

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

**FEBRUARY 28, 2022  
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.
INVOCATION	A representative from the Boy Scouts Troup 898 led a prayer.
PLEDGE OF ALLEGIANCE	A representative from the Boy Scouts Troup 898 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 Ben Honeycutt, Mike Smith, Mike Stroupe, Terry Weaver and Jody York.
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 Honeycutt made a motion to approve the agenda as presented. All voted in favor.
APPROVAL OF MINUTES	Council Member York requested to change the word "his" to "her" under ZTA 2022-4 and ZTA 2022-6. There being no objections, Council Member York made a motion to approve the January 24, 2022 regular meeting minutes as amended. All voted in favor.
PUBLIC COMMENTS	Jon Clark addressed Council regarding speeding on Wilson Road and asked for assistance with the issue.  Debbie Greenhill stated that she supports the Town in both shopping and events and discussed the activities of HHDA. She stated that she would like the Town and residents to work together in the future.
OLD BUSINESS: DISCUSSION OF ZTA 2022-1 ADDRESSING THE MODIFICATION OF SPECIFIC LANGUAGE RELATED TO SB 300	Town Planner Justice stated that at the last meeting, Council had a question about removing the misdemeanor charges from the Nuisance Ordinance in Section 3-1.11 (d). He stated that after reviewing the recording, he had concerns that Council may have been confused and

wanted to readdress the text amendment.

Mr. Justice stated that the Planning Board had recommended keeping the misdemeanor charges in the Nuisance Ordinance; however, he had recommended removing them in order to be in compliance with the intent of SB 300. The law included a stipulation that local governments remove misdemeanor charges from certain types of ordinances, as well as make efforts at decriminalizing the remainder of their local ordinances. He stated that the Code Enforcement Officer has the authority to fine someone not in compliance up to \$50 a day and can take the case to small claims court for nonpayment. He stated that most Towns have never filed a misdemeanor claim for Ordinance violations. He stated that he wanted Council Members to understand that they had voted to remove the misdemeanor charges at the last meeting and asked if that was indeed their intent.

Council Member York stated that she preferred to keep the misdemeanor charge just in case the Town would ever need to enforce it. Council Member Stroupe asked how other Towns were addressing it and Mr. Justice stated that most Towns were keeping the misdemeanor charges in the local Ordinances that were not affected by SB 300.

Council Member York made a motion to rescind the action taken at the January 24, 2022 regular meeting that approved ZTA 2022-1 that removed Sec. 3-1.11 (d) Nuisance Codes and Violations, Article 1 Nuisance. All voted in favor. Clerk Sanders will provide an ordinance at the next meeting authorizing this change.

CONSIDER APPROVAL OF  
CONTRACT FOR TOWER  
REBUILD PROJECT –  
TALLEY & SMITH  
ARCHITECTURE

Bob Smith from Talley & Smith Architecture, Inc. addressed Council regarding designing and overseeing the tower project. He addressed ideas from Council and staff including adding power and a clock at the top. He provided staff with a sketch and Town Manager Shook will forward that to Council. Council Member Honeycutt suggested adding a concession stand to the back of the tower. Mr. Smith also stated that tying in a veterans and Hildebran educational memorial has been mentioned. Adding a restroom was also mentioned.

Town Manager Shook stated this is an opportunity for Council to address any questions with Mr. Smith. He stated that if Council decides to move forward, a contract with Mr. Smith will need to be approved.

Council Member Weaver made a motion to move forward. All voted in favor. Attorney Dill asked Council for more clarification regarding the motion. Mr. Weaver stated that he would like more presentations of Council's discussions. Mr. Shook stated that in order to move forward with more designs from Mr. Smith, Council would need to approve a contract and budget amendment up to \$20,000. Council Member Weaver made a motion to approve and authorize the Manager to execute a contract with Talley & Smith Architecture, Inc. and approve a budget amendment not to exceed \$20,000. All voted in favor. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment A).

**DISCUSSION OF "IN WITH THE OLD" (HENRY RIVER MILL VILLAGE) SHOWING IN THE AUDITORIUM**

Mayor Hildebrand stated he and Council Member Honeycutt approached Calvin Reyes and asked to show the "In With The Old" Henry River Mill Village episode in the auditorium. He stated that he and Council Member Honeycutt would be willing to pay \$1 to rent the auditorium to show the film. Council Member Honeycutt stated that Mt. Hebron Lutheran Church has agreed to be a co-sponsor of the event. Mayor Hildebrand stated that rather than Calvin, it would be he and Council Member Honeycutt putting on the event.

Council Member York asked why the Town could not promote the event. Attorney Dill stated that Mr. Reyes was provided a complimentary copy of the episode. He stated that the letter that he received from Discovery Access III stated that Mr. Reyes could show it, but could not promote it. He stated that if Mr. Reyes cannot promote it, the Town cannot promote it. He stated that the Town has no authority to show the film and if the Town shows it, the Town would be doing it at its own peril. Council Member York asked what could happen. Attorney Dill stated that Discovery Access III could sue the Town and that the Town would not be covered by the Town's insurance since the Town is now on notice that it would be showing the event outside the scope of its authority. Mr. Dill reiterated that the Town has not been provided consent to show the episode, contrary to what Council Member Honeycutt was led to believe originally. He stated that the letter that was provided to Mr. Reyes, after Mr. Reyes requested permission for the Town to show the film in the auditorium, only stated that Mr. Reyes could show it in the auditorium with no promotional rights.

Town Manager Shook stated that he had conveyed to Mr. Reyes that he is able to show the episode in the auditorium but Mr. Reyes mentioned that is not something that he wants to do.

Mayor Hildebrand stated that he would reach out to Mr. Reyes about showing the episode. He asked if the Town could promote it. Attorney Dill stated that the Town could not promote the film. No action was taken.

**NEW BUSINESS:**

**CONSIDER APPROVAL OF STATE AND FEDERAL CONFLICT OF INTEREST POLICIES**

Town Manager Shook stated that state and federal conflict of interest policies are presented for approval. He stated that as a requirement of receiving ARPA funds, the Town is required to have policies that meet ARPA rules. Also, he stated that the policies were required for the State Capital Infrastructure Fund (SCIF) grant of \$150,000 that the Town will receive. He stated that both policies need to be approved prior to expending any monies. Council Member Honeycutt made a motion to approve the State Conflict of Interest Policy and the Federal Conflict of Interest Policy as presented. All voted in favor. A copy of the policies are hereby incorporated by reference and made a part of these minutes (Attachment B).

**CONSIDER APPROVAL OF CONTRACT WITH WPCOG REGARDING PARTF GRANT ADMINISTRATION**

Town Manager Shook stated that a contract with the WPCOG was presented for them to oversee the PARTF grant. He explained that the WPCOG updated the Town's Parks and Recreation Plan and submitted the Town's application for the PARTF grant. Part of the agreement for those services that were provided at no charge was that if the PARTF grant was awarded, the Town would contract with the WPCOG to oversee the administration of the PARTF grant. The Town was awarded the PARTF grant. He reviewed with Council the services that the WPCOG will provide. Council Member York made a motion to approve the contract with the WPCOG for the Provision of Technical Assistance: Hildebran New Town Park PARTF Project effective March 1, 2022 and ending January 31, 2025 at a cost of \$7,500. All voted in favor. A copy of the contract is hereby incorporated by reference and made a part of these minutes (Attachment C).

**CONSIDER APPROVAL WITH PHIL CHURCH FOR TOWN AUDIT SERVICES FOR FY 21-22**

Mayor Hildebrand stated that the Town's previous auditor, Eric Bowman, informed the Town that he is retiring and will no longer be able to perform the Town's yearly audit. Staff asked for recommendations for a new auditor and Mr. Bowman recommended Boggs, Crump &

Brown, PA who was unable to take on any new clients. Mr. Bowman and Boggs, Crump & Brown, PA both recommended Phil Church at Lowdermilk, Church & Co. LLP. Mr. Church was in agreement to add the Town as a client and agreed to perform the audit at the same rate as Mr. Bowman. Town Manager Shook stated that due to the Town receiving federal funds this fiscal year, a more detailed audit will be required and the cost may increase in the future. A contract for audit services is presented for approval. Council Member Smith made a motion to approve the audit contract with Phil Church, Lowdermilk, Church & Co. to perform the yearly audit for FY 21-22 as presented. All voted in favor.

CONSIDER APPROVAL OF  
BUDGET AMENDMENT  
FOR PARK MULCH,  
DISCATCHER REFURBISH  
KITS AND  
PAINT/STAINING AT THE  
DEPOT AND PAVILION

Town Manager Shook stated that there are some routine maintenance items at the park that need to be addressed. These maintenance items include repainting the green trim at the depot; repairing and re-staining the depot deck; re-staining the pavilion; re-staining the stamped concrete; replacing the plastic liners for the disc golf holes; and adding playground mulch. The mulch has not been replaced as needed over the last 3-5 years. He stated that it was the best idea to replace the mulch all at once since the Town is getting ARPA funds to help cover these costs. He stated that there is currently \$10,000 in the budget to expend for some of these items, but Council will still need to approve a budget amendment of \$19,749 to cover the remaining costs. He stated that since replacing mulch was the highest expense of this maintenance, staff requested three landscapers to provide quotes for the mulch but only one provided a quote, The Grounds Keeper. He stated that staff reached out to the painting company in town, Parkhurst Painting, for a quote for painting and staining. He stated that staff can acquire additional quotes if Council preferred. Council Member York made a motion to approve the contracts and budget amendment of \$19,749 to perform the aforementioned work at the Hildebran Community Park as presented. All voted in favor. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment D)

DISCUSSION OF 2022  
CRUISE INS

Town Manager Shook stated that the letter from HHDA requesting funds for Cruise Ins from last year was provided and staff recommended to keep the same budget for this year's Cruise Ins. He stated that HHDA has requested additional funding this year and invited Johnny Childers to present the request. Mr. Childers stated that

HHDA did not want to request any funding for tonight. He asked if Council believed the Cruise Ins were good for the Town and community and asked if the Town wants to continue to partner with HHDA. The second question he asked was where staff proposes that the stage be placed this year since the current location could delay progress on the tower. Also, the tower bricks are placed where the stage normally sits. He provided the 2022 proposed dates as May 28, June 25, July 23, August 27 and September 24, 2022. He stated that HHDA would provide a funding proposal prior to the Town's budget workshop.

Council Member York stated that she would like to see the Cruise Ins continue. Council Member Stroupe stated that staff should work with the park architect so as not to prevent construction on the new park. Mayor Hildebrand stated that HHDA had suggested moving the stage over to the side of the gym. Council Member Stroupe stated that the Fire Marshall should be contacted for setback requirements.

Town Manager Shook stated that once the PARTF contract is signed, the Town will work with the WPCOG to contract with an engineer to begin work. He stated that once the engineer is hired, the engineer can provide a recommendation for the location of the stage. No action was taken.

**CONSIDER APPROVAL OF  
SPONSORSHIP FOR BURKE  
L.E.A.F. TOUR DE BURKE**

Town Clerk Sanders stated that Deputy Towery requested the Town to consider a sponsorship for the 1<sup>st</sup> Annual Burke L.E.A.F. Tour de Burke. After a brief discussion, Council Member Smith made a motion to approve the purchase of a platinum sponsorship for the 1<sup>st</sup> Annual Burke L.E.A.F. Tour de Burke in the amount of \$500. All voted in favor.

Council Member Smith made a motion to approve a budget amendment in the amount of \$500 for a platinum sponsorship for the Burke L.E.A.F. Tour de Burke. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment E)

**CALL A SPECIAL  
MEETING FOR BUDGET  
WORKSHOP**

Council Member Smith made a motion to hold a special meeting for the purpose of a budget workshop on Wednesday, March 16, 2022 at 6:00 p.m. in the Community Center. All voted in favor.

FEBRUARY FACILITIES

The February Facilities Report was provided for review. Town Manager Shook stated that the motion detection lights at the park have been repaired and are working.

JANUARY DELINQUENT TAX REPORT

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

JANUARY DEPUTY REPORT

The January report was provided for review. Deputy Towery stated that he drives the roads as much as possible. He stated that some cars sound like they are going faster than they really are. He stated that the County is extremely short staffed but he would ask for additional help from the Highway Patrol. He also stated that speed bumps are not allowed due to scraping of roads during inclement weather.

COMMITTEE REPORTS

Transportation Advisory Committee (TAC) and Technical Coordinating Committee (TCC) – No report.

WPCOG Policy Board – Council Member Smith stated that the Board approved its strategic plan for the year and gave out employee awards.

Burke Economic Development – Town Manager Shook stated that housing is an issue within the County. A 6% to 10% increase for the Town's contribution will be requested this budget year, around \$800. The Board wants to hire an additional employee to focus on housing.

Recreation and Tourism Committee – No report.

Water Resource Committee – No report.

VEDIC – Karen Robinson reported on the last two meetings. January - The Board reviewed their profit and loss balance sheets. New IRP regulations allows VEDIC to loan up to \$400,000, an increase from a \$250,000 cap. A CD will be moved to a 6-month term to get .10% interest. One new loan was approved. February – Six delinquent loans were discussed with two loan modifications approved. VEDIC has loaned funds to businesses that account for ¾ of the jobs created in Burke County. VEDIC has made loans of \$7,161,936 in 10 counties in the region. The NC Secretary of State and the Rural Center have asked to partner with VEDIC.

Library Board – No report.

OTHER BUSINESS

Council Member Honeycutt requested information on regulating the size of flags in Town limits. Town Manager Shook stated that he has not been able to find a Town that has regulated sizing but he will do more research.

ANNOUNCEMENTS

Karen Robinson stated that her mother, Elsie Childres, will turn 98 on March 7<sup>th</sup>. Mayor Hildebrand requested that the Clerk prepare a Proclamation for Mrs. Childres. A copy of the Proclamation is hereby incorporated by reference and made a part of these minutes (Attachment G).

ADJOURN

All business being concluded, Council Member Honeycutt made a motion at 8:18 p.m. to adjourn. All voted in favor.

I attest these are the approved minutes of the Board.

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Alice Sanders, Town Clerk

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Wendell Hildebrand, Mayor