

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

**JUNE 24, 2024
7:00 PM**

**REGULAR MEETING
MINUTES**

CALL TO ORDER

Mayor Hildebrand called the regular meeting of the Town Council to order at 7:00 p.m. The meeting was streamed live via the Town's YouTube channel.

COUNCIL PRESENT

The following members of the Board were present: Mayor Wendell Hildebrand and Council Members Ben Honeycutt, Mike Smith, Mike Stroupe, Terry Weaver and Jody York.

STAFF PRESENT

The following staff members were present: Town Manager Logan Shook, Town Clerk Alice Sanders, Finance Officer Fredrick Rankins, Town Attorney Jared Amos and Code Enforcement Officers Chad Powell and Kevin White.

CITIZENS & MEDIA

See attached sheet.

INVOCATION

A moment of silence was observed.

PLEDGE OF ALLEGIANCE

Finance Officer Rankins led the Pledge of Allegiance to the United States Flag.

APPROVAL OF AGENDA

Staff requested to add a special presentation for Sharon Elliott Barlow and Walkin' Roll Activities League after public comments. There being no objections, Council Member Honeycutt made a motion to approve the agenda as amended. All voted in favor.

APPROVAL OF MINUTES

Council Member Smith made a motion to approve the May 13, 2024 special meeting minutes, May 20, 2024 special meeting minutes, May 20, 2024 regular meeting minutes, and the May 20, 2024 closed session minutes as presented. All voted in favor.

PUBLIC COMMENTS

Ray Conrad discussed issues at his property at 101 First St Pl NE. He stated that he would like to take down the old water tower but was having issues with Duke Energy and asked for assistance.

**SPECIAL PRESENTATION:
SHARON BARLOW
ELLIOTT AND WALKIN'
ROLL ACTIVITIES
LEAGUE**

Town Manager Shook stated that Sharon Barlow Elliott and Walkin' Roll Activities League (WRAL) recently received the Governor's Award for Volunteer Service. The award is for people and groups that make a significant

contribution to their community through volunteer service. Sharon and WRAL have also received the Paul Harris Fellow Award from the Rotarian Foundation of the Rotary International for conveying \$1,000 or more to the Rotarians. Mr. Shook showed the awards to Council and the public.

Mayor Hildebrand presented Mrs. Elliott with a plaque from the Town honoring her and WRAL for their 30 years of service.

PUBLIC HEARING

Mayor Hildebrand opened the public hearing at 7:10 p.m. to receive comments from the public on the FY 24-25 budget and schedule of fees.

There being no comments, Mayor Hildebrand closed the public hearing at 7:10 p.m.

**OLD BUSINESS:
CONSIDER APPROVAL OF
FY 24-25 BUDGET AND
SCHEDULE OF FEES
ORDINANCES**

The FY 2024-2025 budget ordinance and schedule of fees were presented for approval. Revenues and Expenditures for the budget is \$1,248,165 with no change in the tax rate at \$0.15 per \$100 valuation. There being no discussion, Council Member York made a motion to approve the FY 2024-2025 budget ordinance and schedule of fees ordinance as presented. All voted in favor. A copy of the ordinances are hereby incorporated by reference and made a part of these minutes (Attachment A).

**NEW BUSINESS:
CODE ENFORCEMENT
QUARTERLY REVIEW**

Chad Powell, Code Enforcement Officer, provided his second quarter review. No action was taken.

**CONSIDER APPROVAL OF
ORDINANCE TO VACATE
AND CLOSE PROPERTY**

Mr. Powell reported that the property located at 9147 Wilson Heights Ave has previously been deemed unfit for habitation. Subsequent to that determination, the property was sold and the new owner is working on bringing the property to code due to extensive fire damage. However, the property is not to that point yet. Mr. Powell has presented an ordinance to vacate and close the property due to being unfit for human habitation. He stated that if approved, he would place a placard on the property stating that the property is unfit and trespassing could lead to a Class I Misdemeanor. The property owner would have one year to repair the house to meet Town codes. The Town will have other options if the house is not brought up to code after one year.

There being no discussion, Council Member Smith made a motion to approve the ordinance as presented directing the Town to vacate and close the property located at 9147 Wilson Heights Ave as unfit for human habitation and directing that a notice be placed thereon that the same may not be occupied. All voted in favor. A copy of the ordinance is hereby incorporated by reference and made a part of these minutes (Attachment B).

CONSIDER APPROVAL OF
CONTRACT WITH WPCOG
FOR ADMINISTRATIVE
ASSISTANCE FOR THE
RURAL DOWNTOWN
ECONOMIC
DEVELOPMENT GRANT

Town Manager Shook stated that a contract with the WPCOG is presented for consideration. The contract is for administrative services for the Town's Rural Downtown Economic Development Grant via the NC Department of Commerce for auditorium renovations that will include reporting and payment requests. The cost is 5% of the total grant awarded amount of \$62,500.

There being no discussion, Council Member Stroupe made a motion to approve the agreement as presented between the Western Piedmont Council of Governments and the Town of Hildebran for the provision of administrative assistance for the North Carolina Department of Commerce Rural Downtown Economic Development Grant for the Town of Hildebran Auditorium Renovation Project from June 3, 2024 – December 31, 2026 in the amount of \$3,125. All voted in favor.

CONSIDER APPROVAL OF
RESOLUTIONS LEASING
TOWN PROPERTY

The resolutions for the Town to lease unused property are presented for approval. Town Clerk Sanders stated that the resolution for Donald Barber has been revised to change the tenant name from Donald Barber to Carolina Police K9 LLC due to the name on the Certificate of Insurance presented to the Town being in the name of the organization.

Council Member York stated that she had concerns with the HHDA lease being 5 years. She was concerned that the Town was setting a precedent and that other tenants might want the same. Council Member Weaver stated that Council could address any other requests from other tenants if there was a request for longer rental terms.

Council Member York asked if approving the 5-year lease would prevent the Town from increasing their rent over the next five years. Council Member Stroupe stated that he had no objections to having a clause in their lease stating that if other tenants' rent is increased, then Council

has the option to increase rent for HHDA the same percentage as other tenants' rent increases.

Council Member Honeycutt asked that if the five-year lease is offered for one tenant, should it not be offered for all. It was determined that any request from other tenants for a longer timeframe would be considered by Council.

Council Member York made a motion to vote on the HHDA lease separately. Council Members Honeycutt, Smith, York and Weaver voted in favor of the motion. Council Member Stroupe was opposed. The motion carried.

Council Member Stroupe made a motion to approve the resolutions leasing property for one year or less, with the revision from Donald Barber to Carolina Police K9 LLC, with the following organizations:

- Carolina Police K9 LLC – the old Town Hall Administrative Offices, Room #216, along with other vacant rooms located in the same building at the Albert Parkhurst Municipal Complex, as well as the showers in the gymnasium. (Resolution #06-24-24)
- East Burke Christian Ministries – house located at 103 Third Ave., SE (Resolution #06-24-24A)
- Family Support Network/HOPE – room #233 in the Albert Parkhurst Municipal Complex (Resolution #06-24-24B)
- Hildebran-Icard Community Development Council – concession stand, office and boys locker room in the gymnasium located at 208 S. Center St. (Resolution #06-24-24D)
- Hildebran-Icard Little League – building located at 207 First Street, SW until demolished and then one bay in the maintenance building located at 209 First Street, SW (Resolution #06-24-24E)
- The Enola Group, Inc – 4 Parking spaces at the North-East corner of Town Hall parking lot (Resolution #06-24-24F)
- Walkin' Roll Activities League, Inc. – Community Center in the basement of the Albert Parkhurst Municipal Complex (Resolution #06-24-24G)

All voted in favor. A copy of the resolutions are hereby incorporated by reference and made a part of these minutes (Attachments C, D, E, F, G, H, and I).

Council Member Stroupe made a motion to approve the resolution as presented leasing property for a term of five

years to Hildebran Heritage & Development Association to include rooms 100, 102, 103, 104, 105, 106, 107, and 108 in the basement of the Hildebran Auditorium located at 200 South Center Street, Hildebran, NC as well as one (1) bay in the maintenance building located at 209 First St SW. Council Members Smith, Stroupe and Weaver voted in favor. Council Members Honeycutt and York were opposed. The motion carried.

Attorney Amos and Town Manager Shook stated that there was some discussion earlier about including in HHDA's lease an option for Council to increase rent during the five-year term. Council Member Stroupe stated that he had no issues increasing HHDA's rent during the term of the lease as long as the increase was an across the board increase to all other tenants. The percentage increase should be the same increase as all other tenants. Any rental rate increase may occur annually to become effective each July 1st.

Council Member Stroupe rescinded his motion to approve the resolution as presented leasing property for a term of five years to Hildebran Heritage & Development Association. Council was in agreement.

Council Member Stroupe made a motion to approve the resolution leasing property for a term of five years to Hildebran Heritage & Development Association to include rooms 100, 102, 103, 104, 105, 106, 107, and 108 in the basement of the Hildebran Auditorium located at 200 South Center Street, Hildebran, NC as well as one (1) bay in the maintenance building located at 209 First St, SW with the following addition: The Town may, at its option, increase the rental amount each July 1, beginning July 1, 2025. The Town may not increase the rent paid by HHDA unless all other then existing tenants have also received a rent increase. If the other tenants have received an increase, then the amount of rent increase for HHDA shall be a percentage increase of their current rent, equal to the average percent rental increase for all other tenants renting from the Town at the time. All voted in favor. A copy of the resolution is hereby incorporated by reference and made a part of these minutes (Attachment J).

**CONSIDER APPROVAL OF
ORDINANCE FOR URBAN
CAMPING AND IMPROPER
USE OF PUBLIC PLACES**

Town Manager Shook stated that Council discussed during prior meetings individuals misusing public spaces owned by the Town. An amendment to the Town's Code of Ordinances is presented for consideration that would

address individuals storing personal belongings on public spaces, sleeping on public spaces, and disposing of waste and property on public spaces. The urban camping language allows for an officer to provide a verbal warning to the violator(s). Any repeat occurrences would allow for the officer to charge the violator(s) with a misdemeanor as set forth in N.C.G.S. 14-4. Mr. Shook stated that Hickory, Newton, Charlotte and other municipalities have already adopted urban camping ordinances like the language presented tonight.

There being no discussion, Council Member Honeycutt made a motion to approve the amendment as presented and to incorporate into the Hildebran Code of Ordinances Section 2.9 Prohibiting Urban Camping and Improper Use of Public Places. All voted in favor. A copy of the amended section is hereby incorporated by reference and made a part of these minutes (Attachment K). *The ordinance will be brought back to Council at the next regular meeting for final approval after the second reading.

CONSIDER APPROVAL OF
QUOTE TO REPLACE AC
FABRIC AIR DUCTS IN
THE AUDITORIUM

Town Manager Shook stated that Perkins Heating & Air has presented a quote to replace the fabric air duct socks in the auditorium. The work was originally a part of the auditorium renovation project; however, given concerns brought up by Mr. Bentley in a previous meeting, staff recommends performing this work as soon as possible. Mr. Shook stated that the price quote of \$29,925 is considerably lower than what previous cost estimates were that were expected to be in the six-figure price range.

Town Manager Shook stated that Cathy Stallings with CAST has asked to use the auditorium from July 1 – August 11th. He stated that Perkins Heating & Air could start their work as early as the last week in July or early August and the rental might push back their start time. Council could decide to push the start date to August 12th. Council Members Smith and Weaver stated that they prefer to not push back the start date and to get the work started as soon as possible. Council Members Stroupe and Weaver stated that Council had already voted to not allow rentals in July and August. Town Manager Shook stated that Ms. Stallings submitted a request to staff to rent the auditorium and he wanted to bring that to Council.

Council Member Smith made a motion to approve the quote as presented with Perkins Heating & Air to furnish and install a new grip spiral system as close to the walls as possible in the auditorium in the amount of \$29,925 and to begin work as soon as possible. Council Members Smith, Stroupe and Weaver voted in favor. Council Members Honeycutt and York were opposed. The motion carried.

CONSIDER APPROVAL OF BUDGET AMENDMENT TO MOVE FUNDS FROM THE AUDITORIUM FUNDS TO THE ROYAL PARK FUNDS

Town Manager Shook stated that the remaining State Directed Grant Funds from the State Capital and Infrastructure Fund (SCIF) that were originally placed in the Auditorium fund need to be redirected to the Royal Park fund. This process will require two budget amendments.

The first budget amendment reflects the funds being removed from the Auditorium Grant Project. Council Member York made a motion to approve the budget amendment as presented to include a line item in the Auditorium Grant Project allowing for the redirection of State Directed Funds, from the Auditorium Capital Project to the Park Capital Project, in the amount of \$146,511.68. All voted in favor. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment L).

The second budget amendment reflects the funds being accepted into the Park Grant Project. Council Member Stroupe made a motion to approve the budget amendment as presented to include a line item in the Park Grant Project allowing for receipt and expenditure of State Directed Funds in the Park Capital Project, in the amount of \$146,511.68. All voted in favor. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment M).

CONSIDER APPROVAL OF BUDGET AMENDMENT TO ACCEPT ADDITIONAL RURAL TRANSFORMATION GRANT FUNDS TO THE AUDITORIUM FUND

Town Manager Shook stated that a budget amendment to the Auditorium Grant Project to accept the funds from the recently awarded grant from the Rural Downtown Economic Development Grant is presented for consideration. Council Member Stroupe made a motion to approve the budget amendment as presented to include a line item in the Auditorium Grant Project allowing for receipt and expenditure of Rural Downtown Economic Development Grant Funds in the amount of \$62,500. All voted in favor. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment N).

CONSIDER APPROVAL OF
RESOLUTION FOR
CONVEYANCE OF
PERSONAL PROPERTY TO
NON-PROFIT

Town Manager Shook stated that HHDA has requested one row of auditorium seats to be used in the museum. As a museum, the conveyance of property meets the N.C.G.S. donation requirements. Staff spoke with Crista Cuccaro at the UNC School of Government to verify the process and legality. She stated that a museum is a public purpose and she had no issue with donating the seats to HHDA. Mr. Shook stated that the resolution presented will need to be amended to include three rows of seats instead of one row of seats.

Council Member Smith made a motion to approve the resolution approving conveyance of personal property to Hildebran Heritage & Development Association pursuant to N.C.G.S. 160A-24H, with the amendment to convey three rows of seats, to be used in the Hildebran museum. All voted in favor. A copy of the resolution is hereby incorporated by reference and made a part of these minutes (Attachment O).

CONSIDER APPROVAL OF
SURPLUS PERSONAL
PROPERTY WORTH LESS
THAN \$30,000

Town Manager Shook stated that staff has a request to surplus the remaining auditorium seating. After speaking with Ms. Cuccaro at the UNC School of Government, the best option is to allow the new seating provider to remove and dispose of the existing seating after HHDA has removed their rows. He stated that the Town of Valdese looked at similar options and contacted Kellex and Shanendoah Furniture to obtain pricing to reupholster their auditorium seats. Both companies informed Valdese it would be more cost effective to replace the seats than try to upholster them. Bakh's recommendation to have the seating company remove and dispose of the existing seats matches the decision and action that Valdese took with its old seats. There being no discussion, Council Member York made a motion to surplus the existing auditorium seats, after HHDA removes their three rows, and allow the new seating company to remove and dispose of the seats. All voted in favor.

Mayor Hildebrand asked if the existing floor could be salvaged and resurfaced. Council wanted to see a price difference between saving the floors and replacing them with a different hard surface. Town Manager Shook stated that he could ask Bakh to include an alternate bid to get quotes to salvage and resurface the existing floors in the auditorium. Council was in agreement.

APPOINT PLANNING
BOARD/BOARD OF
ADJUSTMENT
ALTERNATE POSITION

Mayor Hildebrand stated that the one applicant for the alternate position for the Planning Board/Board of Adjustment was included in the agenda packet. There being no discussion, Council Member Honeycutt made a motion to appoint Roy D. Cooke to the Planning Board/Board of Adjustments to the one-year alternate position beginning July 1, 2024 and ending June 30, 2025. All voted in favor.

JUNE FACILITIES REPORT

The June facilities report was provided for review.

MAY DELINQUENT TAX
REPORT

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

MAY DEPUTY REPORT

The May deputy report was provided for review.

COMMITTEE REPORTS

Transportation Advisory Committee (TAC) and Technical Coordinating Committee (TCC) – Town Manager Shook stated that the committee discussed TIP revisions, the Regional Comprehensive Highway Safety Plan, LAPP application scores, STIP funding, and division updates.

Town Manager Shook stated that he spoke with Averi Ritchie at the WPCOG concerning the Town removing the LAPP project from the Surface Transportation Block Grant program due to the significant increase in cost estimates. A resolution will be brought to Council at the next meeting and then the Town will notify the WPCOG/TCC/TAC to review and hold a public comment period prior to removing it from the program.

WPCOG Policy Board – Council Member Honeycutt stated that the Board held a second reading of the budget, discussed a building expansion of the COG and discussed the Charlotte Interbasin Transfer request.

Burke Economic Development – Town Manager Shook stated that the Board reviewed its financials year-to-date, its 2024-2025 Plan of Work, the roadway for the Burke Business Park that is expected to be completed in the fall, and its new marketing plan to increase outreach on Facebook and LinkedIn. The average new housing list price is over \$400,000 in May.

Recreation and Tourism Committee – No report.

Water Resource Committee – No report.

VEDIC – Karen Robinson reported that the Board reviewed its financial overview highlighting the Profit and Loss Statement and Balance Sheet. VEDIC reapplied for the ARC loan up to \$300,000 and the RBDG is still pending. Payments from clients and delinquent payments were reviewed. Demand letters were sent by the attorney. Technical assistance to clients was given and two loan modifications were approved. Temporary office help was requested until the Board can find a qualified person.

Library Board – No report.

Events Committee – Town Manager Shook reported that the committee discussed the parade and Grand Marshal. The Royal Park groundbreaking will be held on July 17th at 10:30 a.m. The auditorium renovation project bids should be received by the end of July.

**OTHER BUSINESS:
CAST – AUDITORIUM
SEAT REQUEST**

Council Member Honeycutt stated that CAST has requested 20-25 auditorium seats to be donated to them since they are a non-profit. Town Manager Shook stated that it depends on the purpose that CAST would use the seats. Attorney Amos stated that CAST could not sell the seats. Mr. Honeycutt stated that it would be for a project. Mr. Shook stated that staff could look at it but the seats must be used for a public purpose to meet the general statutes requirements for donation. The process would be to post a public notice of Council's intent a minimum of five days' notice prior to adopting a resolution.

Bill Jones asked if HHDA could go ahead and get their three rows of seats out of the auditorium and Council agreed.

ANNOUNCEMENTS

Clerk Sanders stated that the first American Red Cross blood drive is scheduled on Tuesday, July 16th from 2:00 p.m. to 6:30 p.m. in the Town gym. Everyone is encouraged to participate.

Town Manager Shook stated that Averi Ritchie from the WPCOG sent an email with a survey from the NCDOT for local projects. The survey allows citizens to choose which NCDOT projects are important to them. There are a few in Hildebran to choose. Mr. Shook stated that he would email the link to Council members.

ADJOURN

All business being concluded, Council Member Honeycutt made a motion at 7:55 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