

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

**SEPTEMBER 27, 2021
7:15 PM**

**REMOTE REGULAR
MEETING MINUTES**

CALL TO ORDER

Mayor Hildebrand called the remote regular meeting of the Town Council to order at 7:15 p.m. The meeting was held by simultaneous communication and was streamed live via the Town's YouTube channel.

INVOCATION

A moment of silence was observed.

PLEDGE OF ALLEGIANCE

Deputy Towery 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, Mike Smith and Terry Weaver. Council Member Ben Honeycutt was in attendance via telephone.

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

See attached sheet.

APPROVAL OF AGENDA

Mayor Hildebrand stated that an ordinance to amend the Golf Cart Ordinance needed to be added to the agenda. Council Member Herrell made a motion to amend the agenda to add "Consider Approval of Ordinance to Amend a Provision of Ordinance #05-24-21 Permitting and Regulating the Operation of Golf Carts on Public Streets within the Town of Hildebran, North Carolina" under Old Business. The motion was approved by the following **roll call vote**: Ayes: Council Members Cline, Herrell, Honeycutt, Smith and Weaver. Nays: None. Absent: None.

APPROVAL OF MINUTES

Council Member Honeycutt made a motion to approve the August 23, 2021 remote regular meeting minutes and the August 23, 2021 remoted closed session minutes as presented. The motion was approved by the following **roll call vote**: Ayes: Council Members Cline, Herrell, Honeycutt, Smith and Weaver. Nays: None. Absent: None.

PUBLIC COMMENTS

None.

OLD BUSINESS:

**CONTINUE DISCUSSIONS
OF TOWER RENOVATIONS**

Mayor Hildebrand stated that he has distributed a document that provides an excerpt from the Town of

AND DISPOSITION OF
SAME. COUNCIL MAY
TAKE ANY ACTION THEY
DEEM APPROPRIATE
AFTER DISCUSSION

Hildebran Special Meeting Minutes for May 5, 2017 regarding an agreement between the Town and HHDA concerning preserving the tower after the old school building fire. He stated that the Town agreed to keep the tower if HHDA agreed to drop the lawsuit. The document also provides an excerpt from an email from restoration specialist Jennifer Cathey to Johnny Childers dated August 30, 2021 in which she suggests breaking the project of stabilization the tower as a monument into specific phases. The document provides a structural engineering firm that meets the criteria that Ms. Cathey suggests and Mayor Hildebrand stated that HHDA would pay for this structural engineering firm's analysis if Council agrees.

Council Member Herrell stated that the engineering firm the Town hired, SKA Engineering, and Chris Bathgate, P.E., VP, the structural engineer who performed the analysis, was one of the top structural engineering companies and engineers in the state. Mr. Bathgate's credentials were read for the record. Mayor Hildebrand stated that Mr. Bathgate's credentials were not being questioned.

Council Members Cline, Herrell and Weaver felt that a second analysis was not going to change the fact that the tower was not structurally sound and that the cost to make the tower structurally sound would range between \$250,000 and \$400,000. Ongoing maintenance costs would be required every three to five years. In addition, a steel cage would have to be installed over the tower, which would affect the appearance. They pointed out that if the Town moved forward with this project, the majority occupancy at any given time would only be three people.

Mayor Hildebrand and Council Member Honeycutt preferred to get a second opinion from a different structural engineer who has an appreciation for the creation of a public monument.

Council Member Smith stated that he was not opposed to a second opinion.

Council Members Cline, Herrell, Smith and Weaver stated that if the tower could not be saved, they preferred to use the bricks from the tower to rebuild a replica of the tower in the future park for future generations and to place the tiles where citizens can view them over the years.

After further discussion, Council Member Weaver made a motion to 1) demolish the tower; 2) use as many salvageable bricks as possible to rebuild a functional replica of the tower; 3) refund HHDA \$25,500 for the money it raised to fund the renovation of the tower; 4) approve a budget amendment for \$25,500 to reimburse HHDA; 5) and to approve a budget amendment up to \$20,000 for demolition costs. The motion was approved by the following **roll call vote**: Ayes: Council Members Cline, Herrell, Smith and Weaver. Nays: Council Member Honeycutt. Absent: None. A copy of the budget amendments are hereby incorporated by reference and made a part of these minutes (Attachments A and B).

DISCUSSION OF
CHRISTMAS CRAFT SHOW

Staff recommended not having the Christmas Craft Show this year due to the rising COVID cases in Burke County and the community. Clerk Sanders stated that it is common for last minute cancellations each year regardless of COVID, but with the number of cases increasing, she feels the number of last minute cancellations would be much higher and would be impossible to fill those slots. Clerk Sanders also stated that she felt that both vendors and participation would most likely be down due to the virus and both parties would be disappointed and the event would not be as successful as the Town would like. Council was in agreement. Council Member Weaver made a motion to cancel the 2021 Christmas Craft Show. The motion was approved by the following **roll call vote**: Ayes: Council Members Cline, Herrell, Honeycutt, Smith and Weaver. Nays: None. Absent: None.

CONSIDER APPROVAL OF
ORDINANCE TO AMEND A
PORTION OF ORDINANCE
#05-24-21 PERTAINING TO
REGULATING THE
OPERATION OF GOLF
CARTS

Town Manager Shook stated that Council voted by motion at the last meeting to amend the Golf Cart Ordinance and he informed Council that ordinances can only be amended by an ordinance. He stated that an ordinance to amend the Golf Cart Ordinance was presented for approval. Council Member Herrell made a motion to approve the Ordinance to Amend a Provision of Ordinance #05-24-21 Permitting and Regulating the Operation of Golf Carts on Public Streets within the Town of Hildebran, North Carolina to prohibit the use of golf carts on Main Ave W beginning at the Third St SW intersection and ending at the I-40 exit 118 interchange instead of the entire section of Main Ave W. The motion was approved by the following **roll call vote**: Ayes: Council Members Cline, Herrell, Honeycutt, Smith and Weaver. Nays: None. Absent: None. A copy of the ordinance is hereby incorporated by reference and made a part of these minutes (Attachment C).

NEW BUSINESS:

DECISION OF HHDA
MONTHLY RENT FOR THE
AUDITORIUM BASEMENT
EFFECTIVE OCTOBER 1,
2021

Town Manager Shook stated that Council had previously voted to suspend monthly lease fees for HHDA for the auditorium basement during the months that the Cruise Ins were not allowed to be held in the front parking lot of the municipal complex due to it being closed. The last scheduled Cruise In was September 25th and Council should decide if HHDA should begin paying a monthly lease beginning October 1st.

Council Member Smith stated that he felt that since the Town closed the municipal parking lot and HHDA was not allowed to hold four of its Cruise Ins, which is its main fundraising event, that the Town should continue suspending HHDA's monthly lease fees. Council Member Herrell stated that he did not feel that it was the Town's purpose to continue to support a nonprofit. Council Member Smith made a motion to suspend HHDA's rent for the next quarter, ending December 31, 2021. The motion was approved by the following **roll call vote**: Ayes: Council Members Cline, Honeycutt and Smith. Nays: Council Members Herrell and Weaver. Absent: None.

CONSIDER APPROVAL OF
CONTRACT WITH
TERMINIX TO ELIMINATE
OPENINGS IN GYM ROOF
AND ADDRESS THE
OVERHANG ON THE ROOF
AT THE MUNICIPAL
COMPLEX AND
APPROPRIATE BUDGET
AMENDMENT

Town Manager Shook stated that the Town had hired Terminix in the past to rid the municipal complex of bats. Due to the issue of some of the windows on the 3rd floor of the municipal complex continuing to slide down, bats have since returned to the building. Also, after completing an investigation about a complaint by a renter, it has been determined that some of the bats have migrated to the gym. Terminix visited the site and confirmed the presence of bats and proposed addressing all openings around the gym roof and the overhang on the municipal complex. The quote to perform this work is \$6,500.

Mr. Shook stated that the windows on the 3rd floor still need to be addressed. He stated that All Glass had provided a quote last year providing the Town with two options. The first option would replace the balances and shoes for each window, however, the same issue may result later as weather and gravity weaken spiral balances. This quote was \$1,900. The second option was to fabricate a stop block and install on window frames so that the upper window is fixed into position and will not drop. The block can be removed in a few minutes and the window will operate as originally designed. This quote was \$900. An updated quote for this option was \$502.90. Mr. Shook stated that staff recommends that Terminix address both

the gym and municipal complex at the same time and fix the windows simultaneously. Terminix will provide a one-year warranty of its work.

Council Member Herrell made a motion to approve a contract and with Terminix to seal all openings in the roof of the gym and a budget amendment in the amount of \$6,500 and a contract with All Glass to fabricate and install upper window sash supports for thirty-four windows on the 3rd floor of the municipal complex in the amount of \$502.90. The motion was approved by the following **roll call vote**: Ayes: Council Members Cline, Herrell, Honeycutt, Smith and Weaver. Nays: None. Absent: None. A copy of the budget amendment is hereby incorporated by reference and made a part of these minutes (Attachment D).

CONSIDER APPROVAL OF
GATOR AND
APPROPRIATE BUDGET
AMENDMENT

Town Manager Shook stated that Council discussed the possibility of purchasing a gator during the budget meeting but it was the consensus of Council to purchase a truck instead. Council Member Weaver approached staff regarding the need for a gator. Maintenance staff would use the gator to haul and remove plants, mulch, brush, limbs, lawn care equipment, signs, leaves, waste pickup, waste bags, hardware and tools for the park and facilities.

Mr. Shook reviewed pricing of gators at Hickory Home and Garden as well as John Deer. The Town can receive a 16% state discount and purchase a TS 4X2 gator from John Deer for \$7,359 or from Hickory Home and Garden for \$6,859 plus freight.

Mr. Shook suggested that Council table this topic for a couple of reasons. First, Council could wait to see if it is awarded PARTF funds for the second park, which would warrant the use of the gator even more. Second, the ARPA funds that the Town will be receiving might cover the cost of a gator for park use. Third, there could be new state guidelines in the near future that would make certain gators street legal. If this happens and Council chooses to purchase a gator, staff recommends purchasing a gator that is street legal.

Council Member Herrell suggested providing the Parks and Maintenance Worker additional pay each week in exchange for using his personal truck so that the Town would not have to purchase a truck and insurance. Council was in

agreement to table the decision to purchase a gator until more information is available.

CONSIDER APPROVAL OF
RESOLUTION FOR
APPOINTMENT OF
REVIEW OFFICER

The Town has changed Planners from Dustin Millsaps to Todd Justice and the change of the Review Officer at Burke County should be requested. Council Member Herrell made a motion to approve the Resolution for Appointment of the Review Officer requesting Burke County Board of Commissioners to remove Dustin Millsaps and add Todd Justice as its Review Officer. The motion was approved by the following **roll call vote**: Ayes: Council Members Cline, Herrell, Honeycutt, Smith and Weaver. Nays: None. Absent: None. A copy of the resolution is hereby incorporated by reference and made a part of these minutes (Attachment E).

SEPTEMBER FACILITIES
REPORT

The September Report was provided for review.

AUGUST DELINQUENT
TAX REPORT

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

AUGUST DEPUTY REPORT

The August report was provided for review.

COMMITTEE REPORTS

Transportation Advisory Committee (TAC) and Technical Coordinating Committee (TCC) – Town Manager Shook stated DOT has put three projects in Hildebran on hold: N Center St sidewalk; round-a-bout at S. Center St./Main Ave; and the modernization of Wilson Rd. DOT has stated that two projects will continue: Main Ave E sidewalk and the Exit 118 interchange bridge work.

WPCOG Policy Board – No report.

Burke Economic Development – Council Member Cline stated that the Board approved minutes and discussed plans, etc. He stated that another Council member would need to replace him on this committee since he is not available on the days the committee meets.

Recreation and Tourism Committee – No report.

Water Resource Committee – No report.

VEDIC – No report.

Library Board – No report.

OTHER BUSINESS

Town Manager Shook stated that the Town has a new Code Enforcement Officer, Matt Taylor and he will email Council Matt's monthly reports.

Town Manager Shook stated that DOT had contacted him regarding work at the bridge at Exit 118/Main Ave E. He stated that DOT could continue with a multiuse path on the bridge but it will impact the parking lot of First Baptist Church Hildebran. DOT stated that they could wait to do the multiuse path on the bridge until the Town extends the sidewalk from 3rd St to Exit 118 on Main Ave E, however, the Town would be required to pay for the multipath path if DOT waits. Mr. Shook asked Council which option they preferred. Council was in agreement for DOT to move forward with the multiuse path on the bridge now.

ANNOUNCEMENTS

None.

CLOSED SESSION

Council Member Honeycutt made a motion at 8:24 p.m. to enter into closed session for the purpose of NCGS 143-318.11(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. The motion was approved by the following **roll call vote**: Ayes: Council Members Cline, Herrell, Honeycutt, Smith and Weaver. Nays: None. Absent: None.

Council Member Herrell made a motion at 8:46 p.m. to return to open session. The motion was approved by the following **roll call vote**: Ayes: Council Members Cline, Herrell, Honeycutt, Smith and Weaver. Nays: None. Absent: None.

ADJOURN

All business being concluded, Council Member Honeycutt made a motion at 8:47 p.m. to adjourn. The motion was approved by the following **roll call vote**: Ayes: Council Members Cline, Herrell, Honeycutt, Smith and Weaver. Nays: None. Absent: None.

I attest these are the approved minutes of the Board.

Alice Sanders, Town Clerk

Wendell Hildebrand, Mayor