

**TOWN OF HILDEBRAN
COUNCIL'S CHAMBER
TOWN HALL**

**MARCH 27, 2017
7:00 PM**

**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. Jack Hodges led a prayer.

**PLEDGE OF
ALLEGIANCE**

Jack Hodges led the pledge of allegiance to the United States flag.

COUNCIL PRESENT

The following members of the Board were present: Mayor Virginia Cook and Council Members Brenda Banks, Theresa Messer, Barbara Lowman, Lee Lowman and Jody York.

STAFF PRESENT

The following staff members were present: Attorney Redmond Dill, Town Administrator Thomas Drum, Town Clerk Alice Sanders, Finance Officer Fredrick Rankins, and Administrative Support Specialist Laurie Brawley.

**CITIZENS & MEDIA
PRESENT**

See attached sheet.

**APPROVAL OF
AGENDA**

Council Member Banks requested to amend the agenda to add "Discuss Burned School Building Cleanup" as section A1 under New Business. Council Member Messer made a motion to approve the agenda, as amended. All voted in favor.

**APPROVAL OF
MINUTES**

Council Member York made a motion to approve the February 27, 2017 regular meeting minutes. All voted in favor.

**OLD BUSINESS:
CLARIFICATION
REGARDING REFUND
TO HHDA FOR ICE
MACHINE**

Mr. Rankins stated that he had asked HHDA for the original receipt showing that HHDA had paid a portion of the ice machine. Given the amount of time that has passed since the purchase of the ice machine, obtaining a copy of the receipt is not possible. Rex Lail informed Mr. Rankins that he would provide a letter stating that HHDA had received a refund for its portion of the ice machine for Town records. Mr. Rankins wanted to verify if that would be acceptable to Council. Council Member B. Lowman asked how old the machine was and Mr. Rankins stated that it was about 15 years old. It was verified that HHDA paid \$400 for its portion of the machine. Council Member B. Lowman asked if the refund should be prorated. Mr. Rankins stated that the decision to prorate would need to be decided by Council.

Mr. Drum informed the Board that the ice machine broke about two months ago. An estimate to repair the machine was between \$1,600 and \$1,800. The Town bought a new machine.

It was verified that the Town, HHDA and the senior center split the cost of the machine in the past and all three entities used the machine. The last HHDA cruise in was the last time HHDA used the machine. Council Member B. Lowman stated that she felt HHDA would have gotten \$400 use out of the machine, having using it for eight years.

Mr. Drum stated that the Town may be asked by the senior center for its portion of reimbursement for the machine in the future. Mr. Drum stated that the machine has no value unless someone spends the money to fix it. Council Member York made a motion to surplus the ice machine and deem it no value. All voted in favor.

Council Member B. Lowman made a motion to deny the request to refund HHDA its portion for the ice machine. All voted in favor.

**NEW BUSINESS:
CONSIDER PROPOSAL
FROM HAROLD
GREENHILL
REGARDING OLD
SCHOOL BUILDING**

Mayor Cook reminded the Board that at the last regular meeting, Harold Greenhill provided a proposal to the Board to preserve the tower and breezeway and create a memorial park at the burned out site of the old school building. After the meeting, there was an informal discussion that included Mr. Greenhill, Jack Hodges, Sonny Abernathy, Mayor Cook, Council Member Banks, Mr. Drum, Cheyanne Lovelace and Clerk Sanders. Mayor Cook turned the meeting over to Mr. Greenhill.

Mr. Greenhill thanked the Board for the opportunity to discuss the proposal. He informed the Board that the proposal includes preserving the tower and breezeway, connecting the breezeway to the tower, creating a permanent covered stage with the possibility of an amphitheater, creating a memorial brick walkway which would display the royal mascot, and creating a veterans' memorial wall. He stated that plans will need to be drawn and funding will need to be secured. He introduced Jack Hodges, class of 1974, and Sonny Abernathy, class of 1963.

Mr. Hodges stated that he grew up in the community. He stated that the school was a landmark that is now gone. Mr. Greenhill's proposal is a great opportunity for reconciliation and can provide a great service and meeting area to the community. He showed his drawing of the tower from a past yearbook. He stated that if there was a symbol for the community to rally around, it would be an opportunity to provide a foundation for reconciliation.

Mr. Abernathy lives just outside of the Town limits. He feels that the proposal is a way to bring something positive from a

negative situation. He sees the area as being a venue for many functions and entertainment. He stated that it could be a place for friends and family to come together. The tower and breezeway is something that the community has been proud of for many years. The high school yearbook was called the Tower. The Town made the tower part of the seal. He asked that the Board accept Mr. Greenhill's proposal and take the lead. The project needs to start with preserving the tower and breezeway in order to make Hildebran proud again.

Mr. Greenhill discussed older structures in the area that have been preserved in surrounding cities. He also reviewed facts about the tower, including the ability of the tower to endure severe weather over the past 94 years. He stated that the issue is how much will it cost to save the tower and is the community ready to bear that cost. He asked the Council to give the community a chance to find out together. He believes the citizens of the Town and the surrounding community can raise the necessary funds to accomplish the first step in the process. He asked that Council direct the Town Administrator to secure the services of a licensed professional engineer to estimate the cost of any necessary repairs to the breezeway and the tower to ensure the structural safety and soundness for future use.

Council Member Messer asked who would pay for the engineer. Mr. Greenhill stated that he felt it would be a modest fee. The engineer would first provide an estimate to the Town for his services to perform the study. He asked that the Town pay for this first step.

Council Member Messer asked what Mr. Greenhill will do if the study came back that the structures were not salvageable. Mr. Greenhill stated that he would have to accept the expertise of the engineer. He stated that he felt the tower was not a challenge to save based on other salvaged structures in the community.

Council Member B. Lowman asked what the point would be to save the breezeway since the connecting building is not there to connect to. Mr. Greenhill stated that he was suggesting that the breezeway be connected to the tower in the future. The lower level could have restrooms, a concession stand or be used for storage. In addition, this would allow people to go up the tower. He asked for Council to give them a chance.

Council Member L. Lowman stated that Mr. Greenhill keeps asking for the Town to give them a chance and the Town has already given them chances in the past. He stated that instructing Mr. Drum to acquire an engineer will be using Town resources to

do something for them. He asked why Mr. Greenhill and his group will not use their own money to kick start the project. Instead, Mr. Greenhill wants the Town to pay for this, again. Council Member L. Lowman stated that the Town has studied this in the past and gone through court cases and that chapter is closed and now it is time to clean it up. He stated that if people go up the tower, that would be a liability to the Town to prevent people from falling. He stated that there is a reason that the tower is closed off. He stated that he like the covered area and benches, but it was time to get the area cleaned up and start with a fresh slate. A replica of the tower would be possible. He stated that he would like to start with something fresh and new. He stated that the cell tower will still be there for many years. Mr. Dill stated that the cell tower has a 25-year lease that started in 2008. Mr. Greenhill stated that a covered stage area would help camouflage the tower.

Mr. Greenhill stated that he did not represent any group. He stated that the first step would be such a minimal amount of money that it would not disturb anybody and might could be reimbursed in the future.

Council Member L. Lowman asked what guarantee the Town has that Mr. Greenhill's group will do what they say they are willing to do. He asked if Mr. Greenhill would be willing to sign a contract to take care of all the financing and meet a hard deadline. He pointed out that in Mr. Greenhill's proposal, he mentioned grants. He stated that it takes a lot of time and energy to acquire grants and he asked if Mr. Greenhill wanted to use more Town resources in order to find grants, which would require a grant writer. Mr. Greenhill stated that acquiring grants would be done down the road. Council Member L. Lowman stated that he has heard it will be done down the road for many years and the building was neglected for years and that is the reason the Board proposed to tear it down and start with a clean slate. He stated that if we want young people to come into the Town, the Town has to offer something other than the past and something more than a memorial and stage. He stated that the lack of programs for young people is the reason the Town has not grown.

Mr. Greenhill stated that Council Member L. Lowman had valid points and other communities are dealing with the same issues. Mr. Greenhill stated that outside people that shop and dine in the Town bring in tax dollars for the Town. Council Member L. Lowman stated that the tax dollars that the Town receives is a drop in the bucket compared to what Mr. Greenhill is asking the residents of the Town to spend on this project. Mr. Greenhill

believes that he would be able to raise \$50,000 for the project by selling 500 engraved bricks at \$100 apiece. Council Member L. Lowman asked Mr. Greenhill's party to pay for the engineer. Mr. Greenhill stated that he does not represent a group, he is one resident asking the Council to lead the community. He feels that an engineering fee would not bust the budget. He stated that he was not looking to increase liability, but asking for the Council to take a small step to protect the tower since it is a central focus of the Town. He stated that he did not wish to have a replica of the tower. Mr. Greenhill stated that if the amount to save the structures is too great, he will accept that decision.

Council Member York stated that she felt the Board should take the first step and see if the structures are salvable. She stated that she felt the Board should listen to what the tax payers want.

Council Member Banks asked about a timeframe for the project. Mr. Greenhill stated that the project would take a couple of years.

Council Member Messer asked if Mr. Greenhill will form a committee in order to raise funding for the project. Mr. Greenhill confirmed and stated that anyone interested could be a part of the committee.

Council Member York made a motion to instruct Mr. Drum to solicit bids from a structural engineer for his services to perform a study to determine the cost to make the tower and breezeway structurally sound. Council Member B. Lowman wanted to clarify that this motion would not prevent the Town from demolishing the building and Ms. York agreed. Council Member B. Lowman stated that this motion does not commit the Town to save the structures. Attorney Dill stated that this motion is to determine how much the structural engineer will charge the Town to perform the study. At the next meeting, if the Council wishes to move forward, the Council would then authorize the engineer to do the study. Council Members Banks, Messer, B. Lowman and York voted in favor to the motion. Council Member L. Lowman was opposed. The motion carried.

**DISCUSS BURNED
SCHOOL BUILDING
CLEANUP**

Mr. Drum stated that in order to get numbers to perform the cleanup of the burned school building for the upcoming budget, three contractors were contacted. The estimates ranged from \$120,000 to \$300,000, which includes demolishing the tower and breezeway. He stated that one contractor has the personnel that can demolish the building without touching the tower and breezeway, if the Board makes that decision. He stated that the Board could negotiate with the contractor who provided the

lowest estimate or the Board could request official bidding. The benefit to doing the official bid process would be to motivate the contractors to provide their lowest price. Official bids could be provided at the next regular meeting. It was clarified that the estimates that were provided included necessary asbestos removal.

Council Member Banks made a motion to instruct Mr. Drum to negotiate with the contractor who provided the lowest estimate. Attorney Dill stated that the Board did not have official bids. There has been more than one person that has talked to the contractors and that process is different than soliciting bids. In order to be fair, Attorney Dill stated that official specifications should be determined and an official bidding process should be conducted. He stated that it was safer this way and the Board can award a bid at the next meeting. He suggested the specifications should read that the contractor should save the tower and breezeway last, pending the structural engineer study. Council Member Banks withdrew her motion.

Council Member Banks made a motion to instruct Mr. Drum to determine specifications for demolition and cleanup of the old school building, including asbestos removal, and to follow an official bid process with bids to be presented at the next regular meeting. All voted in favor.

CONSIDER
APPLICATION FOR A
RESIDENTIAL
PLANNED UNIT
DEVELOPMENT (PUD)

Planner Schotte stated that the Town received an application for a residential Planned Unit Development (PUD) from Mark Morgan. The site plan is located on a seven-acre site on Main Ave., East. A PUD contains two or more structures on the same lot. The application is for two apartment complexes with a shared facility. The Town's process for PUDs is for the site plans to be reviewed by the Planner and the developer based on the Town's zoning ordinance. The Planning Board reviews the development with a list of guidelines that are provided in the zoning ordinance. The Planning Board met in February 2017 and determined that the development did meet the guidelines in the zoning ordinance and recommended that Council approve the development with conditions. Ms. Schotte reviewed the seven conditions with Council.

Attorney Dill asked Mr. Morgan what is his anticipated investment in the property. Mr. Morgan stated that it was over \$6.5 million. Attorney Dill stated that amount would be a substantial new tax revenue and will bring in new residents. Attorney Dill stated that there have been issues with new construction and multistory buildings not using steel and instead

using wood connecting the buildings. Mr. Morgan stated that everything would be sprinkled from roof to top.

Council Member B. Lowman asked if the multistory building would affect the fire department. Mr. Morgan stated that there are adequate fire flows in the buildings. The main line would support R13 units. Every space over 125 square feet will have a sprinkler. He stated that the only issue he has ever run into with the fire department is accessibility, meaning where the fire truck comes in and the radius in where they are.

Council Member L. Lowman asked about the sewer system. Mr. Morgan stated that the newer part of the sewer system will be used.

Council Member B. Lowman made a motion to accept the residential PUD application from Mark Morgan, with the seven conditions. All voted in favor.

CONSIDER NON-NCDOT ROAD CLOSURE APPROVAL FOR FIRST ST., S.W. DURING BASEBALL/SOFTBALL GAMES

Mayor Cook reported that the Board must approve all non-NCDOT road closures. EBYAO and Hildebran-Icard Little League submitted a temporary Non-NCDOT road closure permit application to close First St., S.W, from 5:00 p.m. to 9:00 p.m. during the week, and 8:30 a.m. to 7:00 p.m. on Saturdays, from April to mid-June 2017, for the baseball/softball season. Council Member B. Lowman made a motion to approve the road closure permit requests. All voted in favor.

CONSIDER APPROVAL OF PAYMENT FOR PARTIAL DEMOLITION OF OLD SCHOOL BUILDING IMMEDIATELY AFTER FIRE

Mayor Cook reported that immediately after the fire at the old school building, the investigators requested partial demolition of exterior walls of the building in order to assist the investigation. Jamie Canipe performed the work in February 2016. He provided an invoice to the Town this month for \$7,500. This service will be covered by the Town's insurance, once the Town signs the proof of loss. Council Member B. Lowman made a motion to approve the payment of \$7,500 to Jamie Canipe. All voted in favor.

CONSIDER APPROVAL OF CONTRACT FOR ASBESTOS REMOVAL AT BANK BUILDING

Mayor Cook reported that while removing the carpet in the bank building during renovation, asbestos was found in some of the flooring tiles and glue. The cost to remove the asbestos is \$5,110. There is a contingency in the budget of \$10,436 for the renovation project.

Mr. Drum stated that the Town did do its due diligence before the bank building was purchased. There was a lab that tested a few of the floor tiles, which came back negative. When the construction company started the renovation, a worker noticed

that there might be asbestos and did additional testing. They tested the same floor, in different locations. The second asbestos testing showed that some tiles tested positive for asbestos and some tiles tested negative. Mr. Drum stated that there is now asbestos that needs to be removed. It would be up to Council to decide if it wants to go outside of the contractor's bid or to include the removal expenses in the existing construction contract. He stated that the contract amount to renovate the bank building would not go up, but the Town would be using \$5,110 of the \$10,436 contingency. It will still be considered a change order that was necessary because there was asbestos found.

Mr. Drum stated that the contractors are currently not able to work on the project. He stated that he would be asking the Board to authorize him approving change orders up to \$5,000 so that if another situation comes up in the future that requires a change order, the contractor will not have to wait up to four weeks for the next meeting to continue working. Otherwise, a special meeting will need to be called for Board approval.

Council Member Messer asked if there might be a chance more asbestos would be found. Mr. Drum stated that during renovations, there is always a chance of things coming up that were not anticipated. He stated that the Town did perform its due diligence. He confirmed that this change order covers the entire floor.

Council Member York asked what will happen if other problems arise that exceeds the remaining contingency funds. Mr. Drum stated that if the contingency fund was maxed out, both parties would have to agree to an amount to raise the price of the contract and Council would need to approve a budget amendment.

Council Member Messer made a motion to approve the change order to remove the asbestos in the bank building in the amount of \$5,110. All voted in favor.

**CONSIDER A POLICY
FOR CONSTRUCTION
CONTRACT CHANGE
ORDERS**

Mr. Drum stated that if the Board would like for him to develop a policy for him to approve change orders up to \$5,000, he would be glad to do that. He stated that it is a best practice to try to eliminate contractors sitting idle for long periods of time. If the authority is not delegated to him, the Board would have to hold a special meeting to approve each change order. Mr. Drum clarified that he currently has the authority to approve purchases and contracts up to \$5,000 and recommended change order approvals be the same amount.

Council Member Banks made a motion to amend the current purchasing policy so as to give the Town Administrator the authority to approve all expenditures, contracts and construction change orders up to, and including, \$5,000 without the approval of Town Council. All voted in favor. A copy of the policy is hereby incorporated by reference and made a part of these minutes (Attachment A).

APPOINTMENTS TO
PLANNING
BOARD/BOARD OF
ADJUSTMENT

Mayor Cook reported that there are currently two vacant seats on the Planning Board/Board of Adjustment. One seat runs until June 30, 2017 and one seats runs until June 30, 2019. The Board had applications in the agenda packets to review.

Council Member York asked if any of the applicants were related to the Council, Mayor or staff and it was clarified that no one was related.

The Council voted by written ballot. Diane Speigle was appointed to fill the seat that expires on June 30, 2017. Terry Weaver was appointed to fill the seat that expires on June 30, 2019.

CONSIDER GYM
RENTAL POLICY
RELATING TO TYPES
OF ACTIVITIES
ALLOWED

Mayor Cook stated that the Town has been contacted about renting the gym for a for-profit event. There is a risk of floor damage and the floor mats are required to be put down by staff (Mr. Bivens and Mr. Rankins). Ms. Brawley contacted Morganton, Hickory and Valdese to ask about their gym rental policies and none of these facilities exclude for-profit events.

Council Member B. Lowman asked why the Town would not rent the gym for a for-profit event. Mr. Drum stated that the Town has not had any for-profit rentals in three years. For-profit events tend to generate a lot of people and increase the risk of damage to the floor, even with the mats down. He stated that he wanted the Board to make that decision knowing that the risk of damage to the floor could be a possibility. An example of a for-profit event would be a wrestling match or tool show. It was clarified that the policy could be changed at any point.

Council Member York made a motion to approve a policy to allow for-profit events in the gymnasium. All voted in favor. It was determined that a security deposit needed to be obtained and Mr. Drum stated that security deposits have already been determined in the rental fees. A copy of the policy is hereby incorporated by reference and made a part of these minutes (Attachment B).

CONSIDER RAFFLE FOR FACILITY RENTAL (THE DEPOT)

Ms. Brawley stated that she would like to raffle a 5-hour rental of the depot at the Easter Egg Hunt for those people that follow the Town's Facebook and Instagram pages. The purpose of getting more followers is to boost free advertising for the Town. It was noted that the refundable deposits will still be due by the raffle winner. Council Member B. Lowman made a motion to approve the request to raffle a free 5-hour depot rental from those people that follow the Town's Facebook and Instagram pages. All voted in favor.

CONSIDER PROCLAMATION FOR DUKE ENERGY LINEMAN APPRECIATION DAY

Mayor Cook reported that the Town received a request from Duke Energy to adopt a proclamation for Lineman Appreciation Day on April 18, 2017. In addition to recognizing linemen, they are also honoring all the line work support personnel who work with the linemen each day. This includes such groups as the engineering staff, work management group and vegetation management (tree) crews. Council Member York made a motion to approve the proclamation. All voted in favor. A copy of the proclamation is hereby incorporated by reference and made a part of these minutes (Attachment C).

FACILITIES REPORT

Mayor Cook reviewed the facilities report.

FEBRUARY TAX REPORT

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

FEBRUARY DEPUTY REPORT

The February deputy report was provided to Council for review.

COMMITTEE REPORTS & UPDATES

Transportation Advisory Committee (COG) – Mayor Cook reported that the bridge on Johnson Bridge Rd. will be replaced and should be completed by October 2017. The flashing lights in Hildebran should be up soon. The air quality evaluation censor, located at the 321N bridge, showed that the air quality is low. There will be construction on Sweet Water Rd. to start in June. The road extension will connect to Startown Rd. and will take two years to complete.

WPCOG Policy Board – Council Member B. Lowman stated that the meeting will be tomorrow.

Burke Economic Development Representative – Mayor Cook stated that the meeting was held in closed session.

Recreation and Tourism Committee – Council Member York reported that EB YAO baseball practice begins April 8th and the season begins on April 24th. The valve was replaced on the pool

and it is holding water. The HICDC is expecting an insurance increase and is in a holding pattern right now before applying for grants.

Water Resource Committee – Ms. Schotte had no report.

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

OTHER BUSINESS

None at this time.

ANNOUNCEMENTS

None at this time.

PUBLIC COMMENTS

Cheyenne Lovelace thanked the Council for approving the PUD application for Pond View Apartments and for giving consideration to Mr. Greenhill’s proposal to save the tower and breezeway.

Elsie Childres reminded the Council that they took an oath when they were elected and she feels some of the members are not obeying the oath. She also gave her opinion about the Council spending from the fund balance.

CLOSED SESSION

Council Member Banks made a motion at 8:46 p.m. to recess into closed session pursuant to General Statute 143-318.11 (a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. All voted in favor.

Council Member B. Lowman made a motion to return to open session at 9:09 p.m. All voted in favor.

ADJOURNMENT

All business being concluded, Council Member B. Lowman made a motion to adjourn at 9:10 p.m. All voted in favor.

I attest these are the approved minutes of the Board.

Alice Sanders, Town Clerk

Virginia Cook, Mayor