

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

**AUGUST 22, 2022
7:00 PM**

**REGULAR MEETING
MINUTES**

CALL TO ORDER

Mayor Hildebrand called the regular meeting of the Town Council to order at 7:00 p.m. The meeting was streamed live via the Town's YouTube channel.

INVOCATION

Mayor Hildebrand asked that everyone remember the family of our attorney, Redmond Dill, in his passing on August 18th. Mr. Dill was the Town's attorney for the past 25 years. A moment of silence was observed.

PLEDGE OF ALLEGIANCE

Council Member York 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 Ben Honeycutt, Mike Smith, Mike Stroupe, Terry Weaver and Jody York.

STAFF PRESENT

The following staff members were present: Town Manager Logan Shook, Town Clerk Alice Sanders and Finance Officer Fredrick Rankins. Mr. Dill's law partner and son-in-law, Jared Amos, attended the meeting as legal counsel.

CITIZENS & MEDIA

See attached sheet.

APPROVAL OF AGENDA

Staff requested to add "Review Proposal from Bakhtiar Alam for Reorganization of the Hildebran Auditorium" to Old Business. Staff also requested to add "Consider Approval of Contract with WPCOG for Administrative Assistance for Attorney Search and Budget Amendment" to New Business. There being no objections, Council Member York made a motion to approve the agenda as amended. All voted in favor.

APPROVAL OF MINUTES

Council Member Honeycutt stated that there was an error in the June 27, 2022 regular meeting minutes. Regarding the vote on "Consider Approval of ZMA 2022-1," the vote should reflect that he did not vote in favor of the motion. Council Member Honeycutt made a motion to approve the June 27, 2022 regular meeting minutes as amended and the June 27, 2022 closed session minutes as presented. All voted in favor.

PUBLIC COMMENTS

None.

OLD BUSINESS:
PRESENTATION BY NCLM
CONCERNING GENERAL
LIABILITY INSURANCE
RECOMMENDATIONS FOR
FACILITY RENTALS AND
EVENTS

The Town's general liability insurance is provided by the NC League of Municipalities (NCLM). Lisa Kinsey and Amy Whisnant from the NCLM were present and reviewed general liability insurance recommendations for the Town. They explained that general liability coverage protects the policyholder from claims as a result of normal business operations. It also provides premises liability that may arise from property destruction or personal injury that occurs on the Town's premises. The Town's general liability coverage does not extend to someone holding a non-government function on town owned property. However, the Town's general liability coverage would respond if property damage or bodily injury was determined to be caused by the negligence of the Town. Individuals or organizations cannot be added to the Town's general liability policy for their activities.

Ms. Linsey and Ms. Whisnant suggested that the Town require general liability coverage, with the Town listed as an additional insured, for all individuals and organizations renting Town property or holding an event on Town property. They stated that general liability coverage required by individuals for a one-day event could be obtained by one of the two methods below:

1. Homeowner's Insurance – most homeowner's policies have \$300,000 - \$1,000,000 limits and most will cover the homeowner's use of a rental facility for such events.
2. Tulip or GatherGuard – for those renters that do not have a homeowner's policy, both of these companies can provide a general liability coverage, with the Town listed as an additional insured, via a certificate of Insurance (COI).

General liability coverage for more than one-day events, for organizations renting a Town facility, or for an organization hosting an event on Town property can be obtained by providing a COI to the Town, with the Town listed as an additional insured, from a private insurance carrier.

Ms. Kinsey stated that she felt that the pavilion in the park would most likely be okay not to require general liability coverage because it is open to everyone at the park and is not a building. She also felt that a small group of people that are renting the gym for a weekly pickup game of basketball with the same group of people each week would

be another example of an exception of the requirement to provide general liability as long as no money was being charged to attend. She recommended that signs be erected in the gym that states that individuals are playing at their own risk.

Ms. Whisnant visited the Albert Parkhurst Municipal Complex and recommended that the bricks from the tower in the municipal parking lot be covered by a tarp or surrounded by a fence the same as the remains of the tower are surrounded by a fence. No Trespassing signs should also be erected at the site and on the chain link fence surrounding the remains of the tower.

After a short discussion, Council Member Honeycutt made a motion to direct staff to create a policy to require general liability coverage for facility rentals and events in/on Town property. All voted in favor.

**UPDATE BY TALLEY &
SMITH ARCHITECTURE,
INC. CONCERNING TOWER
REBUILD**

Bob Talley from Talley & Smith Architecture, Inc. was in attendance and reviewed a proposed drawing to rebuild the tower. The proposal places the tower next to the existing breezeway. He stated that the tower would be constructed from the original design with the addition of a clock on the third level. There will be public access on two levels with ADA access to the second floor via the existing elevator at the municipal complex. He stated that he would develop construction drawings based off of the presented proposal if Council was in agreement.

Mr. Talley stated that he understood Council wanted to include the original bricks from the tower into the new tower project. He stated that due to the age and condition of the bricks, he would not be able to use them for structural bricks nor could they be used on the exterior. He stated that they could be used inside the tower or as pavers. Council choose to postpone the decision on how to incorporate the bricks into the project to a later meeting.

Council Member Stroupe stated that he thought it would be best to have one contractor oversee the tower rebuild and the park project for efficiency and to reduce costs. Mr. Talley stated that he would be in agreement to work with one contractor. He stated that the only real downside was that the tower project might take a slightly longer timeframe to finish. Council Member Stroupe made a motion to hire one contractor to oversee the tower rebuild and Royal Park projects. All voted in favor.

CONSIDER APPROVAL OF REVISED AGREEMENT WITH WPCOG FOR ADMINISTRATIVE SERVICES FOR PROJECT HUSKY II AND CONSIDER APPROVAL OF NC COMMERCE BUILDING REUSE GRANT CONTRACT FOR PROJECT HUSKY II

Town Manager Shook stated that in August 2021, Council approved a second building reuse grant from the NC Department of Commerce for SynergyLabs named Project Husky II. SynergyLabs plans to spend approximately \$2.8 million to renovate approximately 20,000 square feet of space and add more jobs. An incorrect number of jobs to be created was mistakenly submitted as 237 in the original contract. After discussions between the state, SynergyLabs and the Town, an agreement was made that the number of new jobs that must be created by SynergyLabs in order to qualify for this grant is now 60. The revised contract with the corrected job creation number and dates is provided for approval. The WPCOG will oversee the administration of the grant the same as they have done with Burke County in the past. The Town's matching amount remains \$25,000 with Burke County reimbursing \$12,500 to the Town. The agreement ends on August 19, 2023.

There being no questions, Council Member Honeycutt made a motion to approve the revised agreement with the WPCOG for administrative assistance for Project Husky II as presented. All voted in favor.

Council Member Smith made a motion to approve the revised NC Commerce building reuse contract for Project Husky II with the new job creation number and dates as presented. All voted in favor.

CONSIDER APPROVAL OF BUDGET AMENDMENT FOR DEPUTY SERVICE DURING CRUISE INS

Council Member Honeycutt had requested assistance in reducing speeding on Third Ave SE during Cruise Ins. Traffic is routed to this road as a detour during the events. A budget amendment to hire a deputy to park at the road to deter speeding was presented for consideration. Deputy Towery stated that he had shared the possible request from the Town to his manager for a deputy to work during the Cruise Ins at just that road. He stated that his manager wanted to be sure that Council understood that the Burke County Sheriff's Office does not have the manpower to offer a second deputy if another citizen requests a deputy on their road. Council Member Stroupe suggested that the deputy monitor all roads that traffic is detoured to as a result of the Cruise ins. Council Member Honeycutt made a motion to approve the budget amendment for deputy services to monitor traffic on Third Ave SE during the remaining four Cruise Ins of the FY 22-23 season in the amount of \$720. All voted in favor. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment A).

CONSIDER APPROVAL OF TOWN MANAGER EMPLOYEE CONTRACT TO REFLECT APPROVED SALARY INCREASE

Town Manager Shook stated that he has presented revisions to the town manager contract. He stated that the revisions include the salary increase that was approved by Council during the FY 22-23 budget as well as the effective dates and his new address. Council Member York made a motion to approve the revised Town Manager Employee Contract to reflect the salary increase as of July 1, 2022, the revised effective date and Mr. Shook's updated address as presented. All voted in favor.

REVIEW PROPOSAL FROM BAKHTIAR ALAM FOR REORGANIZATION OF THE AUDITORIUM

Council Member Stroupe distributed a preliminary drawing of proposed renovations to the auditorium created by Bakhtiar Alam. The main revisions include upgrading the seating to 299 chairs, removing the existing ADA restroom in the lobby and creating two ADA restrooms in the existing ladies and men's restrooms, removing the large sound area and creating two smaller sound booths on each side, treatment of the walls for better sound control, upgraded lighting and acoustics, and rearranging the back dressing rooms. Mr. Alam is still researching the side egress system in order to meet ADA regulations and all building codes. Council was in agreement to postpone any discussions of revisions in order to review the drawing.

NEW BUSINESS:
CONSIDER APPROVAL OF CONTRACT WITH HHDA FOR HHDA TO OVERSEE THE CRUISE INS

A contract between the Town and HHDA was presented for approval. The contract is put in place for HHDA to host the Cruise Ins on town property and was created after staff met with representatives from the NCLM regarding risk management. Mayor Hildebrand asked Johnny Childers, a Board member of HHDA, if he had any questions about the contract. Mr. Childers stated that he and Mr. Shook met briefly before the meeting with the NCLM representatives and stated that he had all of his questions answered. He requested that the HHDA Board have time to review the contract at its next meeting in September. Council was in agreement to postpone the approval of the contract until the next regular meeting.

CONSIDER APPROVAL OF RESOLUTION FOR LEASE AGREEMENT WITH THE ENOLA GROUP, INC.

Council approved at its October 25, 2021 regular meeting The Enola Group, Inc.'s request to park the Buster Bus on Town property while they hold educational classes in the bus throughout the year. The NCLM recommended that there be a lease agreement for the property, four parking spaces at Town Hall, as the Town does with other tenants. A resolution was presented for approval. Council Member York made a motion to approve the resolution leasing property for one year or less with The Enola Group, Inc for

four (4) parking spaces at the north-east corner of the Town Hall parking lot located at 109 S. Center St., Hildebran, NC beginning August 22, 2022 and ending June 30, 2023 as presented. All voted in favor. A copy of the resolution is hereby incorporated by reference and made a part of these minutes (Attachment B).

CONSIDER APPROVAL OF ORDINANCE TO AMEND THE CODE OF ORDINANCES CONCERNING TOBACCO USE

Town Manager Shook stated that there has been some issues with people smoking on Town property and after reviewing the Town’s Ordinance regarding tobacco use, staff is presenting an amendment to update the ordinance. He stated that the current ordinance did not include all of the Town’s property and the revised wording will include all property. He also stated that the revised wording states that tobacco use will only be allowed where indicated by signage. Council Member Stroupe made a motion to approve the ordinance to amend the Code of Ordinances Section 2: Civil Citations/Civil Fines, Section 2.8: Prohibiting Tobacco Product Use to include prohibiting tobacco use on all Town property and only allowing tobacco use where indicated by signage as presented and to incorporate the amendment into the Code of Ordinances. All voted in favor. A copy of the ordinance is hereby incorporated by reference and made a part of these minutes (Attachment C).

DISCUSSION AND APPROVAL OF FESTIVAL COMMITTEE RECOMMENDATIONS

Town Manager Shook stated that the festival committee meets on the 4th Monday of the month at 5:50 p.m. The committee has recommended a budget of \$25,000 to hold the festival. Part of the budget will include hiring an event coordinator in the range of \$3,000 - \$5,000 and having fireworks for \$6,000.

The committee is also recommending that the target date align with the grand opening of Royal Park and the finalization of the tower rebuild which should be completed in the spring of 2024.

After a brief discussion, Council Member Honeycutt made a motion to approve \$25,000 as the festival budget and to hold the festival in early spring 2024 to align with the grand opening of Royal Park and the tower rebuild. All voted in favor.

DISCUSSION OF NOVEMBER CRAFT SHOW

Town Manager Shook stated that staff’s biggest concern about holding a craft show in the gym is the construction site and bricks in the municipal parking lot as they are a safety liability. Staff will post no trespassing-keep out

signs, but the Town cannot eliminate the risk of someone being injured during the event. Staff is recommending to postpone the craft show until construction of the site is completed. Council Member Stroupe made a motion to postpone the craft show until the construction site at the municipal complex is completed and safe. Council Members Honeycutt, Stroupe and Weaver voted in favor. Council Members Smith and York were opposed. The motion carried.

JULY/AUGUST
FACILITIES

The July/August Facilities Reports were provided for review.

JUNE/JULY DELINQUENT
TAX REPORT

Tax Collector Sanders provided the June and July tax reports. She stated that an \$888.62 delinquent bill was collected in June. A copy of the reports are hereby incorporated by reference and made a part of these minutes (Attachment D and E).

CONSIDER APPROVAL OF
2021 TAX SETTLEMENTS

The Annual Tax Settlement for fiscal year ending June 30, 2022 for the Town was submitted by John Bridges, Burke County Tax Administrator. The Annual Tax Settlement for Delinquent Taxes for Tax Years 2004-2017 for FY 2021-2022 (not including licensed motor vehicles) was submitted by Alice Sanders, Tax Collector. Council Member Honeycutt made a motion to approve the Annual Tax Settlement for Fiscal Year Ending June 30, 2022 and the Annual Tax Settlement for Delinquent Tax Years 2004-2017 for 2021-2022 (not including licensed motor vehicles) as presented. All voted in favor. A copy of the settlements are hereby incorporated by reference and made a part of these minutes (Attachment F and G).

ORDER FOR THE TAX
COLLECTOR TO COLLECT
PROPERTY TAXES FOR
2022 AND 2017 & ALL
PRIOR YEARS

Tax Collector Sanders provided the Order for the Tax Collector to Collect Property Taxes for both Mr. Bridges and Ms. Sanders. Council Member York made a motion to approve the Order for the Tax Collector to Collect Taxes for 2022 for Mr. Bridges and the Order for the Tax Collector to Collect Property Taxes for 2017 and all Prior Years (not including licensed motor vehicles) for Ms. Sanders. All voted in favor. A copy of the orders are hereby incorporated by reference and made a part of these minutes (Attachment H and I).

JUNE/JULY DEPUTY
REPORT

The June and July Deputy reports were provided for review.

COMMITTEE REPORTS

Transportation Advisory Committee (TAC) and

Technical Coordinating Committee (TCC) – Town Manager Shook stated that he met with Avery Ritchie at the WPCOG and they reviewed mapping of where they thought new housing and new businesses/job creation might take place in Town.

WPCOG Policy Board – No report.

Burke Economic Development – Town Manager Shook stated that a presentation by representatives from the UNC Health Division occurred. They discussed hospital bed numbers due to COVID.

Recreation and Tourism Committee – No report.

Water Resource Committee – No report.

VEDIC –Karen Robinson reported that VEDIC made 21 loans totaling \$739,500 for the past year. There have been a total of 158 loans totaling \$7,412,083.31 with a loss of only \$126,000. Of those loans, 69 were made to minorities. These loans have created 819 jobs. To date, 39 loans have been paid off. During COVID, VEDIC made 41 loan deferrals helping to keep those businesses open.

Library Board – All fees and fines ended in July. Morganton library trimmed trees to help prevent trespassing.

Comprehensive Master Plan Steering Committee – Council Member Stroupe stated that the committee discussed which population the Town should gear efforts towards. They discussed connecting to the Burke River Walk which will connect to the Wilderness Gateway Trail. They also reviewed the current zoning map and discussed high/low density and housing issues.

Festival Committee – Mayor Hildebrand stated that Council had already addressed the budget. Town Manager Shook stated that the committee is suggesting a theme of arts and culture. He stated that the committee would like to hire a coordinator by the end of the year. He suggested Eddie Marlow who coordinates the Long View festival. He stated that if Council had no objections, he would reach out to Mr. Marlow.

CONSIDER APPROVAL OF Town Manager Shook stated that he had contacted the

CONTRACT WITH WPCOG
FOR ADMINISTRATIVE
ASSISTANCE FOR
ATTORNEY SEARCH AND
BUDGET AMENDMENT

WPCOG to administer an attorney search for the Town. He stated that the service would be \$4,000 and would require a budget amendment. The WPCOG stated that the search should take around three months. He stated that the WPCOG has asked for Council to choose two members of the Board to assist with the interview process.

Council Member Smith made a motion to approve the budget amendment for attorney search services to be provided by the WPCOG in the amount of \$4,000 as presented and to delegate to the Town Manager the authority to enter into a contract. All voted in favor. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment J).

Council Member Honeycutt made a motion to appoint Mayor Hildebrand and Council Member Stroupe to assist with the attorney search interviews. All voted in favor.

OTHER BUSINESS:
PAYMENT TO HHDA FOR
STAGE REPAIR
RESULTING FROM TOWER
DEMOLITION

Mayor Hildebrand stated that Rex Lail, HHDA President, presented an invoice to the Town to repair HHDA's stage that was damaged during the tower demolition. Town Manager Shook stated that the invoice was \$1,500. He stated that he had asked previously that receipts for the repair be presented, but Mr. Lail repaired the stage on his own and presented an invoice. Mr. Shook stated that staff recommended that Mr. Lail sign a document agreeing that there will not be any more charges or invoices submitted to the Town in regards to damages as a result of the tower demolition. Council was in agreement. Council Member Honeycutt made a motion to approve the payment of \$1,500 to Rex Lail for the repair of the stage resulting from the tower demolition with the contingency that no other damages or invoices will be submitted to the Town in the future from the result of the tower demolition. All voted in favor.

Council Member Honeycutt made a motion to approve a budget amendment in the amount of \$1,500 to pay Rex Lail for the repair of the HHDA stage as a result from the tower demolition. All voted in favor. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment K).

LOWER PARKING LOT AT
PARK

Council Member Honeycutt asked if the No Loitering signs for the lower parking lot at the community park had been installed yet. Town Manager Shook stated that they have

been ordered and is waiting for them to arrive to install.

Council Member Weaver stated that the cones have been placed at the lower parking lot but the ropes have not been run through them after the park closes.

KUDZU AT EBCM

Council Member Honeycutt asked if staff was able to hire a contractor to spray the kudzu at the back of EBCM and Town Hall. Town Manager Shook stated that the majority of the kudzu is not on Town property. He stated that he had discussed the issue with The Grounds Keeper who stated that eliminating the kudzu would be a multi-year process. Council Member Honeycutt made a motion to keep the kudzu from encroaching any more land by spraying the perimeter. All voted in favor.

SECURING BRICKS AT MUNICIPAL COMPLEX

Council Member Honeycutt asked that the bricks from the tower demolition be covered. Town Manager Shook stated that staff will get a tarp to cover the bricks and will post No Trespassing signs.

ALLOCATION TO ANIMAL SHELTER

Town Manager Shook stated that staff is suggesting that an allocation to a non-profit or the animal shelter be made in memory of Redmond Dill since he loved animals. Council was in agreement. Council Member Honeycutt made a motion to approve a \$500 allocation to the Burke County Animal Shelter in memory of Mr. Dill. All voted in favor. It was also suggested that his name be placed on the future veteran’s wall in Royal Park. Council was in agreement.

ANNOUNCEMENTS

None.

ADJOURN

All business being concluded, Council Member Honeycutt made a motion at 8:22 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