

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

**NOVEMBER 22, 2021
7:15 PM**

**REMOTE REGULAR
MEETING MINUTES**

CALL TO ORDER

Mayor Hildebrand called the remote regular meeting of the Town Council to order at 7:15 p.m. The meeting was advertised as a remote regular meeting, however, there was no participation by simultaneous communication by Council Members, staff or guest speakers. The meeting was still streamed live via the Town's YouTube channel for the public, as advertised. All votes were taken by motion and a show of hands.

INVOCATION

A moment of silence was observed.

PLEDGE OF ALLEGIANCE

Council Member Weaver 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 Derek Cline, Cole Herrell, Ben Honeycutt, Mike Smith and Terry Weaver.

STAFF PRESENT

The following staff members were present: Attorney Redmond Dill, Town Manager Logan Shook, Town Clerk Alice Sanders, and Finance Officer Fredrick Rankins.

CITIZENS & MEDIA

See attached sheet.

APPROVAL OF AGENDA

Town Manager Shook requested to amend the agenda to add under Old Business "Consider Revision to the Serving of Alcoholic Beverages at Town Rental Facilities Policy and an Ordinance to Amend the Ordinance Establishing the Schedule of Fees for 2021-2022" and to add under New Business "Consider Room Location for December 20, 2021 Regular Meeting." Council Member Herrell requested to amend the agenda to add to New Business "Discussion Regarding Capital Expenditure Funds Awarded to Town" and "Discussion Regarding Hiring an Events Planner." Council had no objections to the amendments. Council Member Herrell made a motion to adopt the agenda as amended. All voted in favor.

APPROVAL OF MINUTES

Council Member Smith made a motion to approve the October 25, 2021 remote regular meeting minutes and the October 25, 2021 remote closed session minutes as presented. All voted in favor.

PUBLIC COMMENTS

Stephanie Higdon spoke about Council Member's comments to the Mayor at prior meetings, volunteer efforts of HHDA members and her remarks on her Facebook page.

OLD BUSINESS:
CONTINUE DISCUSSIONS
ABOUT HHDA

Council Member Herrell stated that he has addressed the conflict of interest between a non-profit organization, certain members of the Council and the Mayor. He stated that the point that he wanted to address was that after last month's meeting, he received a letter from Johnny Childers, Vice President, HHDA, stating that HHDA had not requested that the Town suspend its monthly rent. He stated after reviewing the live stream from the meeting, he verified that in fact, HHDA did not request that the Town suspend its monthly rent. He stated that no other non-profit that is leasing property from the Town has requested their rent to be suspended and asked why Council has agreed to suspend rent for HHDA. He requested that Council reinstate HHDA rent beginning December 1, 2021.

Council Member Herrell also addressed the piece of property that was donated to HHDA that he discussed at the October regular meeting. He stated that HHDA was gifted the property valued at \$15,000 and has the property on the market for \$25,000, according to the real estate agent. He stated that Mr. Childers had informed him that the piece of property was going to be sold as a fundraiser for HHDA. He reiterated that this Council and previous Councils have shown favoritism to one non-profit. He asked for comments from other Council Members.

Council Member Smith stated that he felt that Council should leave the rent alone because HHDA does events for the Town. He stated that he felt hiring an event planner would cost more than what HHDA charges and HHDA tries to help the Town. He stated that Council has already talked about HHDA rent in previous meetings and he is tired of discussing it and wants to move forward. He stated that Council just voted on suspending rent. Council Member Herrell stated that Council voted based on false pretenses that HHDA was losing money due to not being able to hold Cruise Ins at the municipal complex parking lot. He reiterated that HHDA did not request a suspension of rent.

Council Member Honeycutt asked Johnny Childers if he had any comments. Mr. Childers stated that Council Member Herrell's comments about HHDA not requesting a

rent suspension is true, however, Council voted 4 to 1 in favor of suspending HHDA rent. He also commented that the land was donated to HHDA and that HHDA is trying to sell the property. He stated that the realtor suggested that HHDA have a starting point of \$25,000 to sell the property, not HHDA.

Council Member Herrell also discussed various emails distributed among members of the public and Council, inappropriate social media posts and conflicts of interest in town government. Council Member Herrell made a motion to reinstate HHDA's rent effective December 1, 2021.

Mayor Hildebrand distributed a handout from the UNC School of Government concerning conflict of interest. He stated that a conflict of interest occurs if the member voting has some type of financial interest and votes. He stated that he has no direct financial interest and does not vote so there is no conflict of interest for him concerning HHDA. He stated that each Council Member is on a committee and he asked if each Council Member were to advocate for the committee that he represents, would that be a conflict of interest.

Council Member Herrell pointed out that Mayor Hildebrand is not on an HHDA committee but advocates for them. He stated that in the past whenever a choice has occurred between HHDA and the best interest of the 1,800 plus citizens of the Town, Mayor Hildebrand has chosen HHDA 100% of the time. He stated that he felt that Mayor Hildebrand's favoritism to HHDA is skewing his ability to be the leader of the Town. Mayor Hildebrand stated that he did not have a vote but he would advocate for what he felt was right for the citizens of the Town.

Council Member Herrell also discussed advocating for other non-profits in Town and suggested relieving rent for them as well to be fair.

Council Member Herrell reiterated his motion to rescind the previous action taken by Council to suspend HHDA rent through December 31, 2021 and to reinstate HHDA rent beginning December 1, 2021. All voted in favor.

Council Member Herrell made a motion to suspend rent for East Burke Christian Ministries and Walkin' Roll Activities League for the months of December 2021 –

April 2022 and to reimburse East Burke Youth Athletic Organization five month's rent. All voted in favor.

Mayor Hildebrand addressed the email from Mackie Johnson that contained a screenshot with Mayor Hildebrand's name attached. He stated that he did not send anything to Mackie Johnson and asked how Council Member Herrell obtained the document. Council Member Herrell stated that the email and attachment came from Mackie Johnson and was emailed to all of Council and Town Manager Shook. After further discussion, Mayor Hildebrand asked Town Manager Shook to contact Mr. Johnson to ask how he attached the document to the email.

CONSIDER REVISION TO
THE SERVING OF
ALCOHOLIC BEVERAGES
AT TOWN RENTAL
FACILITIES POLICY AND
AN ORDINANCE TO
AMEND THE ORDINANCE
ESTABLISHING THE
SCHEDULE OF FEES FOR
2021-2022

Town Manager Shook stated that due to continued rental parties in the community center being left uncleaned and damaged, he is suggesting a revision to the alcohol policy. He is requesting to only allow alcohol for registered businesses, non-profits or a government entity and suggested charging an additional \$250.00 fee to be paid to the Town. Council Member Honeycutt made a motion to amend the Town of Hildebran Serving of Alcoholic Beverages at Town Hall Facilities Policy to only allow alcohol to be served to registered businesses, non-profits and government entities. Council asked if the problem with the community center not being cleaned properly was from parties where alcohol was served and staff stated that all of the cases where severe damage and trash occurred were from parties that served alcohol. Council felt it would be better to not allow alcohol at any facilities moving forward. Mayor Hildebrand called for a vote. Council Members Cline, Honeycutt, Smith and Weaver voted in favor. Council Member Herrell was opposed. The motion carried. Council Member Herrell stated that the original motion was to allow for the serving of alcohol and that he felt a new motion was warranted after it was the consensus of Council to not allow alcohol at all.

Council Member Honeycutt made a motion to rescind the Town of Hildebran Serving of Alcoholic Beverages at Town Hall Facilities Policy to prohibit the serving of all alcohol in Town facilities effective immediately. All voted in favor. A copy of the rescindment is hereby incorporated by reference and made a part of these minutes (Attachment A).

Council Member Honeycutt made a motion to adopt an Ordinance to Amend the Ordinance Establishing the

Schedule of Fees for 2021-2022 to remove the alcohol fees from the Facility Rental Fees for FY 2021-2022 from the Recreation Fees section and to prohibit the serving of alcohol in Town facilities effective immediately. All voted in favor. A copy of the ordinance is hereby incorporated by reference and made a part of these minutes (Attachment B).

**NEW BUSINESS:
CONSIDER APPROVAL OF
CONTRACT WITH WPCOG
TO PROVIDE
ADMINISTRATIVE
ASSISTANCE FOR
PROJECT HUSKY II AND
BUDGET AMENDMENT**

Town Manager Shook stated that Council had previously approved the \$500,000 Building Reuse Grant for Project Husky II (Synergy Labs). A contract was presented for the WPCOG to oversee the two-year grant process. Town Manager Shook also stated that a budget amendment was presented in the amount of \$12,500 for the contract expense. He explained that the Town had budgeted \$12,500 for the Town's portion of the 5% match. Burke County will be providing the remaining \$12,500. The Town will be fronting the entire \$25,000 and then billing Burke County for their portion at a later date. He stated that the budget amendment is to cover Burke County's portion prior to billing. Council Member Herrell made a motion to approve the contract with the Western Piedmont Council of Governments for the Provision of Administrative Assistance for Project Husky II (Synergy Labs) Building Reuse Grant from August 19, 2021 – August 19, 2023 not to exceed \$25,000 as well as a Budget Amendment allowing for Project Husky II (Synergy Labs) Building Reuse Grant Funds to be received from Burke County and passed along to the Grant recipient in the amount of \$12,500. All voted in favor. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment C).

**CONSIDER APPROVAL OF
RECORDS RETENTION
REVISIONS**

Clerk Sanders stated that the NC Department of Natural and Cultural Resources, Division of Archives and Records, has revised the local government records retention schedules and is requiring all local government boards to adopt the new schedules. Clerk Sanders stated that the new schedules were too large to print and had emailed the links to the schedules to the Board members in a previous email to review. The signature pages were presented for approval. Council Member Herrell made a motion to approve the Records Retention and Disposition Schedule, General Records Schedule: Local Government Agencies dated October 1, 2021 and the Records Retention and Disposition Schedule, Program Records Schedule: Local Government Agencies, dated October 1, 2021 as presented. All voted in favor. A copy of the signature pages are

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

DISCUSSION AND REVIEW
OF COMPREHENSIVE
PLAN STEERING
COMMITTEE APPLICANTS

Town Manager Shook reviewed that Council had approved a Comprehensive Master Plan in October 2021. One of the requirements of the Plan is to form a steering committee. He stated that staff, after a review of other steering committees, advises using two members of the Town Council, two members of the Planning Board and three qualified members among Hildebran residents to comprise the steering committee. He advised Council to choose the two Council members and then staff will work on getting applications from the Planning Board and residents. After a brief discussion, Council Member Weaver made a motion to appoint Council Members Cline and Smith to the Comprehensive Master Plan Steering Committee to serve as the two Council Members. All voted in favor.

DISCUSSION OF GATOR
UPDATE AND PARKS AND
REC MAINTENANCE
WORKER TRAVEL
ALLOWANCE/BUDGET
AMENDMENT

Town Manager Shook stated that the Town could use a gator for the upkeep and maintenance of the park and Town facilities. He stated that the TS 4X2 model was not considered street legal under a new law passed by the General Assembly but does meet “mini-truck” specs in current state law. The final cost for a gator would be \$6,426 if using the state contract and could be paid for by the \$150,000 capital funds that the Town will be receiving from the state. Council Member Honeycutt made a motion to approve the purchase of a TS 4X2 Gator via the state contract. All voted in favor.

Town Manager Shook stated that Council had discussed providing the Parks and Rec Maintenance Worker a weekly travel allowance of \$20 a week since he is using his personal truck to drive back and forth between Town facilities, running errands, etc. He stated that if Council wanted to provide the travel allowance, a budget amendment would need to be approved. Council Member Herrell made a motion to approve a budget amendment in the amount of \$1,048 to provide a travel allowance of \$20 a week to the Parks and Rec Maintenance Worker. All voted in favor. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment E).

NOVEMBER FACILITIES
REPORT

The November Facilities Report was provided for review. Town Manager Shook gave an update about the sorting of the tower bricks.

OCTOBER DELINQUENT
TAX REPORT

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

OCTOBER DEPUTY
REPORT

The October report was provided for review.

COMMITTEE REPORTS

Transportation Advisory Committee (TAC) and
Technical Coordinating Committee (TCC) – No report.

WPCOG Policy Board – No report.

Burke Economic Development – No report.

Recreation and Tourism Committee – No report.

Water Resource Committee – No report.

VEDIC – No report.

Library Board – No report.

CONSIDER ROOM
LOCATION FOR
DECEMBER 20, 2021
REGULAR MEETING

Clerk Sanders asked the Mayor and Council if they would like to move the meeting to the Community Center for the December meeting in case they knew of a large crowd that would be attending due to the swearing in process of the Mayor and three Council members. She informed them that if anyone would need to attend remotely, a statute requirement is to provide simultaneous communication and the meeting would have to be held in the Council's Chamber so that the meeting could be streamed live via the Town's YouTube channel. It was the consensus of Council to hold the December 20, 2021 meeting in the Council's Chamber.

DISCUSSION REGARDING
CAPITAL EXPENDITURE
FUNDS AWARDED TO
TOWN

Council Member Herrell stated that he would like to see the \$150,000 capital expenditure funds that was recently awarded to the Town to be earmarked for use to replace the seats in the auditorium. He also asked what other work needed to be done in order for the auditorium to be rented. Council Member Honeycutt suggested that the dressing rooms needed work, a restroom needed to be added behind the stage and more organization and room dividers were needed behind the stage in order for traveling shows to want to rent the auditorium. After further discussion, Council Member Herrell made a motion to earmark the \$150,000 capital expenditure funds to be used to purchase

the aforementioned gator, auditorium seats and other needed work in the auditorium. All voted in favor.

DISCUSSION REGARDING
HIRING AN EVENTS
PLANNER

Council Member Weaver stated that he felt the Town needs to look at getting an events planner, especially since the new park is coming and if the auditorium will be renovated for more rentals. There was a concern about hiring an events planner before these facilities were open. Town Manager Shook stated that the parade, yard sales, craft show and farmers market are all events that are current and the person could take over immediately. Clerk Sanders stated that this person could come up with even more events that would not have to wait for the auditorium or the park to open. Council suggested staff begin working on finding a candidate.

OTHER BUSINESS

Attorney Dill stated that the County is expanding the water and sewer systems.

Town Manager Shook provided an update about the PARTF process. PARTF applications for 2021 that were not awarded in September are still being considered based on the recent \$91 million awarded to PARTF in the most recent state budget.

Town Manager Shook stated that the Town may be able to use ARPA funds to pay the Town's portion of the Main Ave E sidewalk project grant and may be able to use ARPA funds to pay the Town's portion of the PARTF park project grant, if awarded. The Town will know all of the approved uses once the ARPA final ruling is released.

Town Manager Shook informed the newly elected officials that they would need to complete the Essentials of Municipal Government class and provided the dates.

ANNOUNCEMENTS

None.

ADJOURN

All business being concluded, Council Member Honeycutt made a motion at 8:46 p.m. to adjourn. All voted in favor.

I attest these are the approved minutes of the Board.

Alice Sanders, Town Clerk

Wendell Hildebrand, Mayor