

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

**OCTOBER 25, 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

Attorney Dill 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, Mike Smith and Terry Weaver. Council Member Ben Honeycutt was absent.

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

Council Member Smith made a motion to adopt the agenda as presented. All voted in favor.

APPROVAL OF MINUTES

Council Member Herrell made a motion to approve the September 27, 2021 remote regular meeting minutes, the September 27, 2021 remote closed session minutes and the October 5, 2021 remote special meeting minutes as presented. All voted in favor.

PUBLIC COMMENTS

None.

**OLD BUSINESS:
CONSIDER APPROVAL OF
CONTRACT TO SORT
BRICKS FROM THE
TOWER AND
APPROPRIATE BUDGET
AMENDMENT**

Town Manager Shook stated that he had contacted a company to sort the bricks from the tower into groups that could be salvaged, donated and discarded for a cost of \$2,800. He stated that there was \$1,500 in the existing budget line item left over from the demolition of the tower and a budget amendment was presented for the remaining balance of \$1,300. Council Member Smith made a motion

to approve the aforementioned contract as well as the budget amendment in the amount of \$1,300 as presented to sort the bricks from the demolished tower into groups that could be salvaged, donated or discarded. All voted in favor. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment A).

**NEW BUSINESS:
CONSIDER APPROVAL OF
PROCLAMATION FOR
BURKE COUNTY, NC
NONPROFIT DAY**

Abigail Taylor, Marketing & Campaign Manager for Burke County United Way, addressed Council and spoke about Burke County, NC Nonprofit Day (aka BurkeGives). Council Member Herrell made a motion to approve the Proclamation proclaiming Tuesday, November 30, 2021 as Burke County, NC Nonprofit Day (aka BurkeGives). All voted in favor. A copy of the proclamation is hereby incorporated by reference and made a copy of these minutes (Attachment B).

**PRESENTATION AND
REQUEST FROM NANCY
WOOD, THE ENOLA
GROUP CHILD AND
FAMILY SERVICES**

Nancy Wood, The Enola Group Child and Family Services, addressed Council and spoke about the organization. She presented information about the Child and Family Services department which instills early childhood education and family support services in Burke, Caldwell and Alexander Counties to include school readiness and child development as well as parent, family and community engagement. She stated that they want to bring the programming to Hildebran for families with children under the age of five and that they are currently serving two families in the Icard community. The Enola Group has purchased the previous Burke County Public Schools' Mobile Preschool program buses and has refurbished the busses with new furniture. She stated that the Enola Group is requesting from the Town the following:

- A space to park the mobile activity center (bus) long term that is accessible to families in the community
- Access to a restroom as needed for families and staff while utilizing the programming which will be scheduled between the hours of 9:00am and 3:00pm on weekdays
- Promotion of activities using the town reader board

Council was in agreement to the request and suggested parking the bus at Town Hall temporarily until the construction is completed at the municipal complex and then moving the bus to the municipal complex for long-term placement. Council Member Smith made a motion to approve the aforementioned request by The Enola Group

Child and Family Services. All voted in favor.

CONSIDER APPROVAL OF
CONTRACT WITH THE
WPCOG TO COMPLETE A
COMPREHENSIVE
MASTER PLAN AND
BUDGET AMENDMENT

Johnny Wear, Assistant Community and Regional Planning Director, WPCOG, addressed Council and spoke about the purpose of a comprehensive master plan. The NC General Statutes require local governments to base their zoning decisions on long-range plans that describe policies for land-use and growth management issues. As a result of Chapter 160D, cities and counties that have zoning ordinances must have an up-to-date comprehensive plan or land use plan by July 1, 2022. The Council last performed a comprehensive plan in May 2010. Mr. Wear presented a proposed contract for the WPCOG to perform a comprehensive land use plan for the Town. He also explained the process that includes public notices and a future steering committee. Council Member Herrell made a motion to approve the contract with the WPCOG for the provision of technical planning assistance for a comprehensive land use plan for the period of January 1, 2022 and December 31, 2022 and a budget amendment in the amount of \$24,455.00. All voted in favor. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment C).

BUDGET AMENDMENT
FOR INSURANCE
DEDUCTIBLE FOR
ATTORNEY FEES

Town Manager Shook stated that during the renovations of the tower, the Town hired Lail Builders, LLC to perform work on the tower. In June 2021, the Town ceased all work on the tower due to issues with performance. After discussions regarding its path forward with the tower, Council voted to pay Lail Builders, LLC in full.

During June 2021, Lail Builders, LLC hired legal representation. Town staff worked with the attorneys at the NC League of Municipalities in order to represent the Town in these discussions. Representation expenses amounted to \$975. Council Member Herrell made a motion to approve the budget amendment in the amount of \$975 for the insurance deductible for legal representation related to Lail Builders, LLC and the tower renovation. All voted in favor. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment D).

CONSIDER APPROVAL OF
ORDINANCE AMENDING
THE BURKE COUNTY
CODE OF ORDINANCES –
ANIMAL ORDINANCE

The Town has adopted the Burke County Animal Ordinance. Staff was informed that Burke County amended its animal ordinance and staff has presented this amendment for adoption. Council Member Herrell made a motion to approve and adopt the ordinance amending the

Burke County Code of Ordinances, Chapter 6, Animals, Section 6.1 – Definitions, Section 6/3, Authority and Purpose; General Duties of Animal Services Enforcement as presented and to incorporate the amended ordinance into the Town’s code of ordinances. All voted in favor. A copy of the amendment is hereby incorporated by reference and made a part of these minutes (Attachment E).

CONSIDER INCREASE IN RENTAL DEPOSIT FOR THE COMMUNITY CENTER

Staff is proposing to increase the rental deposit for the community center from \$100 to \$250 effective immediately. The Town has renovated the room over the past year to include new paint, installation of sound boards, new kitchen floor, new resurfaced floor and new fixtures in the restrooms. Since the renovations, staff is noticing that renters have not been cleaning up the room and have left scrapes and holes in the wall, food and sticky spills on the floor, etc., which is taking the maintenance worker extreme amounts of time to clean and repair. Council was in agreement to the increase and decided to revisit the fee schedule after a few months to see if cleaning has improved.

Council Member Herrell made a motion to approve the ordinance amending a provision of Ordinance # 06-28-21 Establishing The Schedule Of Fees And Charges For Fiscal Year 2021-2022, Recreation Fees, Facility Rental Fees, Community Center Deposit as presented. All voted in favor. A copy of the amendment is hereby incorporated by reference and made a part of these minutes (Attachment F).

OCTOBER FACILITIES REPORT

The October Facilities Report was provided for review.

SEPTEMBER DELINQUENT TAX REPORT

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

SEPTEMBER DEPUTY REPORT

The September 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.

OTHER BUSINESS

Council Member Herrell distributed a handout regarding GIS records at the property located at 0 I40 Access Rd, REID # 24251, PIN # 2782311839 with a property value of \$15,690. The records indicated that the deed was transferred to HHDA on January 30, 2020. He also distributed the 2020 990EZ form from HHDA. He opined that Council has shown favoritism to HHDA over other nonprofits, especially rental rates. He stated that if HHDA could afford to purchase this property and continue to pay taxes on the property each year, then they should be able to pay monthly rent for the rooms that they rent in the auditorium. Mayor Hildebrand stated that the property was donated to HHDA. Council Member Herrell asked why the property was not reported to the IRS and asked how owning this property fit into HHDA's mission statement. He stated that he did not feel that the Town should continue to forgive rent for one nonprofit and not others and that it was a conflict of interest. Mayor Hildebrand asked how it was a conflict of interest.

Council Member Herrell then distributed a handout with an email from Town Manager Shook dated June 24, 2021 stating that he was advising Council to cease any communications with Lail Builders, Inc and Mackie Johnson of Icard Architecture as the Council as a whole has ordered all work on the tower project to stop. Council Member Herrell stated that the reason Mr. Shook had advised Council to stop communications was because Lail Builders had legal representation and the Town should only communicate with Lail Builders or Mackie Johnson via the Town's attorney moving forward. Council Member Herrell then provided a handout showing an email that Mr. Shook forwarded the Mayor and Council. The email was the engineering report on the tower and was dated July 26, 2021 at 9:36 am. He then reviewed a handout showing an email from Mackie Johnson to Council and copying Mr. Shook and others with Mr. Johnson's comments about the report. In this email, Mr. Johnson provided a screenshot of the summary of the report showing it was forwarded from Mayor Hildebrand with a timestamp of July 26, 2021 at 12:45 pm, after Mr. Shook had advised Council that all

communication needed to go through the Town's attorney due to the potential of a lawsuit.

Council Member Herrell then reviewed additional printouts of comments on Facebook from a Board of Director from HHDA that contains a threat on either a Council Member or staff member and also discusses building "a KKK statute to honor the precious [sic] mayor." He stated that a conflict of interest has been proven in screenshots as well as threats of violence against Council and staff. He stated that Council has shown favoritism towards one nonprofit over every other nonprofit in Town. He advised that Council review these documents on its own and suggested that Council discuss further and take any action needed at the next meeting.

Mayor Hildebrand stated that in the past, citizens were able to ask questions and staff and/or Council would answer and he was not sure why the Town stopped this practice. He stated that a citizen sent an email to Council dated October 5, 2021 prior to the special meeting and never got a response. Council Member Herrell asked what questions were not answered because he felt all of her questions were answered during the October 5, 2021 special meeting.

Mayor Hildebrand stated that Henry River Mill Village has remodeled house number 12 and the restoration was highlighted on the Discovery Channel and Magnolia Channel. He stated that it would be great if the program could be show in the auditorium. He also stated that he did not know why movies were not shown in the auditorium anymore. Council Member Herrell stated that COVID was a factor as well as the small seats that were originally made for children. He stated that it might be possible to use future grant money from the state to update the seating.

Council Member Cline stated that Council made a decision last meeting to move forward from the tower demolition and he addressed the Mayor and asked him as the leader of the Town for his support to move forward and to stop looking back. He stated that the Town will be getting new sidewalks, a park and a replica of the tower in the near future and the negativity has got to stop. He emphasized the need to work together and to stay positive.

Council Member Herrell stated that the Town has about \$1 million worth of grants coming and growth will be happening.

Town Manager Shook stated that there was no new information about the gator.

Town Manager Shook stated that there have been questions about the Christmas parade. HHDA informed the Town that it will not be running it this year due to COVID. After discussion, Council was in agreement that there was not enough time or help to put the parade on this year. COVID is still an issue as well. Council Member Herrell made a motion to not have the Christmas parade this year. All voted in favor.

ANNOUNCEMENTS

Town Manager Shook stated that he continues to contact the newspaper with information about positive happenings in Town with no response from the newspaper.

CLOSED SESSION

Council Member Herrell made a motion at 8:37 p.m. to enter into closed session for the purpose of NCGS 143-318.11(a)(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. All voted in favor.

Council Member Herrell made a motion at 8:48 p.m. to return to open session. All voted in favor.

Council Member Herrell made a motion to approve the purchase of the property located at 210 South Center St., Hildebran, NC (REID #16663, PIN #2782025815) in the amount of \$35,000 on behalf of the Town of Hildebran. Council Members Cline, Herrell, and Weaver voted in the affirmative. Council Member Smith was opposed. The motion carried.

Council Member Herrell made a motion to authorize the Mayor, Mayor Pro Tem or Town Manager to sign and execute all documents to consummate and authorize the sale of the property located at 210 South Center St., Hildebran, NC. (REID #16663, PIN #2782025815) Council Members Cline, Herrell, and Weaver voted in the affirmative. Council Member Smith was opposed. The motion carried.

Council Member Herrell made a motion to approve a budget amendment in an amount not to exceed \$36,500 for

the purchase price and closing costs to fund the purchase of the property located at 210 South Center St., Hildebran, NC. (REID #16663, PIN #2782025815). Council Members Cline, Herrell, and Weaver voted in the affirmative. Council Member Smith was opposed. The motion carried. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment H).

ADJOURN

All business being concluded, Council Member Smith made a motion at 8:50 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