

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

**FEBRUARY 11, 2019
6:15 PM**

**SPECIAL MEETING
MINUTES**

CALL TO ORDER

Mayor Hildebrand called the special meeting of the Town Council to order at 6:20 p.m.

COUNCIL PRESENT

The following members of the Board were present: Mayor Wendell Hildebrand and Council Members Cole Herrell, Ben Honeycutt, Theresa Messer, Mike Smith and Jody York.

STAFF PRESENT

The following staff members were present: Attorney Redmond Dill, Town Manager Thomas Drum, Town Clerk Alice Sanders and Finance Officer Rick Rankins.

CITIZENS PRESENT

See attached sheet.

APPROVAL OF AGENDA

Council Member Herrell made a motion to amend the agenda to allow for public comments. Council Members Herrell, Messer and Smith voted in favor. Council Members Honeycutt and York were opposed. The motion carried. Council Member Herrell made a motion to approve the agenda, as amended. Council Members Herrell, Honeycutt, Messer and Smith voted in favor. Council Member York was opposed. The motion carried.

PUBLIC COMMENTS

Lee Lowman expressed his concerns about terminating the Town Manager.

Jennie Cook addressed Mr. Drum personally and thanked him for his service to the Town.

**ORDER OF BUSINESS:
CONSIDER TERMINATION
OF EXISTING TOWN
MANAGER CONTRACT**

Council Member York made a motion to terminate the Town Manager's employee agreement/contract with Thomas Drum, effective immediately.

Council Member Messer asked what reason Council members had to justify termination. She addressed specific complaints from other Council members and asked if those members had taken their concerns to Mr. Drum directly either by speaking in person to him or calling him.

Council Member Smith stated that he felt that Mr. Drum was rude and will not talk to people when they are at Town Hall. He stated that he had not addressed it directly

with Mr. Drum. Mayor Hildebrand stated that he had talked directly with Mr. Drum over a former employee being rude and Mr. Drum addressed the situation with the employee. Mayor Hildebrand stated that Mr. Drum did not feel that she was rude in that situation. Council Member Messer stated that if you tell Mr. Drum to do something, then he will do it because that is his job. She asked why Council members did not address any complaints about Mr. Drum to him personally.

Council Member Messer also addressed the complaint from another Council Member that Mr. Drum had only provided one bid when asked. She asked if anyone had given Mr. Drum specific direction in how many bids to obtain. Council Member Smith stated that he had not addressed it with him and that he did not feel like he should have to tell the Town Manager how to do his job. Council Member Messer stated that she did not feel the termination was justified.

Council Member Herrell stated that preferences of a Council can change with each Council. The Town Manager's role is to do the bidding of the administration that is in charge at the time. A previous administration may have wanted to use contractors that the Town has used before and trusted. If this Council wanted Mr. Drum to do things a certain way, Council needs to tell him that. He is not a mind reader. He stated that of the times in the past year that Council has given him specific tasks, he has complied. He stated that there have been times when Council has given him mixed messages.

Council Member York made a motion to call the question. Clerk Sanders stated that she believed the statutes require that every Board member has the right to speak and the discussion should last at least twenty minutes.

Council Member Herrell asked Finance Officer Rankins how much unused sick and vacation time Mr. Drum had. Mr. Rankins stated that Mr. Drum had less than fifty (50) hours of vacation and the Town will notify either his new employer or the retirement system of his sick time if he chooses to retire. Sick time is not paid to Mr. Drum.

Council Member Herrell referenced a handout provided to Council entitled "Termination of Town Manager Agreement" dated February 8, 2019, which lists a suggested payout by budget line item. He asked if there were enough funds in the current budget to cover Mr.

Drum's payout. Mr. Rankins stated that if Council chooses to go with the cash equivalent insurance payout, which would be cheaper since next year's insurance will be more expensive, then the funds are available this budget year, as demonstrated on the handout.

Council Member Herrell read the Town of Hildebran code of ethics, section two (2). He urged Council to write its own legacy.

Council Member Honeycutt stated that Mr. Drum was initially hired part-time through the WPCOG in March 2016. He was brought on full time in July 2017. Since then, the Town sold the sewer system and effective July 1, 2018, contracted with Burke County to bill and collect taxes for the Town. He stated that he felt it was a waste of taxpayers' money to have a full time Town Manager.

Council Member Smith stated that he was voted in by the people of the Town and he does what the people tell him.

Council Member York stated that she felt it was ironic that the current Council has been accused of wasteful spending when the last Council voted to purchase a building that had to be refurbished and furnished and that the staff worked out of the WPCOG offices for a year after the fire. She stated that she felt the Town would save money to payout the contract rather than have him stay as long as he chooses, especially since insurance will continue to go up each year.

Council Member Herrell stated that in addition to the estimated \$100,000 payout, including vacation time, the Town will also have to pay an additional manager. He stated that he felt that money could be used for a splash pad. Council Member Smith stated that the reason the splash pad was turned down was to fix the current maintenance issues on the Town facilities.

After further discussion, Mayor Hildebrand called a vote for Council Member York's motion to call the question. Council Members Honeycutt, Smith and York voted in favor of the motion. Council Members Herrell and Messer were opposed.

Pursuant to Section 9: Termination, and Section 10: Severance, in the Employee Agreement/Contract entered into between the Town of Hildebran and Thomas Drum, dated July 1, 2017, Council Member York made a motion

to terminate the contract, effective immediately. Council Members Honeycutt, Smith and York voted in favor. Council Members Messer and Herrell were opposed. The motion carried. A copy of the employee agreement/contract is hereby incorporated by reference and made a part of these minutes (Attachment A).

CONSIDER APPOINTMENT OF INTERIM TOWN MANAGER

Council Member York made a motion to appoint Finance Officer Fredrick "Rick" Rankins, Jr. as Interim Town Manager. Mr. Rankins was in agreement.

Council was in consensus to postpone compensation for Mr. Rankins until the February 25, 2019 regular meeting.

CONSIDER REASSIGNMENT OF EXISTING STAFF DUTIES

Mr. Drum stated that the Municipal Service District is in progress and Clerk Sanders knows what needs to be done.

Council will need to decide about turnarounds in the additional town streets that have been added to the existing street paving project. One of the roads requested has been determined to be a DOT street. Mr. Poteet is working on the change order.

Attorney Dill stated that the motion to terminate Mr. Drum's employee agreement/contract will follow the budget provisions as outlined on the handout provided by Mr. Rankins entitled "Termination of Town Manager Agreement" dated February 8, 2019. A copy of the handout is hereby incorporated by reference and made a part of these minutes (Attachment B).

ADJOURN

All business being concluded, Council Member York made a motion to adjourn at 6:45 p.m. All voted in favor.

I attest these are the approved minutes of the Board.

Alice Sanders, Town Clerk

Wendell Hildebrand, Mayor