

**TOWN OF HILDEBRAN
TOWN HALL**

**MARCH 24, 2014
7:00 p.m.**

**REGULAR MEETING
MINUTES**

- CALL TO ORDER** Mayor Cook called the Regular Meeting of the Town Council to order at 7:00 p.m.
- COUNCIL PRESENT** The following members of the Board were present: Mayor Cook, Council Members Banks, Hildebrand, Hollowell, B. Lowman and L. Lowman.
- STAFF PRESENT** The following staff members were present: Attorney Redmond Dill; Office Manager Fredrick Rankins; Town Clerk Alice Sanders; and Town Planner Pilkenton.
- CITIZENS PRESENT** See attached list.
- MEDIA** No one from the media was in attendance.
- PLEDGE OF ALLEGIANCE** The Pledge of Allegiance to the United States flag was led by Council Member Hollowell.
- INVOCATION** Mayor Cook called for a moment of silence.
- ADOPTION OF AGENDA**
- Council Member B. Lowman made a motion to amend the agenda to add the approval of ‘Special Meeting-Budget Workshop Minutes for March 19, 2014’ to section 4. All voted in favor.
- Council Member Hildebrand made a motion to amend the agenda to add ‘old deputy car-bid’ under old business as item number 8e. All voted in favor.
- Council Member Banks made a motion to amend the agenda to add ‘deputy equipment-taser’ under old business as item number 8f. All voted in favor.
- Council Member Hildebrand made a motion to amend the agenda to add ‘tree removal at park-quotes’ under new business as item number 9f. All voted in favor.
- Council Member Banks made a motion to amend the agenda to add ‘resolution concerning small underpayments and overpayments of taxes’ under new business as item number 9g. All voted in favor.
- Council Member Banks made a motion to amend the agenda to add ‘resolution directing the Tax Collector not to collect ad valorem taxes when the original amount due is \$1.00 or below’ under new business as item number 9h. All voted in favor.

Council Member Hollowell made a motion to amend the agenda to add 'resolution delegating authority to Finance Officer to approve requests for release or refund of property taxes under \$100.00' to new business as item number 9i. All voted in favor.

Council Member Hollowell made a motion to amend the agenda to add "closed session pursuant to NC General Statute 143-318.11 (a) (1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the Statutes and (a) (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged" after other business. All voted in favor.

Council Member Hildebrand made a motion to adopt the agenda as amended. All voted in favor.

APPROVAL OF
MINUTES

Council Member Banks made a motion to approve the February 24, 2014 Regular Minutes. All voted in favor.

Council Member L. Lowman made a motion to approve the March 19, 2014 Special Meeting-Budget Workshop Minutes. All voted in favor.

PUBLIC COMMENT

Richard Bell expressed his concerns regarding cleaning up areas of the Town.

RESPONSE TO
CITIZEN
COMMENT SHEET

No citizen comment sheets were submitted.

PUBLIC HEARING-
TEXT
AMENDMENT TO
THE ZONING
ORDINANCE

Mayor Cook opened the public hearing for the text amendment to the zoning ordinance to amend the Board of Adjustment section to the newly adopted laws at 7:10 p.m.

Town Planner Pilkenton reported that the text amendment updates the statutory requirements that are in the zoning ordinance in regards to how the Board of Adjustment conducts business. In October 2013, the State Legislature changed the rules and procedures for Board of Adjustments. He explained that the first change is that conditional uses, appeals and interpretations by the Board of Adjustment only require a majority of the appointed Board. He stated that the Town would need three members to vote in favor to issue a conditional use permit. He stated that previously, all issues that came before the Board required a 4/5, or super majority, vote to be approved. He stated that the requirements for a variance request still requires a 4/5 majority vote.

The second change Mr. Pilkenton discussed was that the requirement to prove that you could secure no reasonable return on your land was removed from the variance request.

There being no comments, Mayor Cook closed the public hearing at 7:15 p.m.

Council Member Banks made a motion to accept the text amendment to the zoning ordinance to amend the Board of Adjustment section to comply with newly adopted laws. All voted in favor. The Ordinance is hereby incorporated by reference and made a part of these minutes (Attachment A.)

**OLD BUSINESS:
RAILROAD
UPDATE**

Mayor Cook reported that she has been working with the railroad engineers that work above and below the railroad track and that there have been multiple turnovers with the engineers which is impeding progress in getting the hole closed at the railroad. Mayor Cook asked Council's permission to move forward with speaking to supervisors which Council was in agreement.

**SEWER
INFILTRATION
PROJECT UPDATE**

Office Manager Rankins reported that due to a lack of heavy rains the past month, there was not enough data from the meters to determine if there is a sewer overflow problem with the Town. He reported that he spoke with Shawn Pennell with the City of Hickory and it was suggested that the meters remain in place for another month to collect more data.

**BUDGET
AMENDMENT-
DEMOLITION OF
ANNEX BUILDING**

Office Manager Rankins reported that a budget amendment is needed to reassign existing funds to pay for the demolition of the annex building. He reported that \$20,000 is available from renovation funds that were not used and \$10,000 is available from capital outlay. Council Member Hildebrand made a motion to approve the budget amendment to reassign funds to pay for the demolition of the annex building. All voted in favor.

**BUDGET
AMENDMENT-
DEPUTY SALARY
AND BENEFITS**

Office Manager Rankins reported that a budget amendment is needed to pay for the deputy salary and benefits since the Sheriff's Department did not bill for last year's Deputy salary until this year. He reported that the bill will be paid with the funds set aside last year and that a specific line item in this year's budget is needed. Council Member Hollowell made a motion to approve the budget amendment to pay for the Deputy's salary and benefits. All voted in favor.

These budget amendments are hereby incorporated by reference and made a part of these minutes (Attachment B.)

OLD DEPUTY CAR-BID Mayor Cook passed around the only bid that the Town received for the old deputy car. Mayor Cook explained to Council that other options to sell the car include: do another sealed bid process with more extensive advertising; do a public auction through govdeals.com; or do an auction which involves a lot of paperwork and legality. Council Member Hollowell asked what the fee is to advertise on govdeals.com. Attorney Dill stated that another option is to surplus the vehicle and trade in the car and purchase a maintenance truck for the Town. Council Member Hollowell made a motion for staff to research acquiring a maintenance truck for the Town and to bring the information to the April 16, 2014 Special Meeting-Budget Workshop meeting. All voted in favor.

DEPUTY EQUIPMENT-TASER Mayor Cook reported that the Deputy needed a piece of equipment and turned the floor over to Deputy Towery who stated that the piece of equipment is a taser. Deputy Towery stated that the taser is for safety reasons and would be a non-lethal alternative to using a gun. He stated that the price to purchase the taser, holster and a cartridge is \$1,016.00. The taser will be ordered through the Sheriff's Department and will be the property of the Town. Council Member B. Lowman made a motion to accept the quote from Lawmen's to purchase the taser, holster and a cartridge in the amount of \$1,016.10. All voted in favor.

NEW BUSINESS: DECISION TO DISPOSE OF MEETING RECORDINGS Town Clerk Sanders reported that all Council and Board meetings are recorded and according to the records retention schedule from the NC Department of Cultural Resources, which the Town has adopted, recordings should be destroyed after the approval of the minutes. Council was asked if they want to follow the records retention schedule or determine a different timeframe for disposal of the recordings. Council Member L. Lowman made a motion to follow the records retention schedule and destroy the recordings after the minutes are approved. Council Member Banks, Hildebrand, Hollowell and L. Lowman voted in the affirmative. Council Member B. Lowman voted in the negative. The motion passed.

INFORMATIONAL SIGNS FOR THE TOWN Council Member Hollowell will contact Stephens Sign to arrange for a digital informational sign display. It was the consensus to meet Monday, March 31, 2014 at 6:00 p.m.

DEPUTY REPORT GARY TOWERY Deputy Towery gave his report for the month of February 2014. He stated that the Town's new Deputy car is now here.

COMMITTEE REPORTS & UPDATES Transportation Advisory Committee (COG) – Mayor Cook reported that the committee did not meet this month.

Western Piedmont Council of Governments Policy Board – Council Member Hildebrand stated that he was not informed of a meeting.

Burke Economic Development – Mayor Cook reported that the committee did not meet this month.

Recreation & Tourism Committee (COG) – Council Member B. Lowman reported that Mr. Orders stated that the pool will open the last day of school and the summer Reaching Our Community Kids program will continue this summer on each Tuesday and Thursday. Ms. Lowman reported that the EBYAO is currently doing indoor soccer. She reported that the Hildebran-Icard Little League will begin baseball and softball practice the first week after Easter.

Water Resource Committee – Planner Pilkenton stated the next meeting will be in April.

VEDIC (Valdese) – Mayor Cook stated that VEDIC has moved to quarterly meetings and the next meeting will be in April.

Mayor Cook reported that she and Mr. Rankins attended the Unifour Consortium meeting and stated that Hildebran has one vote out of 28 votes and she will try to be in attendance for each annual meeting.

FACILITIES
UPDATE

None at this time.

TREE REMOVAL
AT PARK -
QUOTES

Mayor Cook reported that there are three dead trees in the park that need to be removed. Three quotes were provided in the agenda packets. Mayor Cook stated that the Wise Landscaping & Tree Service quote included five trees but Mr. Wise verbally quoted a price of \$1,500 to remove three trees and to grind out the stumps. Mayor Cook also reported that there is a large oak tree that might have to be removed in the future that is hanging over the Depot. She also stated that there are two other trees that might need to be cut down in the future. Council Member Hollowell made a motion to approve the quote from Wise Landscaping & Tree Service to remove three trees and grind out the stumps in the amount of \$1,500. All voted in favor.

Mayor Cook stated that there is a large tree in front of the auditorium that will need to be removed if the Town installs an informational sign and Mr. Wise stated he would do it at no charge in exchange for the wood. Council had no objections to this agreement.

RESOLUTION
CONCERNING
SMALL
UNDERPAYMENTS
AND
OVERPAYMENTS
OF TAXES

Town Clerk Sanders stated that she recently attended the Fundamentals of Property Tax Collection training class and is asking Council to approve a few resolutions resulting from that class. She stated that the first resolution is concerning small underpayments and overpayments of taxes. She stated that NCGS 105-357 (c) states that the governing body may permit the Tax Collector to treat small underpayments of \$1 or less as fully paid and to not refund small overpayments of \$1 or less unless

the taxpayer requests the refund before the end of the fiscal year that it was made. This decision does not apply when someone is paying in person.

She stated that by adopting this resolution, it will prevent small amounts of balances being kept in the system that is not worth the time or money to pursue. Also, it prevents excess time for the Finance Officer to issue a money order to refund small amounts that were overpaid and may be a cost to the Town to also mail the refund. Council Member B. Lowman made a motion to adopt the resolution concerning small underpayments and overpayments of taxes. All voted in favor. This resolution is hereby incorporated by reference and made a part of these minutes (Attachment C.)

RESOLUTION
DIRECTING THE
TAX COLLECTOR
NOT TO COLLECT
AD VALOREM
TAXES WHEN THE
ORIGINAL
PRINCIPAL
AMOUNT DUE IS
\$1.00 OR BELOW

Ms. Sanders reported that NCGS 105-321 (f) states that the governing body can direct its Tax Collector to not collect minimum taxes charged less than \$5.00. The amount set by the governing body should be the estimated cost to the taxing unit of billing the taxpayer for the amounts due. Historically, the Town has not billed taxpayers for bills that are \$1 or less. She stated that it is staff's suggestion that the Town not bill taxes that are \$1 or less in the future. Council Member Banks made a motion to adopt the resolution for the Tax Collector to not collect ad valorem taxes when the original principal amount due is \$1.00 or less. All voted in favor. This resolution is hereby incorporated by reference and made a part of these minutes (Attachment D.)

RESOLUTION
DELEGATING
AUTHORITY TO
FINANCE OFFICER
TO APPROVE
REQUESTS FOR
RELEASE OR
REFUND OF
PROPERTY TAXES
UNDER \$100

Ms. Sanders reported that NCGS 105-381 states that the governing body must approve all releases or refunds of taxes. In order that staff is not bringing requests to Council each meeting, this statute allows for the governing body, by resolution, to delegate its authority to determine requests for a release or refund of tax of less than \$100 to the Finance Officer.

She stated that the statute also states that the only valid reason for a refund or release is for a clerical error, an illegal tax or a tax levied for an illegal purpose. These releases or refunds approved by the Finance Officer will be for: a payment that arrived in the mail after the monthly interest was imposed, but was postmarked prior to the deadline; releases from the County; short payments less than \$1; refund of an over payment greater than \$1; or a release needed due to a clerical error.

Council Member L. Lowman made a motion to adopt the resolution delegating authority to the Finance Officer to approve requests for release or refund of property taxes under \$100. All voted in favor. This resolution is hereby incorporated by reference and made a part of these minutes (Attachment E.)

OTHER BUSINESS

None at this time.

CLOSED SESSION Council Member Hollowell made a motion to recess into closed session at 8:00 p.m. pursuant to General Statute 143-318.11 (a) (1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the Statutes and (a) (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. All voted in favor.

Council Member L. Lowman made a motion to return to open session at 8:45 p.m. All voted in favor.

ANNOUNCEMENTS Mayor Cook requested Council to continue to publicize the showing of the movie Hop; the Easter Egg Hunt; the Spring Craft, Art and Food Show; and the Strictly Clean and Decent show to be held in the auditorium.

ADJOURNMENT All business being concluded, Council Member Hollowell made a motion to adjourn at 8:47 p.m. All voted in favor.

I attest these are the approved minutes of the Board.

Alice Sanders, Town Clerk

Virginia Cook, Mayor