

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

**JULY 25, 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 7:00 p.m. Vivian Wilson led a prayer.

**PLEDGE OF  
ALLEGIANCE**

Cheyenne Lovelace led the pledge of allegiance to the United States flag.

**COUNCIL PRESENT**

The following members of the Board were present: Mayor Virginia Cook, Council Members Brenda Banks, Barbara Lowman, Lee Lowman and Jody York. There is one vacant seat.

**STAFF PRESENT**

The following staff members were present: Attorney Redmond Dill, Town Administrator Thomas Drum, Town Clerk Alice Sanders, Finance Officer Fredrick Rankins, and Planner Erin Schotte.

**CITIZENS & MEDIA  
PRESENT**

See attached sheet.

**ADOPTION OF  
AGENDA**

Council Member B. Lowman made a motion to adopt the agenda. All voted in favor.

**APPROVAL OF  
MINUTES**

Council Member Banks made a motion to approve the June 27, 2016 regular meeting. All voted in favor.

Council Member B. Lowman made a motion to approve the July 8, 2016 special meeting minutes. All voted in favor.

**PUBLIC HEARING  
MINIMUM STANDARDS  
FOR OCCUPANCY  
ORDINANCE**

Mayor Cook opened a public hearing at 7:04 p.m. for the purpose of hearing comments from the public regarding the Minimum Standards for Occupancy Ordinance.

Planner Schotte reviewed with the Board that the primary goal of the ordinance is to protect the citizens of Hildebran from unsafe living conditions. It will apply to single-family and multi-family homes, mobile homes, apartments, and motels. It does not apply to uninhabited commercial buildings nor abandoned homes and focuses on the condition of the building itself as it relates to the public health. She also reviewed the standards and process of the ordinance.

**CLOSE PUBLIC  
HEARING**

There being no comments, Mayor Cook closed the public hearing at 7:07 p.m.

OLD BUSINESS:  
CONSIDER MINIMUM  
STANDARDS FOR  
OCCUPANCY  
ORDINANCE

There being no questions from the Board, Council Member L. Lowman made a motion to approve the Minimum Standards for Occupancy Ordinance. All voted in favor. A copy of this ordinance is hereby referenced and made a part of these minutes (Attachment A).

INCORPORATE  
MINIMUM STANDARDS  
FOR OCCUPANCY  
ORDINANCE INTO THE  
CODE OF ORDINANCES

Council Member B. Lowman made a motion to incorporate the Minimum Standards for Occupancy Ordinance into the Town's Code of Ordinances. All voted in favor.

BAT EVACUATION  
REPORT: DIXON  
HERMAN

H. Dixon Herman, Jr. provided a copy of the letter dated June 15, 2015 that was sent to the Town. He reviewed with the Board that the project was held up due to the fact that the old school building has not been torn down. He explained that the warranty would be void if he completed the project now and the breezeway was removed in the future because the removal of the breezeway would open the building back up and allow bats to reenter the building. He stated that he would complete the project now, if the Board chooses, but the possibility of the reentry of the bats would occur when the breezeway is removed.

He reported that the evacuation of bats is prohibited from May 1<sup>st</sup> to August 1<sup>st</sup> since baby bats aren't able to fly during those months. Work can begin after August 1<sup>st</sup>. In addition, the weather has to be above 50 degrees. He stated that his work could be completed within 10 days. Council took no action.

CONSIDER PURCHASE  
OF BANK BUILDING

Mayor Cook reported that the Board voted at its regular meeting on April 25, 2016 to enter into a contract with First Citizens Bank to purchase the vacant First Citizens bank building and to authorize the Mayor to sign the contract on behalf of the Town. The Town had 75 days for due diligence, which ended on July 10, 2016; this is also the deadline for the Town to withdraw its offer and request a refund of its \$10,000 earnest money deposit. Although the deadline has passed, the Board will reaffirm its decision to purchase the bank building, utilizing proceeds from a financing contract with an established financial institution, BB&T. Attorney Dill was also instructed to contact the realtors.

Council Member L. Lowman made a motion to approve the purchase of the vacant First Citizens bank building. Council Member York stated that she had questions concerning the July 8, 2016 special meeting and Mayor Cook informed her to bring up the concerns at a later time. Council Member Banks, B.

Lowman and L. Lowman voted in favor. Council Member York was opposed. The motion carried.

CONSIDER  
RESOLUTION TO  
FINANCE BANK  
BUILDING WITH BB&T

Mayor Cook reported that the Board voted at its April 25, 2016 regular meeting to finance the purchase of the bank building. In order to allow all members of the Board to vote, the Board will now consider approving the resolution to finance the purchase of the bank building, specifically with BB&T.

Mr. Drum stated that if the delay with the closing occurs after July 29th, the interest rate might go up and suggested that the Board, in its motion, allow for an increase by approving an interest rate not to exceed 2.5% so that the Board will not have to meet again.

Council Member Banks made a motion to approve the resolution with BB&T approving financing terms with an interest rate not to exceed 2.5%. Council Members Banks, B. Lowman and L. Lowman voted in favor. Council Member York opposed the motion. The motion carried. A copy of this resolution is hereby incorporated and made a part of these minutes (Attachment B).

In regard to the renovation of the new town hall located at 109 South Center Street (old First Citizens Bank building), Council Member L. Lowman made a motion to authorize Mr. Drum to execute an architectural service agreement with James Ratliff, Architect, for the design, bid process/award and construction management through closeout of the project, not to exceed \$14,000. It was confirmed that Mr. Ratliff will use the latest floor layout that was presented to Council previously, with the copier area moved to a central location and small windows added to the offices. Mr. Drum reported that services for an architect are not required to be bid out for this project. Council Member Banks, B. Lowman and L. Lowman voted in favor. Council Member York was opposed to the motion. The motion carried.

CONSIDER CASH RENT  
REFUND TO HHDA FOR  
FY 15-16 LEASE

Mayor Cook reported that Hildebran Heritage and Development Association (HHDA) paid for its lease rent for FY 15-16 at the beginning of the lease and has not been refunded its rent since the fire. The Board addressed refunding HHDA rent based on a per day rate from the date of the fire until June 30, 2016. Mr. Rankins has presented a final amount to be refunded, \$639.35.

Council Member B. Lowman made a motion to refund HHDA \$639.35 for rent for FY 15-16. All voted in favor.

CONSIDER REVISED  
ANNUAL LEASE OF  
TOWN PROPERTY  
(HHDA)

Mayor Cook reported that a revised lease for HHDA has been submitted to the Board for approval. HHDA requested that one change be made regarding the restriction of a 96 hour prior, written notice be provided to the town before an HHDA representative may enter the premises with a town employee. HHDA requested to change that to read a 24 hour prior, written notice. Ms. Sanders suggested that the wording read one business day. Mr. Drum stated that it would probably be fine if HHDA requested access in the morning and staff could arrange for a meeting in the afternoon. He also stated that the notice requirement from HHDA to enter the premises is only necessary until the building has been environmentally cleared.

Council Member B. Lowman made a motion to amend the revised lease to change the notice required by HHDA from 96 hours to 24 hours/one business day. All voted in favor.

Council Member B. Lowman asked if HHDA was allowed in their leased premises since the July 8, 2016 meeting. Mr. Drum stated that HHDA representatives approached Mr. Bivens on Monday, July 10, 2016, and they entered the building. In addition, they did ask Mr. Bivens if they could enter the building at another time.

Mr. Drum suggested that the Board change the amended notice to 24 hours. Council Member B. Lowman stated that the reason for stating the next business day is so that if a request is received late on a Friday afternoon, then staff is not required to work on the weekend. Mr. Drum stated that it would be a mutual understanding that if a request on a Friday afternoon is received, HHDA will not be allowed in until Monday.

Council Member B. Lowman made a motion to rescind her vote to the revised lease to change the notice requirement by HHDA from 96 hours to 24 hours/one business day. All voted in favor.

Council Member B. Lowman made a motion to amend the revised lease to change the notice required by HHDA from 96 hours to 24 hours. All voted in favor.

Council Member Banks made a motion to approve the revised HHDA lease, as amended. All voted in favor.

CONSIDER ADDING  
GATES TO THE FENCE  
BETWEEN THE  
AUDITORIUM AND

Mayor Cook stated that the Hildebran United Methodist Church requested that gates be added to the fence to be erected between the church and the auditorium. She stated that the church expressed that during Town events, the church's parking lot was not being kept clean and the church was concerned about the

CHURCH PER REQUEST  
FROM CHURCH

wear of the parking lot. Mayor Cook stated that erecting a fence with gates would defeat its purpose.

Council Member York stated that it was her understanding that the church never requested a fence and Mayor Cook stated that the church did request it. Ms. York asked who requested it. Mayor Cook stated that it was the Pastor, Terry Annas, Jamie Hollowell and another man that she could not remember his name. Ms. York stated that she talked to the Pastor today and his response was that he was approached by someone at the Town after the fire and was asked if the church wanted a fence and would the church pay for half of the expense. At that time, the church did not have the funds and the Pastor said they could not help with the expense and they dropped the matter. Ms. York stated that she wanted to find out who asked for the fence and when. She stated that if the church asked for the fence to begin with to prevent foot traffic and trash, why would the church now ask for gates, which defeats the purpose. Ms. York stated she did not feel the Board should spend more money for the fence.

Mayor Cook replied that the request for the fence from the church was prior to the fire when cruise ins and larger meetings were happening. She stated that she could not give a specific date, but the church requested the fence twice and other Council members were getting calls as well. She stated she wanted to be sure there was not an impact on the church parking lot due to town events. She stated that when it was requested, knowing that the church could not afford it, she brought it to the Board for approval and now the church has requested gates for the fence.

Attorney Dill suggested that the Board rescind all motions regarding the fence and if the church requests the fence, it should put the request in writing.

Council Member Banks made a motion to rescind all previous motions regarding the erection of the fence between the church and the auditorium. Council Member York asked about the property line and Mayor Cook stated that there was a survey line on record. Council Member L. Lowman stated that the Town tore down a fence after condemning the property to extend the sidewalk over to the church property by a previous Mayor and Council. He stated that the Town was wrong to condemn a strip of land to connect to a parking lot of the church just so it could have easy accessibility to its own property and was wrong for tearing the fence down that did not belong to them, if he was not mistaken. He stated that the Town, in the

past, created an issue and he was trying to right a wrong in putting the fence back up to stop the foot traffic. He stated that he has seen the trash and helped pick up the trash after Town events. All voted in favor to Ms. Banks motion.

CONSIDER ANNUAL  
SERVICE CONTRACT  
(SNOW REMOVAL)

Mayor Cook stated that Mr. Drum has contacted L&M Construction, the only qualified bidder for the snow removal services, to negotiate pricing. Mr. Drum stated that he has contacted them and is waiting to hear back from them. He recommended that the Board wait until the August meeting while L&M and Mr. Drum negotiate. The Board was in agreement.

VOLUNTEER ANNEX  
REQUEST-DIRECT  
CLERK TO CERTIFY  
THE SUFFICIENCY OF  
THE PETITION

Mayor Cook reported that Jerry Baker, from Burke Inc., has submitted a request for a non-contiguous voluntary satellite annexation for the property at 7841 Old NC 10, off of Exit 116. This is the McDonald's and Jack B Quick property. The property is being served by Icard Water and has County Sewer. Mr. Drum's recommendation is that the Board must direct the Clerk to certify the sufficiency of the petition.

Council Member B. Lowman made a motion to direct the Clerk to certify the sufficiency of the petition. All voted in favor.

Mayor Cook read Resolution 07-25-16 directing the Clerk to investigate a petition. Council Member York made a motion to approve the resolution. All voted in favor. A copy of this resolution is hereby incorporated and made a part of these minutes (Attachment C).

NEW BUSINESS:  
APPOINT COUNCIL  
PERSON TO FILL  
VACANCY

Mayor Cook reported that the Board will appoint a member to fill the vacancy on the Board, due to the resignation from Leon King. The Town advertised the vacancy on its website and received two applications: Richard Bell and Theresa Messer. She asked if there were any other nominations and there was none. She stated that the position will take effect immediately. She asked for questions from the Board and there was none. The Board voted by written ballot. Vivian Wilson asked for the qualifications of the applicants. Mayor Cook reviewed the Information and Interest Sheet for Hildebran Town Council application form. Council Member York stated that she thought Ms. Wilson was asking if the Town has a list of what the qualifications should be to be a Council member and Mayor Cook stated that the Town did not have a list. She stated that once Board members are elected or appointed, educational programs are set up as required by law.

Clerk Sanders reviewed the ballots and announced that the Board voted three to one for Theresa Messer. Council Members Banks, B. Lowman and L. Lowman voted for Theresa Messer and Council Member York voted for Richard Bell. Theresa Messer was appointed to the seat by majority of the vote.

OATH OF OFFICE

Ms. Messer was administered the oath of office by Mayor Cook.

FACILITIES REPORT

Mr. Drum reported that Ms. Isenhour provided a report for the Board. He added that staff is working on a bid document for the completion of all the work in the old Town Hall building to bring it back to the way it was before the fire and he hopes to have the bids to the Board at the August meeting.

He reported that another round of asbestos testing was done at the Town Hall building that was more intensive and the results showed no asbestos found but he will review the report to ensure the results. He stated that the repairs at the Town Hall building still need to be completed. The lower level repairs are almost complete. He stated that as soon as the tape and fence can be taken down, it will, but the Town needs to ensure safety.

Council Member B. Lowman asked about the restroom issue at the field house. Mr. Drum stated that the City of Hickory did not find any issue with the lines or any breakage. There is still an open hole in the back and Mr. Franklin looked at it and he believes it is a storm water issue and that concrete will need to be put in the drainage lines, water will need to be pumped out and the hole will be filled, which has nothing to do with the sewer. He will continue to investigate. The water issue at Town Hall has been resolved and the meters and backflow prevention devices have been installed.

JUNE TAX REPORT

Ms. Sanders reviewed the June tax report. A copy of the report is hereby incorporated by reference and made a part of these minutes (Attachment D).

2015-2016 ANNUAL TAX SETTLEMENT

Ms. Sanders reviewed the FY 15-16 annual tax settlement for the Town. The collection rate for the year was 99.70%. Council Member York made a motion to accept the FY 15-16 annual tax settlement, without motor vehicle taxes. All voted in favor. A copy of the settlement is hereby incorporated and made a part of these minutes (Attachment E).

COMMITTEE REPORTS & UPDATES

Transportation Advisory Committee (COG) – Mayor Cook reported that there was no meeting this month.

WPCOG Policy Board – Council Member B. Lowman reported that the meeting will be held July 26, 2016.

Burke Economic Development Representative – Mayor Cook reported that the committee is looking at several sites anticipating someone purchasing one of these sites, hopefully in the Burke County Industrial Park.

Recreation and Tourism Committee – Council Member York reported EBVAO will hold a free football camp on July 30<sup>th</sup> from 8:00 a.m. to 11:00 a.m. with free hotdogs. There are no activities until after Labor Day.

Water Resource Committee – The committee met and discussed metropolitan flood permits, which does not pertain to the Town.

VEDIC – Mayor Cook reported that the committee met in closed session.

DEPUTY REPORT  
GARY TOWERY

Deputy Towery provided his report for the month of June.

OTHER BUSINESS:

Mayor Cook stated that Carolyn Yoder, East Burke Christian Ministries (EBCM) Director, submitted a letter to the Town dated July 12, 2016 stating that EBCM is not closing and that she is not leaving the Ministries. Ms. Yoder also thanked the Town for its continued support and reduced rent. Mayor Cook distributed the letter to the Board.

Mayor Cook distributed a letter from the Icard Township Fire and Rescue which stated that the fire department will no longer be able to sponsor the parade due to a change in its insurance and not being able to cover the expenses. Mayor Cook spoke to Leigh Anne Icard, the coordinator of the event with the auxiliary group, who offered to work with Ms. Isenhour if the Town takes over the parade. Ms. Icard provided a vendor list and the application and also provided suggestions to the Town. Council Member York voiced concerns about staff having time to oversee the parade and stated that she did not feel the Town needed to take over the parade. Mayor Cook replied that in addition to Ms. Isenhour, part-time workers could be hired for a very little expense. After further discussion, Council Member Messer made a motion for the Town to take over the Christmas parade on the first Saturday in December. Council Members Banks, B. Lowman, L. Lowman and Messer voted in favor. Council Member York was opposed. The motion carried.

ANNOUNCEMENTS

None at this time.

PUBLIC COMMENT

Vivian Wilson stated that Hildebran United Methodist Church did not request that a fence be erected between the church and the auditorium.

Richard Bell expressed his concerns of the Town violating the charter in regards to the Mayor voting and the location of the Mayor's office.

ADJOURNMENT

All business being concluded, Council Member L. Lowman made a motion to adjourn at 8:28 p.m. All voted in favor.

I attest these are the approved minutes of the Board.

---

Alice Sanders, Town Clerk

---

Virginia Cook, Mayor