

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

**June 28, 2021  
7:15 PM**

**REGULAR MEETING  
MINUTES**

CALL TO ORDER	Mayor Hildebrand called the regular meeting of the Town Council to order at 7:15 p.m. The meeting was streamed live via the Town's YouTube channel.
INVOCATION	A moment of silence was observed.
PLEDGE OF ALLEGIANCE	Town Manager Shook 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 Derek Cline, Cole Herrell, Ben Honeycutt, Mike Smith and Terry Weaver.
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 PRESENT	See attached sheet.
APPROVAL OF AGENDA	Town Manager Shook requested that the agenda be amended to add Consider Addition to FY 21-22 Budget for Structural Engineer Review for Tower under Old Business. Council Member Honeycutt made a motion to adopt the agenda as amended. All voted in favor.
APPROVAL OF MINUTES	Council Member Herrell made a motion to approve the May 24, 2021 regular meeting minutes and the May 24, 2021 closed session minutes as presented. All voted in favor.
PUBLIC COMMENTS	None.
PUBLIC HEARING FY 21-22 BUDGET ORDINANCE	Mayor Hildebrand opened the public hearing to hear comments from the public regarding the FY 21-22 budget ordinance at 7:18 p.m. There being no comments, Mayor Hildebrand closed the public hearing at 7:18 p.m.
OLD BUSINESS: CONSIDER ADDITION TO FY 21-22 BUDGET FOR STRUCTURAL ENGINEER REVIEW OF TOWER	Town Manager Shook stated that at the June 21, 2021 special meeting, Council approved a structural engineer to review the tower project as well as to provide an architectural review of the contract. Mr. Shook has spoken

to McGill Associates who has recommended SKA Engineering to perform the review at a cost of \$2800. SKA can have the work completed in two to three weeks after the contract is signed. The expense will need to be added to the upcoming budget.

Council Member Herrell made a motion to add \$2,800 to the FY 21-22 budget ordinance and to authorize Mr. Shook to sign the contract with SKA Engineering to perform the structural review of the tower and to provide an architectural review on the contract. All voted in favor.

**CONSIDER APPROVAL OF  
REVISION TO FY 21-22  
FACILITY RENTAL FEES**

Clerk Sanders reported that staff is asking Council to consider a revision to the FY 21-22 facility rental fees regarding off-season gym rental rates. The current off-season rate for basketball play is two or more hours for \$50.00 Monday-Saturday. Staff is proposing a change to instead read “off-season rate for basketball play for non-admission/non-commercial rentals for two-five hours for \$50.00.” The reasons for the change are to prevent any organization from renting the gym for only \$50.00 while also charging admissions as well as to prevent the gym from being rented an entire day for only \$50.00, which would not cover the fees to operate the gym for that many hours.

Council Member Herrell made a motion to approve the revision to the FY 21-22 Facility Rental Fees as presented to change the off-season gym rental rates to read as follows: “Off-Season Special for Non-Admission/Non-Commercial Rentals: (Monday-Saturday only) Two (2) - Five (5) Hours / Basketball Only - \$50.00.” All voted in favor. A copy of the facility rental fees is hereby incorporated by reference and made a part of these minutes (Attachment A).

**CONSIDER APPROVAL OF  
FY 21-22 SCHEDULE OF  
FEES AND CHARGES**

Clerk Sanders stated that the Town should approve a schedule of fees and charges each year during the budget process. The Town typically approves zoning fees and facility rental fees each year, but she had worked with the Planner and also created a list of all fees in the Zoning Ordinances. The Schedule is presented for approval.

Council Member Honeycutt made a motion to approve the FY 21-22 Schedule of Fees and Charges as presented. All voted in favor. A copy of the fees and charges is hereby incorporated by reference and made a part of these minutes (Attachment B).

CONSIDER APPROVAL OF  
FY 21-22 BUDGET  
ORDINANCE

Mr. Shook and Finance Officer Rankins provided the FY 21-22 Budget Ordinance for approval. Council had no questions. Council Member Herrell made a motion to approve the FY 21-22 Budget Ordinance with the addition of the aforementioned \$2,800.00 for the structural engineer and architectural review. All voted in favor. A copy of the ordinance is hereby incorporated by reference and made a part of these minutes (Attachment C).

APPROVAL OF  
DELEGATION TO TOWN  
MANAGER TO EXECUTE  
ANY NECESSARY  
AGREEMENTS OF THE  
ARP ACT OF 2021 FUNDS  
ON BEHALF OF COUNCIL

Council has already voted by resolution to accept the American Rescue Plan (ARP) Act of 2021 Funds at the May 24, 2021 meeting. Council must now delegate the responsibility to execute any necessary agreements on behalf of Council to the Manager.

Council Member Herrell made a motion to delegate the responsibility to execute any necessary agreements of the American Rescue Plan Act of 2021 funds on behalf of Council to the Manager. All voted in favor. Mr. Shook stated that he would seek approval from Council of all ARP spending prior to funds being expended.

DISCUSSION OF ELECTION  
COSTS FOR TOWN  
BEGINNING FY 22-23

Mr. Shook stated that currently, the Town pays between \$1,200 and \$1,700 for municipal elections held on odd-number years. He contacted the Burke County Board of Elections and was informed that after the Burke County School Board's elections are moved to even-numbered years, the Town's estimated municipal election costs will increase to \$5,300. Council discussed the pros and cons of moving the elections to even-numbered years as mentioned in previous meetings.

Council Member Herrell made a motion to adopt a resolution setting forth support to increase voter participation in local elections and to encourage action by the North Carolina General Assembly to transition municipal elections in the Town of Hildebran to the even year election cycle by 2024. Council Member Cline, Herrell and Weaver voted in favor of the motion. Council Member Honeycutt and Smith were opposed. The motion carried. A copy of the resolution is hereby incorporated by reference and made a part of these minutes (Attachment D).

CONSIDER APPROVAL OF  
TOWN MANAGER  
CONTRACT REVISIONS

Mr. Shook stated that Council reviews the Town Manager's performance each year and decides if any updates are needed to his contract. The Town Council completed the Manager's review and discussed contract

specifics during the May 24, 2021 Town Council meeting. Council agreed to the updates and asked to have the updated contract brought back for approval. Mr. Shook provided a memo with the changes for approval.

Council Member Herrell made a motion to approve the changes to the employment contract of Logan Shook, Town Manager, as outlined in the memo. All voted in favor. A copy of the memo is hereby incorporated by reference and made a part of these minutes (Attachment E).

DISCUSSION OF FALL  
FESTIVAL

Mr. Shook stated that staff met with Chris Wrenn, an event organizer, this week. Mr. Wrenn organized the Memorial Balloon Festival and other events over the years. He stated that he could offer events related to memorializing veterans, a dog Frisbee show, hot air balloons, axe throwing contests and having an old hot air balloon partially blown up that kids and adults can walk into, among other things. He suggested having a central focus on children with disabilities. He felt that this would help the community buy into a great cause and bring in many families. He would help raise funds and go after sponsorships.

Mr. Shook stated that he could also reach out to Rebecca Warren. Council Member Herrell stated that he wanted to focus on bringing in more people from outside of Town to the area. He suggested working with Calvin Reyes at Henry River Mill Village. Mr. Shook stated that he would reach out to Mr. Reyes and Ms. Warren and suggested having the organizers in attendance at the next meeting for Council to ask questions.

CONSIDER APPOINTMENT  
OF PLANNING  
BOARD/BOARD OF  
ADJUSTMENT VACANT  
POSITIONS

Clerk Sanders distributed written ballots for the vacant Planning Board/Board of Adjustment position left by Ashley Heine. Her term ends June 30, 2022. The results of the vote were as follows:

Dorian Palmer: 2 votes (Ben Honeycutt and Mike Smith)

Virginia Cook: 2 votes (Derek Cline and Terry Weaver)

Theresa Messer: 1 vote (Cole Herrell)

There being a tie, Council re-voted between Dorian Palmer and Virginia Cook. The second vote results were as follows:

Dorian Palmer: 2 votes (Ben Honeycutt and Mike Smith)

Virginia Cook: 3 votes (Derek Cline, Cole Herrell and Terry Weaver)

Council Member Weaver made a motion to appoint Virginia Cook as Planning Board/Board of Adjustment

member to fulfill the vacant position effective immediately and ending June 30, 2022. All voted in favor.

Clerk Sanders distributed written ballots for the alternate Planning Board/Board of Adjustment position for the term July 1, 2021 – June 30, 2022.

The results of the vote were as follows:

Dorian Palmer: 1 vote (Ben Honeycutt)

Theresa Messer: 2 votes (Derek Cline and Terry Weaver)

Jacque Rudisill: 2 votes (Cole Herrell and Mike Smith)

There being a tie, Council re-voted between Theresa Messer and Jacque Rudisill. The results of the second vote were as follows:

Theresa Messer: 2 votes (Derek Cline and Terry Weaver)

Jacque Rudisill: 3 votes (Cole Herrell, Ben Honeycutt and Mike Smith)

Council Member Honeycutt made a motion to appoint Jacque Rudisill to the Planning Board/Board of Adjustment as the alternate position for the term July 1, 2021 – June 30, 2022. All voted in favor.

**NEW BUSINESS:  
CONSIDER APPROVAL OF  
REIMBURSEMENT TO  
HHDA FOR STAGE  
CANOPY**

Mr. Shook stated that a reimbursement to HHDA for a stage canopy was listed on their request to the Town in May 2020, however, there was a mathematical error on HHDA's part that did not include the stage canopy reimbursement (\$300) in their final budget number provided to Council (\$10,538). Mr. Shook stated that the repair to the stage canopy is \$300 and is asking for Council's approval to reimburse HHDA for that expense. He reported that due to COVID in 2020, only two of the five Cruise Ins that were planned actually occurred, which provided a surplus in the budget that would allow the Town to cover the cost of the canopy without going over the allotted budget for the Cruise Ins for the season.

Council Member Herrell stated that he was concerned about the public safety issue around the tower until the structural engineer review is completed and preferred to not have any events in the parking lot and to wait to decide on reimbursing HHDA regarding the canopy until that review is done.

Mayor Hildebrand stated that there is currently a fence around the tower. Council Member Herrell stated that the tower is a lot taller than the fence. He stated that the Town has an obligation to its citizens to put safety first when it comes to the tower and prefers to not have any events

around the parking lot until the review is completed and he preferred to wait to make a decision on the reimbursement of the canopy until the next meeting.

Council Member Cline suggested that the topic of postponing events in the parking lot be postponed until Other Business and Council was in agreement.

Council Member Cline made a motion to approve the reimbursement to HHDA for a stage canopy in the amount of \$300. Council Member Cline, Honeycutt, and Smith voted in favor. Council Member Herrell and Weaver were opposed. The motion carried.

**CONSIDER APPROVAL OF SURPLUS ITEMS**

Clerk Sanders stated that staff is requesting Council to surplus a HP Laserjet printer that no longer works. Also, staff is requesting Council to surplus seven (7) women's work shirts and seven (7) women's work pants and then donate them to East Burke Christian Ministries. She stated that they were non-refundable and the pants had been altered to a specific size.

Council Member Honeycutt made a motion to surplus the HP Laserjet printer of no value to dispose of and seven women's work shirts and seven women's work pants to donate to East Burke Christian Ministries. All voted in favor.

**DISCUSSION REGARDING SPOT PROCESS/TIMELINE FOR THE N. CENTER ST. SIDEWALK PROJECT**

Mr. Shook stated that the Town had submitted a sidewalk project for N. Center St. through the Strategic Transportation Prioritization (SPOT) fund beginning at the intersection of N. Center St. and Hwy 70 to continue to the intersection of N. Center St. and Wilson Rd. The total estimated cost of the project is \$1,305,000 with the Town's portion estimated to be \$261,000 provided that the grant is received. Mr. Shook provided a timeline of the project. No action was needed.

**FACILITIES REPORT**

The June Facilities Report was provided for review. Mr. Shook stated that a new air conditioner was being purchased for the Albert Parkhurst Municipal Building at a cost of \$9,100. He informed Council that the Town maintains twenty-eight (28) A/C units throughout its properties.

**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 F).

DEPUTY REPORT

The May report was provided for review.

COMMITTEE REPORTS

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

WPCOG Policy Board – Council Member Honeycutt reported that the Board discussed service awards for its employees and discussed its budget.

Burke Economic Development – Council Member Cline will email the report to Council.

Recreation and Tourism Committee – No report.

Water Resource Committee – No report.

VEDIC – No report.

Library Board – Mayor Hildebrand reported that the Board discussed its budget.

OTHER BUSINESS

Mr. Shook stated that the Town Hall lobby was currently closed and business was still being held via the drive thru, except for appointments. He asked if Council wanted to open the lobby. It was the consensus of Council to open the lobby of Town Hall.

Council Member Herrell asked about the section of Clarence Towery Circle that is not owned by the Town. Mr. Shook stated that he would look at the history of the street and report back at the next meeting.

Mackie Johnson, Icard Architecture, addressed Council concerning the letter that was sent to him regarding the Hildebran Tower Renovation Project dated June 23, 2021. He stated his disapproval to all of the points listed in the letter.

Rex Lail, Icard Architecture, stated that he had gotten a Certificate of Occupancy (CO) before the 30 days was up. Mr. Shook stated that a CO had not been issued by the Burke County building inspector but a Certificate of Completion had been issued. He also stated that he had spoken to the building inspector that day and was informed that the building inspector was going to revoke or rescind the Certificate of Completion.

Attorney Dill stated that the letter that was sent to the contractor and architect did not defame them in any way and that Council is trying to validate the work done on the tower. He stated that the Town wants to know that based on the work done as of today, is the tower safe, sound and better than what it was when we started. Mr. Johnson stated he had no issues with that.

Council Member Cline stated that he was even more concerned with the structural safety of the tower after Mr. Johnson stated that the tower did not have reinforced walls. Mr. Johnson stated that his opinion was that the Town would most likely not find any architect or engineer that would put in writing that the tower was structurally sound. He stated that if the engineer were to look at the recent renovations that were done on the tower he thought that the engineer would agree that those renovations did not make the tower less structurally sound. Attorney Dill stated that the Town is not saying that the work done made it structurally less sound but the Town is looking to determine if the building is safe as it stands currently.

Council Member Cline stated that his concern was that when he went to the tower and put his hands on the wall, a few bricks fell out of the wall. Mr. Lail stated that there were a couple of bricks that they just overlooked. Council Member Cline stated that with the recent condo collapse in Florida last week it is the last thing that he wants to happen in our Town. Mr. Johnson agreed. Council Member Cline also had safety issue concerns about the lack of a railing at the walkway and other construction issues that he preferred to have reviewed by the engineer.

Council Member Herrell stated that the issue is not if the tower is safer now than it was before but is the tower safe today. Mr. Johnson stated that he welcomed the Town to hire an engineer to determine if the tower is safe now in the condition that it currently sits.

Mayor Hildebrand asked if Mr. Shook, Mr. Johnson, Mr. Lail and one council member could review the project to determine what needs to be done. Council Member Herrell stated that the contract was filled out, there was a day of completion determined, work was said to be completed prior to that date, emails were sent prior to the contracted date of completion with our concerns that were not answered, and the Town called a special meeting inviting the architect and contractor to attend to address the issues



and the parties did not attend. The Town and Council have tried to address the issues in the past unsuccessfully. He stated that any communication needs to be addressed in open session as previously discussed by the Town Attorney.

Council Member Herrell asked if there had been a submission of payment. Mr. Shook stated that he had received a request for payment. Mr. Shook stated that calling in the contractor's bond could be an option based on the discrepancies of the work done and the contract paperwork provided to the Town. He stated that one discrepancy was the 4ft sidewalk around the tower that was not done but was in the contract paperwork. The architect and contractor stated that the 4ft sidewalk was an alternate bid that the Council did not approve.

Council Member Herrell asked Mr. Johnson and Mr. Lail to hold off billing the Town until the structural engineer report was received at the next meeting. Mr. Johnson agreed.

Attorney Dill stated that if the structural engineer report came back that the tower was unsafe, he wanted HHDA to be aware that they would be putting their half of the funds into a building that could possibly fail. He stated that he was not saying that the tower was unsafe nor was he saying that anything that was done by the architect or contractor contributed to making the tower unsafe.

Mr. Shook stated that he recommended not releasing any funds at this point until the structural engineer did the review of the tower and provided the architectural review of the contract. Mr. Johnson asked to clarify that if the structural engineer report came back that the tower was structurally sound and the contract was substantially filled, the Town would pay the architect and the contractor. Attorney Dill stated that the Town would pay both the architect and the contractor if the structural engineer determined that the tower was structurally sound and the contract was substantially filled, after the engineer determined the final checklist of items to be completed, if any, and after the contractor had successfully completed any checklist items. Mr. Johnson and Icard Architecture were in agreement that they would complete any items that were on the checklist provided by the engineer. Mr. Johnson then wanted to clarify that the contract plans were

not intended to make the tower structurally sound and it was agreed upon by everyone that that was the case. Attorney Dill stated that if the engineer determines that the tower is not structurally sound, then the Town and HHDA will need to determine where it goes from there and how much more they want to invest in it.

Council Member Herrell stated that he prefers to wait until the structural engineer report is provided before holding any events in the parking lot including the farmers market. Staff will work on contacting groups that are renting the auditorium, community center, gym and the Albert Parkhurst Municipal Complex to work on alternate parking as well as a location for the weekly farmers market.

Postponing the Cruise In was discussed in regards to the loss of funds. Council discussed postponing HHDA rent.

Council Member Herrell made a motion to hold payments on the tower renovation project until the structural engineer and architectural review is completed. All voted in favor.

Council Member Smith made a motion to forgive HHDA rent during the period that the Cruise Ins are displaced from the Albert Parkhurst Municipal Complex due to the tower renovation project review, beginning in July 2021. All voted in favor.

ANNOUNCEMENTS

None.

ADJOURN

All business being concluded, Council Member Honeycutt made a motion at 9:20 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