

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

**APRIL 28, 2017
5:00 PM**

**RECESSED
REGULAR MEETING
MINUTES**

**CALL TO ORDER AND
INVOCATION**

Mayor Cook called the regular meeting of the Town Council to order at 5:00 p.m. Jimmy Lynn led a prayer.

**PLEDGE OF
ALLEGIANCE**

Council Member L. Lowman 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 made a motion to approve the agenda. All voted in favor.

**OLD BUSINESS:
CONSIDER
STRUCTURAL
ENGINEER CONTRACT
TO PERFORM
EVALUATION ON
TOWER AND
BREEZEWAY AT OLD
HILDEBRAN HIGH
SCHOOL BUILDING**

**CONSIDER OLD
HILDEBRAN HIGH
SCHOOL BUILDING
DEMOLITION AND
ASBESTOS
ABATEMENT
CONTRACT**

Attorney Dill reviewed that the Board voted at the April 24, 2017 meeting to table all items dealing with the old Hildebran High School building until tonight's meeting. On April 25, 2017, the Town received notice that the plaintiff, Hildebran Heritage and Development Association (HHDA), had filed an appeal to the N.C. Supreme Court to try to overturn the verdict that was entered by the trial court and ratified by the Court of Appeals. On April 27, 2017, Mr. Dill received a letter from the plaintiff's Counsel, after hours, apologizing for not letting him know ahead of time that the appeal was going to happen, as well as the following statement: "It is my understanding that the breezeway and wall which connect the tower to the undamaged portion of the building must be preserved even as the debris is removed and cleared and additional demolition takes place. Should the Town commit to preserve the Tower, breezeway and connecting wall, the appeal will be withdrawn. Please advise should you have any questions or concerns. Thank you for your time and attention." Mr. Dill tried to call the plaintiff's attorney afterwards.

Mr. Dill discussed the issue of good faith. He stated that the Town has attempted to show good faith by spending a fair

amount of time talking to structural engineers to see what could be done and saved. After the case was heard, back in 2015, there was a fair amount of unpleasantness and unhappiness directed toward some of the Council members. The plaintiff's attorney contacted Mr. Dill and asked if there was anything that could be done. Mr. Dill stated that he took it upon himself and contacted two Council members, Jamie Hollowell and Lee Lowman, to meet with him, the plaintiff's attorney and a representative from HHDA, who he thought at the time was a duly qualified representative from HHDA who had the authority to bind them. The group spent some time one afternoon walking the building in its entirety. The group came up with a situation where the tower, breezeway, the connecting wall, and a portion of the building would be conveyed to HHDA. The plaintiff's attorney, as well as the HHDA representative, were thrilled with the offer and felt it was a win-win for everybody. Mr. Dill asked for a definite response before moving forward. Mr. Dill was contacted three days later by the plaintiff's attorney who informed him that HHDA had a meeting and the sum of the meeting was that at the end of the day, they wanted all or nothing. Then the case went to the Court of Appeals and now the Supreme Court. He stated that he remembered from law school that only losers appeal. The Town has won twice, and now the case is going to the Supreme Court.

Mr. White, the plaintiff's attorney, contacted Mr. Dill about the new proposal from HHDA dated April 27, 2017. Mr. Dill informed Mr. White that he knew who Mr. White had talked to about the proposal and Mr. Dill did not have any confidence that that particular individual speaks for that group. Before Mr. Dill would recommend Council to consider the proposal, he would require that HHDA have a public meeting, allow the community to listen to the discussion, provide a roster of all of the members, put out their proposal and let all of their people vote on it and be bound by it. He stated that if HHDA will do that, then Council will talk about the proposal. Mr. White has agreed to write the proposal up and submit it to HHDA's Board. He stated that the Town has shown good faith and good faith is a two-way street. He stated that he also told Mr. White that if HHDA wants all or nothing, then the Town could give the whole building to them, exactly as it is right now, and if it is not demolished in one year, it will be condemned again. He stated that HHDA needs to step forward in a fair and honest way and the Town wants to see that. Based on his comments, he recommend that no action be taken by Council regarding the old Hildebran High School building until the Town sees what the plaintiff wants to do about this matter. He stated that Council is still open to some resolution but openness is a two-way street. He did not want to see the

plaintiff's attorney and the representative that has been there before and this time, thrown under the bus again by other people who are not citizens of this Town but are active players in HHDA. If HHDA is willing to have a meeting, have the vote, and let people see what they are doing, he is fine with that.

Council Member L. Lowman asked if the other entity, Citizens United to Preserve the Old Hildebran School, needs to agree to the Town's terms and Mr. Dill agreed. Mr. Dill stated that Mr. White will draw up the Town's proposal and submit it to HHDA. He stated that he wanted, in writing, HHDA's agreement to the proposal.

Council Member Banks made a motion to table all topics regarding the old Hildebran High School building indefinitely. All voted in favor.

Harold Greenhill requested to speak and Attorney Dill allowed him to address Council. Mr. Greenhill stated that he was not a member of HHDA and did not represent HHDA. His position was to bring the two sides together. He stated that there is a fair amount of distrust on both sides and HHDA felt like they did not have a choice but to appeal. He stated that he was disappointed that Council did not move forward with a decision at the April 24, 2017 meeting.

Mr. Greenhill submitted his own proposal to Council as his good faith effort. He stated that his proposal puts actions to all the discussions that he has put in front of Council over the past few months. He and a friend were able to secure pledges from donors in the amount of \$7,000 to go towards the structural engineer fee of \$5,600, with the remaining funds going towards repairs to stabilize the tower and breezeway. He pointed out that he was able to secure these funds in 48 hours. He suggested that both sides work together to resolve the issue.

Council Member Banks stated that before the appeal, the majority of Council was ready to move forward with his plans and she was happy and excited about it.

Mayor Cook requested that Mr. Greenhill's letter to Council be a part of the minutes. A copy of the letter is hereby incorporated by reference and made a part of these minutes (Attachment A).

NEW BUSINESS

None at this time.

OTHER BUSINESS

None at this time.

ANNOUNCEMENTS

None at this time.

CLOSED SESSION

Council Member Messer made a motion at 5:15 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. Council Members Banks, B. Lowman, L. Lowman and Messer voted in favor. Council Member York was opposed. The motion carried.

Council Member L. Lowman made a motion to return to open session at 6:07 p.m. All voted in favor.

Council Member B. Lowman made a motion to approve hiring a full-time administrator at a salary to be mutually agreed upon between Council and the administrator. Council Members Banks, B. Lowman, L. Lowman and Messer voted in favor. Council Member York was opposed. The motion carried.

Mr. Drum asked the Board what salary he should place in the proposed budget. It was the consensus of Council not to exceed \$75,000.

Attorney Dill stated that the Board may need to meet prior to the May 22, 2017 regular meeting based on previous discussions concerning the lawsuit.

ADJOURN

All business being concluded, Council Member Banks made a motion to adjourn at 6:10 p.m. All voted in favor.

I attest these are the approved minutes of the Board.

Alice Sanders, Town Clerk

Virginia Cook, Mayor