

**TOWN OF HILDEBRAN
WESTERN PIEDMONT
COUNCIL OF
GOVERNMENTS
CONF ROOM A1**

**MAY 23, 2016
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. Heidi Punt, Pastor at Christ United Lutheran Church, led a prayer.

**PLEDGE OF
ALLEGIANCE**

Mr. Wilson, Library Director, led the pledge of allegiance to the United States flag.

COUNCIL PRESENT

The following members of the Board were present: Mayor Virginia Cook, Council Members Brenda Banks, Barbara Lowman, and Jody York. Council Member Lee Lowman arrived at 7:10 p.m. There is one vacant seat.

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 Assistant Rebecah Isenhour.

**CITIZENS & MEDIA
PRESENT**

See attached sheet.

**ADOPTION OF
AGENDA**

A proposed amended agenda was presented to Council. The amendments included:

1. Switch item numbers 6a and 6b under New Business.
2. Remove a closed session.

Council Member Banks made a motion to adopt the agenda as amended. All voted in favor.

**APPROVAL OF
MINUTES**

Mayor Cook stated that a correction needs to be made to the April 22, 2016 recessed special meeting/budget workshop minutes. On page 7, line number 6, the minutes read "part-time position" and she stated that it should read "administrative part-time position". Council Member Banks made a motion to approve the April 22, 2016 recessed special meeting/budget workshop minutes as amended. All voted in favor. Council Member B. Lowman made a motion to approve the April 25, 2016 regular meeting minutes. All voted in favor.

**OLD BUSINESS:
BURKE COUNTY
LIBRARY
APPROPRIATIONS**

Jim Wilson, Library Director, gave a report to the Board about the library budget, funding, and spending. He stated that the cost to operate the Hildebran library is \$137,000 each year and that 10% of the library's budget is used to purchase books. Council Member Banks made a motion to instruct Mr. Drum to

include \$4,000 in the FY 16-17 budget for support of the Hildebran library. Council Member Banks, B. Lowman and York voted in favor. Council Member L. Lowman was opposed. The motion carried.

REPORT ON PROPERTY ACQUISITION

Attorney Dill reported that he has contacted various vendors to perform asbestos, radon, termites and mold/mildew inspections, as well as a structural inspection by building inspectors, and an architect to work on a rough estimate to retrofit the building. He will share the estimate once available. He stated that the contractor he has contacted to do the mold inspection is the same group that did work at the building about eight or nine years ago due to the flat roof and water infiltration and they are very familiar with the building and they will know where to look. He stated the building was scrubbed out to the bear walls and rebuilt from the inside out, with a new roof, and he doesn't expect there to be any issues but he will get an inspection to be sure.

TOWN FACILITIES: RENTAL FEES AND POLICIES

The new rates were provided to Council for approval based on the agreed upon rates at the previous budget meeting. Council Member York asked about the five hour minimum requirement. Mr. Drum stated that the rate is based on last year's half day minimum requirement. Council Member B. Lowman made a motion to approve the daily rental fees for the auditorium, band room, depot, gymnasium, meeting room and pavilion effective July 1, 2016. Council Members Banks, B. Lowman and L. Lowman voted in favor. Council Member York was opposed. The motion carried. A copy of these fees is hereby referenced and made a part of these minutes (Attachment A).

YEARLY LEASES OF TOWN PROPERTY- PRICING DECISIONS

Mayor Cook reminded the Board that it approved a \$2.00 per square foot rental fee for Communication Workers of America (CWA), East Burke Christian Ministries (EBCM), East Burke Senior Center (EBSC) and Hildebran Heritage and Development Association (HHDA) at the last budget workshop. She stated that final pricing for the leases needs to be determined for the upcoming budget. Tom reminded the Board that the going commercial rate in Town was \$4.00 to \$7.00 per square foot. Town property is not comparable to the commercial property and discounted the rate to \$2.00 per square foot. He recommended that if the rate is changed, that the Board keep the rate the same for everyone. He also reported that CWA has decided to move out of the room they were leasing.

Attorney Dill stated that the Board needed to consider who it is renting to, the purposes they serve and be fair to everyone with a standard rental rate.

Council Member York stated that she felt \$2.00 per square foot was too much and suggested a range that was closer to the lower current rates so that nonprofit organizations can afford the rent. Mayor Cook stated that EBCM pays their own utilities and it was clarified that the Town pays for utilities for the other rental properties. Attorney Dill stated that the County has expressed concern to him, depending upon where the rate is set, whether or not it will continue to lease the area before they move to the new building. He opined that \$4,800 was rather low for the amount of space provided with the Town paying for all utilities. He also opined that if EBCM could pay \$1.55 per square foot, plus its utilities bills, then anybody should be able to pay that rate because EBCM is totally funded by contributions. Council Member York stated that a \$1.50 rate would triple HHDA's rent and Council Member L. Lowman pointed out that HHDA is currently paying the least amount of rent per square foot. Council Member York stated that she would like to set the rate somewhere between \$0.58 and \$1.55 per square foot. There was discussion about every tenant paying its own utility bills. Mr. Drum pointed out that it would be difficult to determine an amount to charge tenants for utilities. A meter and wiring would need to be installed. Mayor Cook stated that the rate could be set at \$1.50 to offset the costs of utilities. Council Member L. Lowman made a motion to set the rate at \$1.50 per square foot for EBCM, EBSC and HHDA, with EBCM continuing to pay for its own utilities. Council Members Banks, B. Lowman and L. Lowman voted in favor. Council Member York was opposed. The motion carried.

FLOOD LIGHTS AT
DEPOT / QUOTE

Mayor Cook stated that Ms. Isenhour has provided a quote to replace existing light bulbs to LED bulbs and to install a timeclock control for the flood lights at the depot. Council Member L. Lowman stated that he also wanted information for lighting at the pavilion and made a motion to table this topic until all of the information for both the depot and pavilion was presented. All voted in favor.

TOWN BANNERS

Mayor Cook stated that a quote was presented for eight banners to be placed at Town entrances and that there were three options for the back design of the banners. Installation charges are to be determined. Council Member B. Lowman stated that the discussion about banners came from a discussion about Christmas lights and the advantages of banners over Christmas lights is that they would not have to be taken down and put up

each season, they would last for years and they could be alternated between the Christmas lights on the power poles. The banners would be placed at Town entrances and alternating between the lights. She stated that there was not a general consensus on whether to purchase the banners at the last budget meeting and if the banners were not approved, she wanted to set an amount in next year's budget for banners and/or Christmas lights. She was surprised to see the amount of money in the bid for the hardware to attach to the poles. She stated that there would already be an expense to move the wiring to the new poles and that the Town would need permission from Duke Energy to put the banners on the new poles. Ms. Lowman made a motion to instruct Mr. Drum to appropriate \$5,000 for Christmas lights and/or banners in the FY16-17 budget. Attorney Dill stated that no motion was needed for that action. The money will be in the budget for approval by Council at the June meeting. He stated that the Board needed to take action to approve or reject the bid. Council Member B. Lowman revised her motion to reject the bid from Mosca Design, Inc for banners. All voted in favor.

CHRISTMAS LIGHT
WIRING MOVED TO
NEW DUKE ENERGY
POLES

Mayor Cook stated that Ms. Isenhour provided a quote from Strategic Gold to remove the wiring from the old Duke Energy poles and to reinstall on the new Duke Energy poles. Mr. Drum stated that the quote is for the current seven poles; however, there are four more poles that Duke Energy is looking to replace. He stated that there is a good possibility even more poles will be installed in the future and he suggested waiting until the new budget year and budget for the entire amount to rewire all of the new poles. The Christmas lights are currently on 42 poles and Duke Energy could replace half of those poles. Council Member L. Lowman asked if the current poles could be rewired using the current Christmas light budget. Mr. Drum stated that the Board could do that or that the Board could carry over the existing budget funds and add it to the \$5,000 in the next fiscal year budget. Council Member L. Lowman stated that it is only a pole transfer and that Duke Energy has to place the new poles within one foot of the old poles and that the Town's wires need to be removed from the old poles so that Duke Energy can remove the old poles. Mr. Drum stated that the issue is the Town does not know how many poles will need to be replaced. He stated that the current \$5,000 budgeted for Christmas lights can be used to cover the cost of the pole transfer costs until June 30th and then use the \$5,000 that is to be budgeted for Christmas lights and/or banners in next year's budget to complete the project. Council Member L. Lowman made a motion to approve the quote from Strategic Gold for \$700.00 for pole transfers and to use the existing Christmas

lights/banners budget line item to complete any other pole transfers that are needed through June 30, 2016. In addition, the remaining pole transfers should be paid for using the \$5,000 that will be budgeted for Christmas lights/banners in the FY 16-17 budget. All voted in favor.

YEARLY SERVICE
CONTRACTS

A final tabulation sheet was provided to Council for review. Mr. Drum reviewed that there are four contracts: Snow Removal Services; Park Maintenance; Weekend Restroom Cleaning at the Park; and Street and I-40 Interchange Mowing. He stated that almost all of the bids had a few glitches in how the bidders bid out the contract and the glitches bother him in regard to awarding the contracts. Also, there was a very low response. There were 27 solicitations for the street maintenance, 17 for the park and restroom cleaning at the park and a fewer amount for the snow removal. He stated that after looking at the bids, it was his recommendation that the Board reject all bids and rebid. There is a risk with rebidding in that some bidders may not bid again and some bidders may bid higher or lower. He stated some of the glitches made the bid itself suspect that the Board could even approve a contract, in his opinion. He would rather clean up the bids by including an instructional sheet in order to take care of that issue and hopefully get cleaner bids. The new bids would be provided to the Board at the June regular meeting. Council Member York made a motion to reject all bids and to rebid.

Council Member L. Lowman stated that he thought the weekend restroom cleaning was going to be dropped from the contracts. Mr. Drum replied that the weekend restroom cleaning was dropped from the park maintenance contract so that anyone that cleans restrooms could bid. If the work is not bid out, then the Town would have to take over that chore which would require a staff member to work on the weekends. Mr. Lowman pointed out that the only two people that bid on this contract were lawn care services. Mr. Drum stated that one cleaning service did submit a bid earlier, but after the contract was slightly changed and put out to bid, this service did not want to bid. Ms. Sanders stated that the request for proposal was sent to a couple of cleaning services, with no response. Mr. Lowman asked if the bids are now public knowledge. It was confirmed that once bids are open, it becomes public knowledge. He expressed displeasure that now someone can undercut the lowest bid.

He asked Mr. Drum what the glitches were. Mr. Drum reviewed that one contractor did not list his personnel. One contractor's certificate of insurance showed that his general

liability insurance expired the previous month. One contractor did not list any equipment or personnel. One contractor did not submit his required licenses, equipment or personnel. One contractor did not submit an additional insured endorsement with his certificate of insurance. Mr. Drum stated that the reason equipment and personnel is required is because that is part of the evaluation process to prove that you have the equipment and personnel to actually do the job. The reason for requiring the licenses is showing that the contractor has the proper knowledge and expertise to do the job. He stated that these items did not show up in the bid packets, even though the contractor showed up on time and these reasons are why he is suggesting that the Town rebid. He stated that you might have a low bidder, but other bidders may say that even though this person was the lowest bidder, they did not provide the proper documentation that was asked for in the bid.

Council Member L. Lowman stated that general liability was vital and a bid should not be considered if it has expired. He asked if there was a clause in the contract that stated that if the contractor is unable to perform the task, then the Town has the option to void the contract. Mayor Cook replied that the contracts did not have this statement. Mr. Lowman stated that it should have this statement and that it is a standard clause in his business contracts.

Mr. Drum stated that it is not uncommon for this situation to happen and by rebidding, contractors may go up or down. The only bid that was compliant was the snow contract but there was only one bid with no comparison available. Mayor Cook stated that there was another contractor that was going to submit a bid, but he could not find the location in time. Mr. Drum stated that the bids were prepared, the bids arrived on time and they were opened properly. There were small glitches that could taint the award. Council Member L. Lowman stated that in that case, the Council should not have seen the numbers and the bids should have been kicked out and rebid so that the numbers would not be public knowledge. Mr. Drum replied that the numbers became public record when the bids were opened. Attorney Dill stated that only the Board can reject solicited bids and that if Mr. Drum feels that the bids do not meet the minimum standards necessary, the appropriate action is to reject the bids and rebid. Council Member York stated that her motion to reject all bids and rebid still stands. Council Members Banks, B. Lowman and York voted in favor. Council Member L. Lowman opposed the motion. The motion carried. Mr. Dill stated that the intent is that the contracts be rebid and brought back to the Board at the June meeting for approval.

NEW BUSINESS:
TOWN HALL
BASEMENT REPAIRS /
QUOTE

Mayor Cook reported that two quotes to repair the fire damage to the basement area of Town Hall were presented. Ms. Isenhour reported that she contacted four or five contractors and two responded. The quotes are comparable with the task list. Each contractor will need four to five weeks to begin the project and will take a couple of months to complete. Mr. Drum stated that most bidders do not include sales tax on their quotes and the Board can approve the bid allowing sales tax. He reported that sales tax will not be reimbursed by insurance and Mayor Cook stated that the Town would get it back from the state. Council Member Banks made a motion to approve David E. Looper Company in the amount of \$25,892. Mayor Cook asked if she was making a motion to approve the higher bid. Ms. Banks replied that she made a mistake and withdrew her motion. Council Member Banks made a motion to approve the bid for Matthew Construction Co., Inc. in the amount of \$21,100. Mr Drum clarified that the Board was approving applicable taxes. The Board confirmed. All voted in favor.

Other bids included: David E. Looper Company in the amount of \$25,892.

RATIFY FIRE-RELATED
CONTRACTS

Mr. Drum asked the Board to review the list provided of fire-related expenses. The total is \$283,567.98, which includes the \$21,100 that was just approved for repairs in the basement. Last month, the Board approved a budget amendment for fire-related expenses in the amount of \$210,000 which leaves a balance of \$73,567.98.

Mr. Drum stated that the Board needs to officially approve all the contracts listed since the Board has not approved them due to the emergency situation due to the fire. Council Member L. Lowman asked about the reduced security coverage rate projected for May and June. Mr. Drum stated that Griffith Security is scaling back officers from two officers to one. He asked if Council wanted to reduce the coverage from 9:00 p.m. to 7:00 a.m. Mayor Cook stated that more County officers will be patrolling as well. Mr. Lowman asked who wanted the security officers. Mayor Cook stated that it was the insurance company and they will reimburse the Town for those expenses. Mr. Drum stated that the bills are still outstanding since the contracts have not officially been approved. Mayor Cook stated that the contracts have to be approved prior to paying the invoices. Council Member York made a motion to ratify all fire-related expenses since the fire. All voted in favor.

**BUDGET AMENDMENT
(FIRE-RELATED
EXPENSES)**

Mayor Cook reported that since the fire-related contracts have now been approved, a budget amendment is needed for the additional contracts that have come in since the approval of the budget amendment last month. Council Member B. Lowman made a motion to approve a budget amendment in the amount of \$73,567.98 for additional fire-related expenses. All voted in favor. A copy of this budget amendment is hereby referenced and made a part of these minutes (Attachment B).

**TREE REMOVAL AT
PARK AND BUDGET
AMENDMENT**

Mayor Cook reported that Mr. Bivens found another dead tree at the bottom area of the park that needs to be removed and The Grounds Keeper has provided a quote. This tree is not part of the tree removal services awarded last month. She reported that there is the potential for more trees to be removed in the future. Council Member York made a motion to approve the quote provided by The Grounds Keeper in the amount of \$950.00 contingent upon proper documented insurance. All voted in favor. Council Member B. Lowman made a motion to approve a budget amendment for the tree removal in the amount of \$950.00. All voted in favor. A copy of this budget amendment is hereby reference and made a part of these minutes (Attachment C).

**RELOCATION OF
EXISTING FENCE**

Mayor Cook stated that the fence around the town hall offices has been leased for one year. A quote was provided for adding a section of fence and also to relocate the existing fence. For security reasons, the fence can be moved to the back of the building. She stated that additional fencing could be added to the front of the building but the front was very secure. She stated that the relocation of the fence will allow the contractors easier access to the building and the detectives would be able to use their offices. She stated that having the double fence at the back is because there are a few sections that someone could get through the existing fence and it will help with security during the ballgames. The expense to move the fence will not be reimbursed by insurance. ServPro paid for the one-year lease. Relocating the fence will be a Town expense. Council Member B. Lowman made a motion to approve the quote from Fister Fence of Hickory, LLC in the amount of \$491.00 to relocate the fence to the back of the building. All voted in favor. Mr. Drum will review the budget for available funds.

FACILITIES REPORT

Ms. Isenhour stated that the rentals of the depot is increasing and a June wedding is scheduled. The town hall building incurred a problem when the main water was turned back on. Mr. Drum stated the water valve stuck when it was turned on. The water department informed the town that the meter needed to be replaced and it is their policy that a commercial 2” meter

is the responsibility of the user. Also, backflow prevention devices need to be installed. The total costs to fix the problem would be close to \$9,000. He suggested the Board consider approving a budget amendment in order to move quickly so that the contractors that will be working in the basement will have water. Council Member L. Lowman requested staff to contract the water corporation for better pricing. Mr. Drum will contract Icard Water.

APRIL TAX REPORT

Ms. Sanders reviewed the April tax report. A copy of the report is hereby incorporated by reference and made a part of these minutes (Attachment D).

DIRECT TAX
COLLECTOR TO
ADVERTISE 2015 REAL
PROPERTY

Mr. Sanders provided a list of property owners that owe real property taxes for 2015 and asked for Council to direct her to advertise. Council Member Banks made a motion to direct the Tax Collector to advertise delinquent real property taxes for 2015. All voted in favor.

DEPUTY REPORT
GARY TOWERY

Deputy Towery provided his report for the month of April.

COMMITTEE REPORTS
& UPDATES

SIDEWALK PROJECT AT
NORTH CENTER ST.

Transportation Advisory Committee (COG) – Mayor Cook reported that the committee approved Hildebran receiving more money for easements for the sidewalk project on North Center Street. It will take seven to eight months to obtain all easements. Council needs to decide if it will commit to condemning property if the property owner involved in the project area refuses to give permission for an easement. If the Council does not agree to this commitment, the project needs to stop now because the grant is federal money and the project has to be completed to receive reimbursement. Federal money requires the Town to offer fair market value to property owners for easements. There are 21 property owners as well as Duke Power that need to provide easements. She stated that the Town could reapply for more money to allow for the extra expense for easements. Attorney Dill stated that each property would need a property appraisal. There will be a set square footage rate, but each property will be different based on trees, etc. Mayor Cook stated that the telephone poles have already been set back and there is enough room. Council Member L. Lowman stated he was concerned about the gas lines. Mr. Drum stated that it is not known at this time if property owners' driveways will be dug up for the project.

Mr. Drum stated that a design will need to be determined which will be used to map out the permanent easement and the construction easement. The easements will be shown on a plat.

The descriptions from this plat will be used by Attorney Dill to put in the easement for approval. This process is a large expense and if Council is not willing to condemn the property if easements are not obtained, then it will lose all of that money.

Mr. Drum stated that another option that other towns have done is to give the grant money back and to try to obtain easements on its own. If not under a federal grant, money is not required to be offered to the property owner. If all properties are not obtained, then Council can determine if it is willing to condemn the property. There will still be expenses incurred to do easements.

Council Member L. Lowman asked if there was enough money to complete the project. Mayor Cook stated that she could reapply for more grant money for the easements. There is no guarantee that the money will be available if the Town reapplies, but it is higher likely and Mayor Cook stated that the money would be there in the future.

Mr. Drum reviewed the upcoming major expenses in the upcoming budget which include the purchase and retrofit of the new town hall, attorney fees and at least \$160,000 for the Town's portion of the sidewalk project. Mayor Cook stated that a sewer line issue has also occurred.

Council Member York made a motion to return the federal money until the Town has volunteer compliance with the easements and a design completed. All voted in favor. Mayor Cook asked Mr. Drum to help determine the steps needed to begin work on the easements and to reapply for the federal grant in 2018 with help from the WPCOG.

WPCOG Policy Board –No report at this time.

Burke Economic Development Representative – Mayor Cook reported that Caterpillar is leaving Burke County. There are two other companies looking to move into the County. She reiterated the issue with manufacturing jobs that are not being filled due to a lack of proper training.

Recreation and Tourism Committee – Football signups will begin June 14th at the concession stand and practice will begin August 1st. Baseball and softball practice will be on Tuesdays and Thursdays from 6:00 – 8:00 p.m. at Reep Park.

Water Resource Committee – No report at this time.

VEDIC – Mayor Cook reported that the meeting was held in closed session. There was a default on two loans.

DOT requested, and is installing, a 35 mph speed limit sign on Cline Park Drive.

OTHER BUSINESS

Council Member B. Lowman reported that the Town is going to host a town cleanup day on Saturday, June 4, 2016. Volunteers should meet at the pool parking lot at 9:00 a.m. Trash bags and gloves will be provided by the DOT. The route will be from I-40 Exit 119 to US Hwy 70 at Frye Daddy's.

ANNOUNCEMENTS

The next budget workshop will be held on Friday, June 3, 2016.

PUBLIC COMMENT

Elsie Childres stated that she had not received a response from Council from a letter she wrote in March 2015.

Richard Bell expressed his displeasure with buildings being demolished in the Town, reviewed his education and acknowledged the lack of requirements to serve on the Board.

Marie Bell stated that the purchase of the bank building is a waste of tax payers' money and suggested the current town hall be renovated instead and asked for public comments to be moved to the beginning of the meeting.

Tim Limbo, from the Hildebran-Icard Community Development Center, spoke about the need for contributions to help fix the pool. He stated that a youth group has been subsidizing the pool for years to keep it running for the community. He asked for help from the Council.

Mayor Cook stated that she has asked Mr. Limbo to attend the budget meeting on June 3, 2016.

ADJOURNMENT

All business being concluded, Council Member B. Lowman made a motion to adjourn at 9:10 p.m. All voted in favor.

I attest these are the approved minutes of the Board.

Alice Sanders, Town Clerk

Virginia Cook, Mayor