

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

**SEPTEMBER 26, 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 7:02 p.m. Eric Bowman led a prayer.

**PLEDGE OF
ALLEGIANCE**

Attorney 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, 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, Finance Officer Fredrick Rankins, and Administrative Support Specialist Rebecah Bova.

**CITIZENS & MEDIA
PRESENT**

See attached sheet.

**ADOPTION OF
AGENDA**

Council Member Messer made a motion to approve the agenda. All voted in favor.

**APPROVAL OF
MINUTES**

Council Member Banks made a motion to approve the August 29, 2016 regular meeting minutes. All voted in favor.

PUBLIC HEARING

Mayor Cook opened the public hearing for a voluntary non-contiguous satellite annexation request at 7:05 p.m. Gerald Baker, Jr., submitted a petition to the Town for the property located at 7841 Old NC 10, Hickory, NC 28602, pin # 2762850429.

Gerald Baker, Jr. stated that he is a property owner inside Town limits. He stated that the Jack B Quick in Icard is the property that he would like to annex. He obtained the necessary survey and he worked with Town Planner Schotte to complete the application. The property is currently, and will continue to be, serviced by Burke County water and sewer. He stated that based on the information that Lieutenant Reynolds, with the Burke County Sheriff's Office, provided to him, 40% of the calls in town were handled by Deputy Towery. He also read to the Board the number of calls to the property at Jack B Quick based on the information from Lieutenant Reynolds: 13 calls in April, 27 calls in May and 29 calls in June 2016. He stated that most of the calls were for officers to meet at the location for

domestic cases and raids, or were for trouble motorists. The workers at the property have not made a call to the Burke County Sheriff's Office in the past three weeks. He stated that the gathering of the high school kids after school does cause problems.

Mr. Baker stated that, if the property is annexed, the Town would receive around \$1,675 annually, plus sales tax, from Jack B Quick and McDonalds. He stated that the sales for Jack B Quick was \$1.5 million and McDonalds was \$2.7 million. The Town would also receive alcohol tax revenues. His projections on alcohol sales, based on his sales from the Valdese store, is \$450,000 a year. He stated that he thought it would be a win-win situation for his business and the Town. He also stated that he would work with the Town with any issues or questions that may arise.

Richard Bell stated that he did not care about the annexation one way or the other. He stated that if towns do not grow, they will die. If the Town does not take the property, someone else will.

Mayor Cook read a letter that was emailed to the Town on September 22, 2016 from David Bumgarner, Vice President Bumgarner Oil Co. Inc. Cubbard Express. Mr. Bumgarner stated that he wanted to express his opposition to the annexation of Jack B Quick in the Town limits of Hildebran. He stated that he felt it would hurt the other businesses in the Town. He had another store in an adjoining county in the same situation that had been turned down for annexation because they ran the numbers and determined that it was not financially wise because the extra expenses incurred will not be covered by the amount of revenue the annexation would generate. He feels the Town would find the same situation. He stated that more revenue would not be gained. Instead, the current revenue would just be split from all of the stores that are currently producing the Town's income. He stated that he has spent extra money and invested in the community and he does not feel anything would be gained by this action.

Deputy Towery addressed the service calls to the Burke County Sheriff's Office at the location. He stated that a lot of calls do originate from this area since it is a central hub of the eastern part of the county due to the interstate and the intersections of the roads. He had concerns about the high foot traffic, especially when he is not working or is working out of Town.

There being no other comments, Mayor Cook closed the public hearing at 7:18 p.m.

OLD BUSINESS:
CONSIDER
VOLUNTARY NON-
CONTIGUOUS
SATELLITE
ANNEXATION REQUEST

Council Member York asked what the extra expense to the Town would be that Mr. Bumgarner addressed in his letter. Administrator Drum stated that in most annexations, if the Town would be extending sewer and water lines, that would be an expense, however, that is not the case in this project. Also, service from a fire department or police department would generate expenses.

Council Member York made a motion to approve the request for a voluntary non-contiguous satellite annexation for the property located at 7841 Old NC 10, Hickory, NC 28602, pin # 2762850429, effective September 26, 2016. Council Member York voted in favor. Council Members Banks, B. Lowman, L. Lowman and Messer were opposed. The motion did not pass.

CONSIDER FY 15-16
AUDIT REPORT

S. Eric Bowman, P.A., reviewed his audit report for FY 15-16. He reviewed the following numbers, as of June 30, 2016, with the Board:

- Net Change in Fund Balance was \$105,377. This amount was added to the General Fund for the year.
- Total Fund Balance was \$1,972,690 and the Unassigned Fund Balance was \$1,227,268. The Town has a reserve of 13 months. He suggests that a small town have at least three to six months.
- Utility Funds struggled recently, with \$10,703 positive cash flow, which was down from last year's amount of \$33,022.
- The Tax Collection Rate was 99.82%, excluding motor vehicle taxes, which might be one of the best collection rates in the State.
- As of June 30, 2016, the Town does not have any long-term debt.
- Cash and Cash Equivalents, Unrestricted Cash for the Town was \$2,391,625. \$1,526,128 for the General Fund and \$865,497 for Utility Fund.

Mr. Bowman stated the Town is in excellent financial shape and complimented Mr. Rankins.

Council Member B. Lowman made a motion to approve the FY 15-16 audit report. All voted in favor.

CONSIDER STREET
PRIORITY LIST FROM
WEST CONSULTANTS

Todd Poteet, PE, from West Consultants reviewed the street priority list and provided a general estimate for repairs for removal of trees, spraying grass encroachment, ditch work,

putting a turnaround for some areas, and sealing cracks. Timing to pave would be better in the spring in order to get better pricing from contractors. Mayor Cook stated that the trash pickup trucks have done damage to 2nd Avenue, SW where the trucks turn around. Mr. Poteet informed the Board that the State does not allow paving after December 15th.

Council Member B. Lowman stated that she would like to have tree trimming done before winter. Mr. Drum stated that Powell Bill funds might not be used to cover all of the tree trimming. There is about \$168,000 in Powell Bill funds. Council Member Messer stated that she would like to have the tree trimming done and seal some of the cracks.

After further discussion of repairs and preventative maintenance, Council Member B. Lowman made a motion to seal cracks, trim trees and spray grass, in that order, as long as Powell Bill funds are available. All voted in favor.

Mr. Poteet stated that they would produce a map of the trees on the list, to be paid for by the Town. They will put it out to bid with two line items: crack sealing and mobilization.

Mr. Drum advised the Board that the engineering services that are needed to put this work out to bid would not be covered in the initial contract with West Consultants and a new contract will need to be approved. Council Member B. Lowman made a motion to approve a contract with West Consultants to provide engineering services, through the bidding process, not to exceed \$4,000. All voted in favor.

CHRISTMAS PARADE REPORT

Ms. Bova provided an update on the activities that have been completed and items remaining to be completed for the December 3rd Christmas parade. She noted that the high school bands will be out of town that day. She contacted Lenoir-Rhyne University and they were unable to participate due to the late notice. Ms. Bova also announced that she had tendered her resignation and her last day with the Town is September 29, 2016.

CONSIDER AWARDING BID FOR SNOW REMOVAL FOR TOWN STREETS AND PARKING LOTS

Mr. Drum reminded the Board that there was only one qualified bidder from the previous bidding process for snow removal services for Town streets and parking lots. Due to the high price, he had contacted the bidder to try to negotiate pricing, unsuccessfully. As a result, Mr. Drum rebid the project and sent the request for proposal to the three most interested contractors from the past process. He made a few changes to the specifications on the bid to include changing to an hourly

cost, with the same criteria, including instructions that the contractor make the attempt to create two lanes for traffic, and, to start and stop when the Town contacts them. Only one contractor submitted a bid, Jensen Lawn & Landscaping, at \$140 an hour. Mr. Drum stated that he felt that price was reasonable. All the insurance information was complete and he recommended the Board approve the contract.

Council Member York made a motion to approve a contract with Jensen Lawn and Landscaping for snow removal for Town streets and parking lots until June 30, 2017. All voted in favor.

**NEW BUSINESS:
CONSIDER APPROVAL
OF BUDGET
AMENDMENTS
RELATING TO CAPITAL
PROJECTS**

Mr. Drum reminded the Board that two capital projects were approved at the last meeting. The first is to repair and cleanup the old Town Hall and the second is to renovate the new Town Hall at the bank building. The budget amendments provided are to show the money being pulled out of the appropriated fund balance and being transferred to each capital project. Once the money is transferred, it will take care of each project through the life of the project. The old Town Hall budget amendment is \$43,000 and the new Town Hall budget amendment is \$200,000.

Council Member Messer made a motion to approve the budget amendments for the capital projects as noted above. All voted in favor. A copy of these amendments are hereby incorporated by reference and made a part of these minutes (Attachments A and B).

FACILITES REPORT

Mayor Cook reviewed the facilities report for the month of August 2016. Mr. Drum addressed the large hole in the back of the building.

AUGUST TAX REPORT

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

**AUGUST DEPUTY
REPORT**

Deputy Towery reviewed the August Deputy report.

**COMMITTEE REPORTS
& UPDATES**

Transportation Advisory Committee (COG) – Mayor Cook reported that Exit 104 will be completed in September. The resurfacing and crack resealing will be completed by October. The City of Hickory removed its request for walkways due to a lack of available time and other prior projects. Conover is improving its bike and pedestrian plan. There is discussion about freight trucking in the area on Hwy 70 and I-40.

WPCOG Policy Board – No report at this time.

Burke Economic Development Representative – Mayor Cook reported that several companies are looking at Hildebran and the surrounding area. Scott Carpenter, with the Burke County Planning Board, helped design the trails at Lake James. Another 2.5 miles will be added for pedestrians and cyclists.

Recreation and Tourism Committee – No report at this time.

Water Resource Committee – Ms. Schotte had no report.

VEDIC – Mayor Cook reported that a couple of the small business loans have issues. Some of VEDIC's \$2.5 million investments are starting to show returns.

OTHER BUSINESS

Mayor Cook asked for all Council members to complete an evaluation on Mr. Drum's performance and to return them to her. She will compile the responses for the Western Piedmont Council of Governments.

Council Member York brought up the issue of the fence between the auditorium and Hildebran United Methodist Church. She spoke with Robert Armor with Burke County Schools and he informed her that Scott Smith, who worked for the School Tech Department until 2007, stated that the fence was already removed at that time. She passed out an aerial map of the property from 2009 that shows that the fence was already removed and the sidewalk was already there. She stated that since the fence was not there in 2009, the previous Mayor and Council could not have condemned the property, removed the fence and installed a sidewalk since the previous Mayor was sworn in at the end of 2009 and took office in January 2010. She reiterated from a previous meeting that the school had the fence removed. A copy of the map is hereby incorporated by reference and made a part of these minutes (Attachment D).

Council Member York made a statement that she had heard that in making her decisions on the Council, she was having to refer to certain people in the audience and she wanted to state that is not true. She stated that she has a mind of her own and makes her own decisions and is not getting any help from anyone.

Mr. Drum updated the Board that the repair work on the old Town Hall will start soon. The contract has been signed and work is expected to be completed within 50 to 80 days.

The architect informed Mr. Drum that he is still in the design phase for the new Town Hall and he should have more information at the next meeting.

ANNOUNCEMENTS

Mr. Drum reported that even though he has only been working for the Town for six months, he reported that Ms. Bova was receptive to his suggestions, did everything that was asked of her, and was a very good employee for the Town. He stated that she will be missed. Council Member York asked for a copy of her letter of resignation. Mayor Cook announced that a reception for Ms. Bova will be held at the WPCOG from 3:00 p.m. to 5:00 p.m. on Thursday.

PUBLIC COMMENT

Beverly Nichols read a letter to Mayor Cook expressing her aggravation with threatening remarks Mayor Cook made to her at a funeral and her displeasure with the Mayor's actions.

Troy Smart asked that \$500 be refunded to HHDA for the ice machine that was originally purchased by HHDA, the East Burke Senior Center (EBSC) and the Town. HHDA, nor EBSC, use the machine anymore and he asked that the Town also consider refunding \$500 to the EBSC.

Elsie Childres expressed her displeasure with the Board, except for Jody York and Theresa Messer, who she has not had a chance to form an opinion about. She invited Ms. Messer to events and meetings that are being held in the community.

Stephanie Higdon continued reading Elsie Childres' comments. She requested Mayor Cook and Council Members Banks, B. Lowman and L. Lowman to resign.

Richard Bell stated that he felt the non-profits that rent facilities from the Town should be allowed to advertise on the Town's digital signs. He also opined that the Town should not tax the children playing sports and should help fund fixing the pool.

ADJOURNMENT

All business being concluded, Council Member Banks made a motion to adjourn at 8:34 p.m. All voted in favor.

I attest these are the approved minutes of the Board.

Alice Sanders, Town Clerk

Virginia Cook, Mayor