoint Alice Sanders as the Town Tax Collector for all years up to, and including, the 2017 tax year, beginning July 1, 2018. All voted in favor. Ms. Sanders will be given the oath of office this week.

MAY TAX REPORT

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

MAY DEPUTY REPORT

The May deputy report was provided to Council to review.

COMMITTEE REPORTS

Transportation Advisory Committee (COG) – No report.

WPCOG Policy Board – Council Member Honeycutt reported that the Board approved its budget. The WPCOG offers drone services to Towns. The WPCOG received \$150,000 in grant funding for urgent repairs for 27 area homes.

Burke Economic Development Representative – Council Member Herrell reported that the Board approved its budget and reviewed its bylaws.

Recreation and Tourism Committee – No report.

Water Resource Committee – No report.

VEDIC – New board members were introduced. Officers are: Chair-Eddie McGimsey, Vice Chair-Forest Fleming, Treasurer, Johnny Berry and Secretary, Elizabeth Furr. The profit and loss statements, balance sheet and administrative budget were approved. One new loan was approved. The Board voted to make future loans to businesses public and asked that past loan recipients allow VEDIC to use their names, but not loan amounts. Board discussed adding vacant building information to its website.

Library Board – No report.

#### OTHER BUSINESS

Council Member Honeycutt asked about the tree that fell on the gate at the park. Mr. Drum reported that the tree has been removed and the gate is now working.

Mr. Drum stated that West Consultants is ready to solicit bids for the street paving project. West Consultants has informed Mr. Drum that if Council wants the work done this calendar year, there might be only one contractor to bid. More contractors will be available for work if the project is completed in the spring of 2019. Council was in agreement to wait until spring 2019 to begin work in order to get competitive pricing.

Mr. Drum announced that the Town received \$15,500 for the sale of the truck.

Mr. Drum announced that all paperwork related to the easement at the turnaround at Fifth St. Pl., S.W. has been filed and the owner has been paid.

Mr. Drum announced that two new stop signs have been put up in Town. He is working with the state to see if they will provide the installation of six (6) new community park signs on NCDOT roads. He also stated that the residents at Miller Creek might ask the Town to take over the roads in the development. Mr. Drum will be bringing this topic to the Board at the July meeting.

Deputy Tower stated that there was a need for social services on the Eastern part of the County. Mr. Drum will reach out to them regarding opening a satellite office in Hildebran.

Council Member Herrell asked if the home owners in Shepherd's Court that are not currently in Town limits could contact Town Hall for help filing voluntary annexation paperwork. Mr. Drum stated that the owners could contact him.

ANNOUNCEMENTS

None.

ADJOURN

All business being concluded, Council Member Herrell made a motion to adjourn at 8:40 p.m. All voted in favor.

I attest these are the approved minutes of the Board.

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Alice Sanders, Town Clerk

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Wendell Hildebrand, Mayor