

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

**JANUARY 23, 2017
7:00 P.M.**

**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. A boy scout from Troop 898 led a prayer.

**PLEDGE OF
ALLEGIANCE**

A boy scout from Troop 898 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, Barbara Lowman, Lee Lowman, Theresa Messer and Jody York.

STAFF PRESENT

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

**CITIZENS & MEDIA
PRESENT**

See attached sheet.

**ADOPTION OF
AGENDA**

Mayor Cook requested to amend the agenda to add "Consider Budget Amendment for Old Town Hall/Hildebran School Repair/Cleanup Project" under Old Business. Council had no objections. Council Member Messer made a motion to approve the agenda, as amended. All voted in favor.

**APPROVAL OF
MINUTES**

Council Member Banks made a motion to approve the December 19, 2016 regular meeting minutes. All voted in favor.

**OLD BUSINESS:
CONSIDER REQUEST
FROM PAUL AULBACH
CONCERNING SEWER
BILL**

Mayor Cook turned the floor over to Paul Aulbach regarding a delinquent sewer bill at the property at 327 US Highway 70 East. Mr. Aulbach stated that he had a water leak in an area of water supply that used to supply a larger area at the bottom of the hill. The leak happened in October and November 2016 and he was not aware of it until he received his bill. He stated that the leaked water did not go into the sewer system. He asked Council for a leak release in the amount of \$834.90. He stated that he would pay \$1,000 on his outstanding bill on February 2, 2017 and would keep the bill current moving forward.

Mr. Drum stated that, normally, a leak release would be handled by staff. However, the requested leak release amount was so large and there was not a substantiated way of determining whether he had a leak that did not go into the sewer system, Council needs to approve his request. Mr. Aulbach did have pictures that showed an open pipe in the ground and it looked

like some repairs had been made to the pipe but Mr. Drum stated that he did not know when the pipe was opened. He stated that he did not have the authority to approve the request since the only evidence Mr. Aulbach has are the pictures and his word that something happened. Council would need to approve the release.

Mr. Aulbach stated that he owned AA Mobile Home Repair and Rentals, LLC and that he kept plumbing and electrical repair parts in stock which is why he does not have receipts to turn in. He stated that he fixes any leaks or repairs on the property, as needed.

Council Member York asked about clarity of his balance. Mr. Drum stated that the original balance was \$2714.70. Mr. Aulbach made a \$1,000 payment already. The leak release requested, \$834.90, would leave a balance of \$879.80.

Council Member B. Lowman asked if this is the same account that Council previously approved a large release on the account. Mr. Drum stated that it was. Mr. Rankins stated that in the past, there was an issue with the water meter. The meter was broken for quite a while and the sewer bill during that time was billed at a higher amount. The amount released was the expected use versus what he was billed over that timeframe. There was an agreement to release \$4,039.44 if the bill was paid in full and Mr. Aulbach installs a new meter, which he fulfilled. The current unpaid bill has accumulated since March 2016. Icard Water does not provide water to this location. He has a private well and Maintenance Technician Bivens reads the meter each month.

Mr. Aulbach stated that in the past, he thought the meter belonged to the Town and that is why the bill got so high in the past. He stated that the current bill is so high because Icard Water charges a higher late fee than the Town does and that issue did not get resolved until recently.

Mr. Drum stated that the Town does not know if water lines will be installed on this property.

Council Member B. Lowman asked that if the Town forgave \$4,039.44 in the past and he was getting a monthly bill, and he agreed in the past that he would keep the bill current, why did he not keep the bill current. She asked if he was getting monthly bills and he confirmed that he was. Mr. Aulbach stated that when he was current with his bill, and when the Town contracted with Icard Water to bill and collect sewer for the Town, he noticed the late fee was higher than the Town assesses and he did

not agree to that fee. He was told in the past by prior property owners that the Town owned the meter. He also stated that his average bill is around \$170 a month and his bills were higher than that in the past. Council Member B. Lowman stated that she would have contacted the Town if she noticed her bill was too high. Mr. Aulbach stated that he did contact the Town in the past.

Mr. Drum clarified that Mr. Aulbach is correct that Icard Water charges compounded interest, however, Mr. Rankins has already released the difference of the interest charges. The remaining bill of \$1,714.70 is what is due after all interest overages have been released. The requested release of \$834.90 is what Mr. Aulbach says did not run in the sewer system.

Council Member L. Lowman stated that Mr. Aulbach has not made a payment since March 21, 2016, according to records provided by Icard Water. Mr. Aulbach stated that the reason he did not pay was because of the excessive interest charges by Icard Water. Council Member L. Lowman stated that Mr. Aulbach was trying to hold the Town liable for not paying his bill and let the bill go unpaid because of the interest. He stated that Council had already given him one opportunity in the past.

Attorney Dill stated that all of the over charges for the interest have been released and that the remaining balance is the principal.

Mr. Aulbach stated that he was not there for the interest, but was there for the water leak that did not go into the sewer system. Attorney Dill asked Mr. Aulbach if he got the bills and ignored them. Mr. Aulbach responded that he works out of Town and that he did receive the bills after they sat in his mailbox for a couple of months.

Council Member L. Lowman made a motion to deny Mr. Aulbach’s request for a leak release for the months of October and November 2016. Council Members Banks, B. Lowman, L. Lowman and York voted in favor. Council Member Messer was opposed to the motion. The motion carried.

CONSIDER BUDGET
AMENDMENT FOR OLD
TOWN
HALL/HILDEBRAN
SCHOOL
REPAIR/CLEANUP
PROJECT

Administrator Drum stated that the budget amendment brought before the Board is the record keeping part of what the Board had already approved. The amendment is to account for a transfer of \$17,040 to the Capital Project Fund – Old Town Hall/Hildebran School Repair/Cleanup Project #08-29-16A for repair/replacement costs that were not covered by insurance reimbursement relating to the fire. The money is being moved

from the General Fund to the Capital Project Fund to cover the difference of what insurance did not cover.

Council Member York asked why insurance did not cover all of the work. Mr. Drum explained that insurance will pay to get the building back to what it was before. The hallways and breakroom were upgraded to laminate floors, which is more expensive than carpet. In addition, there was some work needed in the old Community Workers of America rented rooms that was not a result of the fire and this work was done at the same time as the Town Hall repair/cleanup work because it is cheaper to get the additional work done while the workers were already in the building to do other repairs.

Council Member Banks made a motion to approve the budget amendment for FY 2016-2017. All voted in favor. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment A).

**NEW BUSINESS:
CONSIDER APPROVAL
OF FY 16-17 AUDIT
CONTRACT**

Mr. Drum requested to table approving the FY 16-17 audit contract until the next meeting because the language in the contract is different than what he is used to seeing in an audit contract. He would like to review the language with Attorney Dill and Eric Bowman prior to approval. Council was in agreement.

**DISCUSSION ON
PROPERTY AT 109 S.
CENTER ST.**

Mayor Cook stated that the architect had sent information that one of the contractors had stated that they would remove the lock boxes in the vault in the bank building in exchange for the boxes. Mayor Cook stated that she discussed with Mr. Drum that if the boxes were stainless steel or brass, the Town could surplus them and have them removed and still have money left over and that she wanted to get a second opinion. Mayor Cook talked to Jamie Canipe, who deals with this, and he stated that the boxes were carbon steel and not stainless steel and that the boxes did not contain that much brass. Mayor Cook stated that Mr. Canipe would remove the boxes at no cost. Mr. Drum stated that since her conversation with Mr. Canipe, there was a pre-bid conference at the bank building with the architect and the contractors and the lock boxes and safes were discussed. It was decided that the majority of the boxes would not be of use to the Town or the Sheriff's office and that Mr. Canipe could also take the safes.

Council Member Messer made a motion to surplus and dispose of the lock boxes in the vault as well as the safes. Council Member York asked why the agenda packet did not have any information about this topic. Mayor Cook stated that there was

nothing to show. Ms. York stated that the topic could have been included. Mayor Cook asked Clerk Sanders that in the future, if there is only discussion and no paperwork to accompany the topic, that she include a sheet that states there will be discussion. All voted in favor to the motion.

CONSIDER HILDEBRAN
SCHOOL CHOICE WEEK
PROCLAMATION

Council Member Banks made a motion to approve the proclamation for Hildebran School Choice Week. All voted in favor. A copy of the proclamation is hereby incorporated by reference and made a part of these minutes (Attachment B).

CONSIDER DISPOSAL
AND SURPLUS OF OLD
OFFICE FURNITURE

Mayor Cook stated that there were a few pieces of old office furniture on the 3rd floor of Town Hall that Council needs to surplus for disposal. Mayor Cook had previously called all Council members about this topic and everyone was in agreement that she could dispose of the pieces if there was no value. After the cleanup process, a few pieces remain. There were a couple of desks and a chair that the person who disposed of the pieces said the Town might get \$10 or \$20 for them. Council Member York asked if they could be donated and asked for a list of the items. Mayor Cook reported that there was one large metal desk, two small desks and a chair. Council Member Messer made a motion to surplus the items and to dispose of trash and sell the desks and chair. All voted in favor.

FACILITES REPORT

Mayor Cook stated that Mr. Walker resigned his seasonal position and asked for Council to consider hiring another maintenance worker during the budget process.

DECEMBER TAX
REPORT

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

DECEMBER DEPUTY
REPORT

Deputy Towery reviewed the December Deputy report.

COMMITTEE REPORTS
& UPDATES

Transportation Advisory Committee (COG) – Mayor Cook reported that most activity is in Alexander and Catawba Counties. The flashers at the traffic signal at Exit 118 will be on within the next 30 days. There are major projects to the County interstate exchanges that will not allow two-way traffic on ramps and the ramp at exit 118 will be affected.

WPCOG Policy Board – Council Member B. Lowman stated that the next meeting will be held tomorrow. Section 8 housing applications will be open beginning February 20th.

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

Recreation and Tourism Committee – Council Member York reported that basketball has two weeks left and indoor soccer will be starting. Mr. Limbo informed her about a leak in the roof of the rented space beside the pool and a quote to repair it was \$250. There are now new leaks that is expected to cost \$30,000 to repair. Mr. Limbo would need help in order to apply for grant money. The owner of Universal Pool has offered to sell paint to HICDC for the pool lining at a reduced rate.

Water Resource Committee – Ms. Schotte was not in attendance.

VEDIC – Mayor Cook reported that there was no meeting. Free tickets are available for a comedian at the Comma to be held on February 16th at 6:00 p.m.

OTHER BUSINESS

Mayor Cook stated that she had spoken to Eddie Jolly to schedule a fireworks event in May. Due to the fire at the Town Hall complex, the fireworks show has been rescheduled twice and Mr. Jolly held the \$1,000 deposit for a year. He informed Mayor Cook that he would give the Town a credit of \$500 and the Town would need to pay an additional \$1,500 for the May fireworks. Council was in agreement to hold the fireworks at the Memorial Day event.

The bids for the renovations to the bank building are due on January 31st. This meeting will be recessed to February 3rd for the Board to review and approve a bid.

Council Member York stated that she had questions from citizens about why D.H. Griffin was at the Town Hall building on January 18th. Mayor Cook stated that she had already had a discussion with Johnny Childers about the visit. Ms. York stated that this was prior to hers and Mr. Childers' conversation. Mayor Cook stated that she was at the Town Hall cleaning and working. She stated that she had previously asked for the asbestos report from Mr. Rankins and had asked D.H. Griffin to provide an estimate to remove the debris since it will not be able to be dumped locally. Council Member York stated that she had spoken to Nick Perkins, from D.H. Griffin, and he told her that he was there to look at numbers for demolition of the old school building. Mayor Cook stated that it would have to be demolished with the asbestos. Council Member York asked if the Administrator should be handling that instead of the Mayor.

Mr. Drum stated that he and the Mayor have been in touch with contractors for unofficial pricing for budget numbers since the budget process is beginning. He spoke with a contractor from Charlotte that will be here next week to get an idea of costs. He also spoke to the asbestos inspector that did a report of the building before the initial demolition started last year. Both of the contractors have said that the asbestos will not be able to be separated from the ruins and all of the debris will be considered as asbestos. They categorize the asbestos as friable or non-friable and that there is not that much difference other than the number of times the debris is wrapped during removal. It will be very expensive to remove the debris. No items were removed, that the Town can prove, before the building burned down that contained asbestos. He stated that these discussions with contractors were legitimate and were for budgeting purposes.

Council Member York stated that she had spoken to Jamie Canipe at Foothills Recycling and Demolition, LLC, the contractor that the Town entered into a contract with for demolition in 2015, and Mr. Canipe told her that due to the fire in 2016, the contract was null and void. She stated that the Town paid Mr. Canipe \$45,000 upfront and asked what the Town paid him for. Mr. Drum stated that the Board, Attorney and staff will need to look at that to see what the Town got for the \$45,000 payment. Ms. York asked why the Town paid him upfront. Mayor Cook stated that it was a requirement in the contract and it was agreed upon prior to the fire. Ms. York asked if paying a portion of a fee upfront is a common practice and Mayor Cook and Council Member L. Lowman stated that it was.

Mayor Cook stated that she had conversations with the same contractors, after Ms. York spoke to them, and they told her that they prefer not to have people calling them and questioning them about what they have done when there are contracts on the table with all the answers to the questions that she needed and that it was an inconvenience for them and they did not appreciate the extra calls. Mayor Cook asked that Ms. York talk to Mr. Drum.

Council Member York stated that there was not anything she asked the contractors that was not legitimate and that she, as a council person and citizen, has every right to ask. She stated that she has a right to say what she wants to say. When she spoke to Mr. Canipe and Mr. Perkins, she felt that if they had a problem with her talking to them, she would have thought they would have said something to her at that time. She stated that they were both very nice to her and did not say anything to her about being upset or that she should not have been talking to them. She did

not ask any questions that she did not have the right to ask as a tax payer, citizen and Board member.

Council Member York stated that she did not feel like the rest of the Board members communicate with her and that she was one person that was trying to learn what she was supposed to do and was trying to do what the tax payers and citizens want her to do. She stated that she was not trying to take sides or do anything underhanded but was trying to learn for herself and do her homework the best that she can. Mayor Cook stated that she has had difficulty getting Ms. York to return her calls in the past or to talk to her prior to the meetings. After further discussions between the Mayor and Ms. York, Attorney Dill asked Mayor Pro Tem L. Lowman for a five minute recess. Mr. Lowman was in agreement and the meeting recessed at 7:59 p.m. The meeting reopened at 8:05 p.m.

ANNOUNCEMENTS

Mr. Drum announced that the new hire for the Administrative Support Specialist, Laurie Brawley, was in attendance and introduced her to the Board. He reviewed her experience and she introduced herself to the Board.

Ms. Sanders wanted to verify that the Memorial Day event and fireworks will be Saturday, May 27, 2017. Council was in agreement.

PUBLIC COMMENT

Elsie Childres reviewed her history living in the Town. She asked that the Town Hall building continue to be used and asked citizens to attend Council meetings. She announced that the EBSCA will be hosting a pinto bean fundraiser for the new senior center and library on February 4th from 4:00-7:00 p.m.

Richard Bell discussed his wife's education and his displeasure of the Town approving the Hildebran School Choice Week proclamation.

ADJOURNMENT

All business being concluded, Council Member York made a motion to recess the meeting to February 3, 2017 at 6:00 p.m. in the Council's Chamber. All voted in favor.

I attest these are the approved minutes of the Board.

Alice Sanders, Town Clerk

Virginia Cook, Mayor