



AGENDA

Henderson City Council Regular Meeting

Monday 11 April 2016, 6:00 p.m.

R. G. (Chick) Young, Jr. Council Chambers, Municipal Building

134 Rose Avenue

Henderson, North Carolina

Mayor and City Council Members

Mayor Eddie Ellington, Presiding

Councilmember Marion B. Williams

Councilmember Sara M. Coffey

Councilmember Michael C. Inscoc

Councilmember D. Michael Rainey

Councilmember Melissa Elliott

Councilmember Garry D. Daeke

Councilmember Fearldine A. Simmons

Councilmember George M. Daye

City Officials

Frank Frazier, City Manager

D. Rix Edwards, City Attorney

Esther J. McCrackin, City Clerk

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION AND PLEDGE OF ALLEGIANCE

IV. OPENING REMARKS

In order to provide for the highest standards of ethical behavior and Transparency in Governance as well as provide for good and open government, the City Council has approved Core Values regarding Ethical Behavior¹ and Transparency in Governance². The Mayor now inquires as to whether any Council Member knows of any conflict of interest, or appearance of conflict, with respect to matters before the City Council. If any Council Members knows of a conflict of interest, or appearance of conflict, please state so at this time.

¹ **Core Value 4: Ethical Behavior:** We value the public trust and will perform our duties and responsibilities with the highest levels of integrity, honesty, trustworthiness and professionalism.

² **Core Value 10: Transparency in Governance:** We value transparency in the governance and operations of the City.

V. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA

VI. APPROVAL OF MINUTES

- a) 14 March 2016 Regular Meeting [*See Notebook Tab 1*]

VII. PRESENTATIONS/RECOGNITIONS

- a) Recognition of Leadership Vance Class of 2016
- b) Citizens Fire Academy Presentation by Fire Chief Cordell
- c) Walk the Beat Presentation by Police Chief Barrow

VIII. PUBLIC HEARING

- a) Consideration of Approval of Ordinance 16-13, Authorizing the Permanent Closing of a Dedicated but Unopened Street Referred to as Berry Street. (*CAF 16-10-B*) [*See Notebook Tab 2*]
 - Ordinance 16-13
- b) Consideration of Approval of Resolution 16-16, Approving an Incentive Agreement Between Vescom America, Inc., and the City of Henderson. (*CAF 16-45*) [*See Notebook Tab 3*]
 - Resolution 16-16
- c) Consideration of Approval of Ordinance 16-10, Amending the Zoning Map to Rezone Property from R-20 (Low Density Residential) to R-11 (Moderate to Density Residential) 4.2^{+/-} Acres Located at Vicksboro Road (PIN #0536 02010). (*CAF 16-48*) [*See Notebook Tab 4*]
 - Ordinance 16-10

IX. PUBLIC COMMENT PERIOD ON AGENDA ITEMS

Citizens may only speak on Agenda items only at this time. Citizens wishing to address the Council must sign-in on a form provided by the City Clerk prior to the beginning of the meeting. The sign-in form is located on the podium. When recognized by the Mayor, come forward to the podium, state your name, address and if you are a city resident. Please review the Citizen Comment Guidelines that are provided below.³

³ **Citizen Comment Guidelines for Agenda Items**

The Mayor and City Council welcome and encourage citizens to attend City Council meetings and to offer comments on matters of concern to them. Citizens are requested to review the following public comment guidelines prior to addressing the City Council.

- 1) Citizens are requested to limit their comments to five minutes; however, the Mayor, at his discretion, may limit comments to three minutes should there appear to be a large number of people wishing to address the Council;
- 2) Comments should be presented in a civil manner and be non-personal in nature, fact-based and issue oriented. Except for the public hearing comment period, citizens must speak for themselves during the public comment periods;
- 3) Citizens may not yield their time to another person;
- 4) Topics requiring further investigation will be referred to the appropriate city official, Council Committee or agency and may, if in order, be scheduled for a future meeting agenda;

X. NEW BUSINESS

- a)** Consideration of Approval of Resolution 16-30, Authorizing the Execution of Contract for the Restriping of Several City of Henderson Streets in the Amount of \$25,430 with Clark Pavement Marking Inc. (CAF 16-44) [See Notebook Tab 5]
- Resolution 16-30
- b)** Consideration of Approval of 1) Resolution 16-28, Authorizing the Execution of a Construction Contract for the Repair of Storm Drains Located at Cypress Drive and Yadkin Street in the Amount of \$39,215 with M.T. Murphy, Inc. and 2) Ordinance 16-12, FY16 BA #17 to Close Out the Birch, Hillside, Cameron Street CIP Project and Transfer Remaining Funds to the Street Department Storm Drain Improvement Line Item. (CAF 16-42) [See Notebook Tab 6]
- Resolution 16-28
- c)** Consideration of Approval of 1) Resolution 16-26, Authorizing a Partnership Agreement with the Embassy Cultural Center Foundation, Inc. (Foundation) for Use of McGregor Hall and 2) Ordinance 16-09, Amending the Fee Schedule to Reflect the New Rate. (CAF 16-30) [See Notebook Tab 7]
- Resolution 16-26
 - Ordinance 16-09
- d)** Consideration of Approval of Ordinance 16-08, Establishing a No Parking Zone on Roanoke Ave and Two Hour Parking Spaces on Church Street and the Deletion of Unsigned Reserved Parking on Church Street. (CAF 16-29) [See Notebook Tab 8]
- Ordinance 16-08

5) Individual personnel issues are confidential by law and will not be discussed. Complaints relative to specific individuals are to be directed to the City Manager;

6) Comments involving matters related to an on-going police investigative matter and/or the court system will not be permitted; and

7) Citizens should not expect specific Council action, deliberation and/or comment on subject matter brought up during the public comment section unless and until it has been scheduled as a business item on a future meeting agenda.

XI. CONSENT AGENDA

All matters listed under the Consent Agenda have either been previously discussed by City Council during a previous meeting and/or are considered in the ordinary course of business by the City Council and will be enacted-on by one motion and a roll call vote in the form listed. If discussion is desired by either the Council or the Audience, the item in question will be removed from the Consent Agenda and considered separately after the revised consent agenda has been approved.

- a) Consideration of Approval of Resolution 16-25, Awarding of Departmental Handgun and Badge to Retiree Detective Deric D. Wormley. (CAF 16-31) [See Notebook Tab 9]
 - Resolution 16-25
- b) Consideration of Approval of Resolution 16-29, Amending the Personnel Manual to Include the Employment Assistance Program. (CAF 16-55) [See Notebook Tab 10]
 - Resolution 16-29
- c) Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of February 2016. (CAF 16-33) [See Notebook Tab 11]

XII. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may only speak on non-Agenda items only at this time. Citizens wishing to address the Council must sign-in on a form provided by the City Clerk prior to the beginning of the meeting. The sign-in form is located on the podium. When recognized by the Mayor, come forward to the podium, state your name, address and if you are a city resident. Please review the Citizen Comment Guidelines that are provided below.⁴

⁴ Citizen Comment Guidelines for Non-Agenda Items

The Mayor and City Council welcome and encourage citizens to attend City Council meetings and to offer comments on matters of concern to them. Citizens are requested to review the following public comment guidelines prior to addressing the City Council.

- 1) Citizens are requested to limit their comments to five minutes; however, the Mayor, at his discretion, may limit comments to three minutes should there appear to be a large number of people wishing to address the Council;
- 2) Comments should be presented in a civil manner and be non-personal in nature, fact-based and issue oriented. Except for the public hearing comment period, citizens must speak for themselves during the public comment periods;
- 3) Citizens may not yield their time to another person;
- 4) Topics requiring further investigation will be referred to the appropriate city official, Council Committee or agency and may, if in order, be scheduled for a future meeting agenda;
- 5) Individual personnel issues are confidential by law and will not be discussed. Complaints relative to specific individuals are to be directed to the City Manager;
- 6) Comments involving matters related to an on-going police investigative matter and/or the court system will not be permitted; and
- 7) Citizens should not expect specific Council action, deliberation and/or comment on subject matter brought up during the public comment section unless and until it has been scheduled as a business item on a future meeting agenda.

XIII. REPORTS

- a)** Mayor/Mayor Pro-Tem (No Report)
- b)** City Manager
 - i. Amend the Soil Erosion and Sedimentation Control Ordinance Establishing a Procedure to Address Civil Penalties and Non-compliance Issues and Remissions. (*CMR 16-03*) [*See Notebook Tab 12*]
- c)** City Attorney (No Report)
- d)** City Clerk
 - i. Meeting and Events Calendar [*See Notebook Tab 13*]
 - ii. E-911 Monthly Report
 - iii. Fire Department Monthly Report
 - iv. Public Services Department Monthly Report

XIV. CLOSED SESSION

- a)** Pursuant to G.S.§143-318.11 (a)(3) regarding an Attorney Client Matter.

XV. ADJOURNMENT

City Council Minutes

Regular Meeting

11 April 2016

PRESENT

Mayor Eddie Ellington, Presiding; and Council Members Marion B. Williams, Sara M. Coffey, Michael C. Inscoe, D. Michael Rainey, Melissa Elliott, Garry D. Daeke, Fearldine A. Simmons, and George M. Daye.

ABSENT

None

STAFF PRESENT

City Manager Frank Frazier, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Assistant to City Manager Paylor Spruill, Police Chief Marcus Barrow, Fire Chief Steve Cordell, Engineering Director Clark Thomas, Henderson Water Reclamation Director Tom Spain, Development Services Director Corey Williams, Recreation and Parks Director Kendrick Vann, Public Services Director Mike Ross, Kerr Lake Regional Water Director Christy Lipscomb and Human Resources Director Cathy Brown.

CALL TO ORDER

The 11 April 2016 Regular Meeting of the Henderson City Council was called to order by Mayor Eddie Ellington at 6:00 p.m. in the R. G. “Chick” Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

The City Clerk called the roll and advised Mayor Ellington a quorum was present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Elliott led those present in a prayer and the Pledge of Allegiance.

OPENING COMMENTS

Mayor Ellington welcomed all the special guests to the meeting this evening and thanked everyone for attending.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Ellington asked if there were any adjustments to the Agenda. The City Clerk asked Council to approve three (3) add-on items: CAF 16-38, *Non-Acceptance of a Drinking Water State Revolving Fund (DWSRF) Loan in the Amount of \$460,000 for the Knoll Terrace Water System Merger Project #WIF-1916*; CAF 16-22, *Acceptance of a Drinking Water State Revolving Fund (DWSRF) Loan in the Amount of \$1,548,000 for the Young Avenue Asbestos Cement Water Lane Replacement Project #WIF-1911* and a *Closed Session Item Pursuant to G.S. 143-318.11(a)(6) for a Personnel Matter*. Council Member Coffey moved to accept the Agenda as adjusted. Motion seconded by Council Member Daeke and unanimously approved.

APPROVAL OF MINUTES

Mayor Ellington asked for any corrections to and/or approval of the minutes. Council Member Rainey moved the approval of the 14 March 2016 Regular Meeting minutes as presented. Motion seconded by Council Member Elliott, and unanimously approved.

PRESENTATIONS/RECOGNITIONS

Mayor Ellington welcomed the Leadership Vance Class of 2016 and asked Chamber President John Barnes to introduce the class. Mr. Barnes said it is an honor to be here tonight and thanked the City for its partnership, not only on City Government day but throughout the year. After the class introduced itself, Mayor Ellington then asked Council to introduce itself and state which Ward they represent.

Fire Chief Cordell introduced the first Citizen's Fire Academy class. He presented awards to each member of the class and commended them for completing fire duties that many firemen have difficult accomplishing. Council Member Williams was one of the members of this class and she challenged everyone to take the class saying they would not regret spending the time learning the daily duties of a fireman.

Police Chief Barrow came to the podium with a shaved head because of St. Baldrick's day that the department coordinates each year. He said this year over \$23,640 was raised for cancer research and thanked Sgt. Pitman for once again coordinating this event.

Chief Barrow then gave Council an overview of a program he hopes to institute in the near future. He is calling it "Walk the Beat". Chief Barrow said downtown is a great, safe place to walk and plans to begin the program with staff walking with police officers. Set times throughout the day with a specific meeting place will be announced and all citizens are welcome to join in the walks. If the program does well, he would like to see it grow to neighborhoods. Eventually the Chief would like to put workout stations in various sections of downtown and has been working with the YMCA and the Recreation Center on this portion of the project.

City Manager Frazier then introduced Carolyn Powell who is the new executive director of the Downtown Development Commission and asked her to say a few words.

Ms. Powell shared she was the Main Street Program Manager for Henderson between 1988 and 1995. Since January Ms. Powell has reinstated the Mayor's Walk downtown the first Friday of each month to visit shops owners, office space is being renovated, grant opportunities for "incubator" space is being pursued and a "light walk" has been completed (walking downtown at night for lighting issues). She gave a brief description of each committee and said she is looking forward to growing downtown.

PUBLIC HEARING

Authorizing the Permanent Closing of a Dedicated but Unopened Street Referred to as Berry Street. (*Reference: CAF 16-10-B; Ordinance 16-13*)

City Manager Frazier reviewed this request from Henderson Collegiate Charter School by saying that during the March 14, 2016 meeting, Council approved a resolution of intent to close this street that set a public hearing date for today. Staff recommends that Council approved this street closure. Mr. Frazier reminded Council that there is an existing sanitary sewer main that will remain in place with a 15' easement on each side and that the existing cover will be maintained to protect the integrity of the pipe.

Council Member Daeke asked if the sanitary sewer main issues have been resolved. Mr. Frazier said yes and that the site plans will be monitored as the project develops.

With no discussion, Mayor Ellington opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment.

Cliff Rogers, from the Rogers Group, 4783 Raleigh Road Mr. Rogers came forward to answer any questions Council might have. Mr. Rogers explained the future plans of the school beginning with mobile units for classes K-3 grade as phase 2. Phase 3 will be the building of a high school and Phase 4 will be building permanent K-3 class rooms.

Council Member Rainey asked how many acres the school owns. Mr. Rogers said approximately 40.

No one else came forward to speak in favor of this street closing so Mayor Ellington then asked if anyone was present who wished to speak in opposition.

William Pendergrass, 813 S. Carolina Ave. Mr. Pendergrass was concerned that there will be a road in his back yard to the school. He was assured this was not in the plan.

Helen Greer, 702 S. Carolina Ave. Ms. Greer expressed a concern about an easement that no one obtained from her as the property owner. She was advised to discuss this with the school as they were responsible for utility construction to the site.

No one came else came forward so Mayor Ellington closed the Public Hearing and asked for Council's pleasure.

Council Member Inscoe moved the approval of Ordinance 16-13, *Authorizing the Permanent Closing of a Dedicated but Unopened Street Referred to as Berry Street*. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Williams, Coffey, Inscoe, Rainey, Elliott, Daeke, Simmons and Daye.. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 331)

Approving an Incentive Agreement Between Vescom America, Inc. and the City of Henderson. (Reference: CAF 16-45; Resolution 16-32)

City Manager Frazier explained the City and County are working together to promote the creation and investment of sustainable jobs for its citizens and therefore desires to provide incentives to encourage economic growth and development opportunities. He said Vescom is proposing to expand its operations by investing approximately \$6.5 million of capital investment to increase warehouse and office space, and purchase new equipment. It is recommended that both the City and County offer an incentive package to encourage Vescom to maintain and increase its presence remain in the City. The County has already approved their portion of the incentive package. In accordance with NCGS 158-7.1, a public hearing is required and the hearing has been properly noticed.

With no discussion, Mayor Ellington opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment.

Stuart Litvin, 935 S. Chestnut St. Mr. Litvin is executive director of the Henderson-Vance Economic Development Committee and said approval of this incentive sends a loud and clear message to established business owners within the City/County than they are not forgotten. Mr. Litvin said the average salary for the current employees is \$44,000 not including benefits. He respectfully requested a favorable response from Council.

Council Member Inscoe asked for clarification that this incentive will be used only for the \$6.5 million. Council was told this is correct

Council Member Rainey asked if it is known how many employees live in Henderson. Mr. Litvin said he did not know.

Council Member Daeke asked how the workforce is tracked since it is part of the incentive package. Council Member Inscoe said the State Form 101 shows the number of employees and can be checked at any time. The City Manager stated that it will require a certification from an official of the company stating parameters have been met.

No one else came forward so Mayor Ellington asked if anyone was present who wished to speak in opposition to the incentive package. No one came forward. Mayor Ellington then closed the Public Hearing and asked for Council's pleasure.

Council Member Rainey moved the approval of Resolution 16-32, *Approving an Incentive Agreement Between Vescom America, Inc. and the City of Henderson*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey,

Elliott, Daeke, Simmons, Daye, and Williams. NO: None. ABSTAIN: None. ABSENT: None.
(See Resolution Book 5, p 63)

Amending the Zoning Map to Rezone Property from R-20 (Low Density Residential) to R-11 (Moderate Density Residential) 4.2^{+/-} Acres Located at Vicksboro Road (PIN #0536-02010) (Reference: CAF 16-48; Ordinance 16-10)

Development Services Director Corey Williams explained Mr. Dennis Tharrington, WDT Development) received a special use permit on July 7, 2015, from the Board of Adjustment to build a 54 unit multi-family senior housing complex with one community building on an adjacent tract (PIN 0536 02032). He is now asking to combine these two tracts to create a new lot for Garden Gate Villas, LLC. The Planning Board approved this rezoning during its March 21, 2016 meeting.

Council Member Inscoe asked about the concerns regarding Sandy Creek. Mr. Williams said there have been improvements to the pump station and according to the City Engineer this should no longer be a problem. Mr. Frazier added there has been a \$1.8M renovation to the pump station and to his knowledge it has not experienced any overflows since the improvements were made. In addition, there were many industries that used large amounts of flow are no longer flowing into Sandy Creek.

As a member of the Planning Board, Council Member Rainey said he felt the concerns expressed during the March meeting centered on whether the pump station could support additional units. Mr. Frazier responded that under normal housing usage, there should be no problem.

Council Member Inscoe asked if the changes under consideration included any downsizing of the project. The response was there will be no change in the number of units.

With no discussion, Mayor Ellington opened the Public Hearing by asking if anyone was present who wished to speak in favor of this rezoning.

Dennis Tharrington, 430 S. Woodland Road Mr. Tharrington summarized his project by saying it will be 54 unit apartments for the elderly. Because of the changes, the building will be three stories rather than two, and part of the reason for the shift in the plan is to create proper gravity flow as solid rock has been found on the property. Mr. Tharrington verified that he had no plans to build any more units than proposed at this time as he has heard rumors of a number of more apartments.

No other citizen came forward so Mayor Ellington asked if anyone was present who wished to speak in opposition to the rezoning. No one came forward. Mayor Ellington then closed the Public Hearing and asked for Council's pleasure.

Council Member Rainey moved the approval of Ordinance 16-10, *Amending the Zoning Map to Rezone Property from R-20 (Low Density Residential) to R-11 (Moderate Density Residential) 4.2^{+/-} Acres Located at Vicksboro Road (PIN #0536-02010)*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Inscoe, Rainey, Elliott, Daeke, Simmons, Daye, Williams and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See *Resolution Book 9, p 325*)

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

City Clerk McCrackin advised no citizens wished to address Council.

NEW BUSINESS

Authorizing the Execution of a Contract for the Restriping of Several City of Henderson Streets in the Amount of \$25,430 with Clark Pavement Marking, Inc.. (*Reference: CAF 16-44; Resolution 16-30*)

Public Services Director Mike Ross explained concerns have been expressed by the Police Department regarding North Cooper Drive and several other streets that are in need of restriped for safety reasons. Staff is asking Council to approve the \$25,430 for restriping 1) North Cooper Dr. from Dabney Dr. to Ruin Creek Drive (\$9,480); 2) Chestnut St. from Corbitt Rd. to Young Ave. and from W. Orange to Andrews St. (\$12,480); 3) Deer Court Crossing (1) Length (\$280); 4) Deer Court Crossing (2) Length (\$820); 5) Parham St. from Dabney Dr. to Wakefield Ave. (\$710); 6) Roanoke Ave. from Dabney Dr. to Buckhorn St. (\$220) and 7) Zeb Robinson Rd. from Charles Rollins Rd. to Ruin Creek Dr. (\$1,440).

Council Member Inscoe asked why only one quote. Mr. Ross contacted five (5) contractors with only one response – Clark Pavement Markings, Inc. City Manager Frazier said it is hard to get larger companies to do smaller jobs. Council Member Daeke said he has seen Clark Pavement Markings doing work around town for the NCDOT.

Mr. Inscoe asked if any of these streets will need resurfacing. Mr. Ross said there are currently no plans to resurface any of the streets listed for re-striping. He added there is a section of Cooper that needs resurfacing which was not included in this request.

Council Member Daeke stated North Cooper is a high traffic area that needs to be re-striped.

Council Member Williams asked what alternatives are possible. None were suggested.

Council Member Inscoe asked if a specific company was contacted that works out of Henderson. Following a brief discussion, Mr. Frazier said the company will be contacted for future smaller projects but felt Clark Pavement would be best to use for this project.

With no further questions, Mayor Ellington asked how Council wished to proceed.

Council Member Daeke moved the approval of Resolution 16-30, *Authorizing the Execution of a Contract for the Restriping of Several City of Henderson Streets in the Amount of \$25,430 with*

Clark Pavement Marking, Inc.. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Rainey, Elliott, Daeke, Simmons, Daye, Williams, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 5, p 59)

Authorizing the Execution of a Construction Contract for the Repair of Storm Drains Located at Cypress Drive and Yadkin Street in the Amount of \$39,215 with M.T. Murphy Inc., and to Close Out the Birch, Hillside, Cameron Street CIP Project and Transfer Remaining Funds to the Street Department Storm Drain Improvement Line Item. (Reference: CAF 16-42; Resolution 16-28)

Public Services Director Mike Ross explained the end sections are falling off into the drainage ditch of the existing twin 48-inch reinforced concrete pipe under the roadway, as well as the need for replacing an existing 15-inch reinforced concrete pipe running along the East side of Cypress Drive. Repairing these pipes will rectify two existing storm drainage problems within the City. Staff received two bids with M.T. Murphy, Inc. being the low bidder. Mayor Ellington asked if this is where the orange mesh is located. Mr. Ross responded yes.

Council Member Inscoe asked if M.T. Murphy, Inc. understood the project as its quote was half of HG Reynolds Co., Inc. City Manager Frazier said M.T. Murphy has done work for the city before and perhaps needed to add to their workload.

With no further questions, Mayor Ellington asked how Council wished to proceed.

Council Member Daeke moved the approval of Resolution 16-28, *Authorizing the Execution of a Construction Contract for the Repair of Storm Drains Located at Cypress Drive and Yadkin Street in the Amount of \$39,215 with M.T. Murphy Inc.*, and Ordinance 16-12 to Close Out the Birch, Hillside, Cameron Street CIP Project and Transfer Remaining Funds to the Street Department Storm Drain Improvement Line Item. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Elliott, Daeke, Simmons, Daye, Williams, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 5, p 55, Ordinance Book 9, p 329)

Authorizing a Partnership Agreement with the Embassy Cultural Center Foundation, Inc., (Foundation) for Use of McGregor Hall, and Amending the Fee Schedule to Reflect the New Rate. (CAF 16-30; Resolution 16-26, Ordinance 16-09)

Recreation and Parks Director Kendrick Vann explained that normally the Rec players perform at E.M. Rollins school and Vance-Granville Community College. The players would like to showcase the new McGregor Hall by performing a “larger: play. Mr. Vann thanked Mr. Deadwyler of the Embassy Foundation for expediting this partnership agreement. The \$5.00 fee schedule increase is to cover the expense of performing in the Hall. Other smaller plays will continue to be performed at E. M. Rollins school and the yearly fundraiser will continue to take place at Vance-Granville Community College. The fee for the smaller/fundraiser plays will remain the same.

Council Member Inscoe asked why all the plays will not utilize McGregor Hall. Mr. Vann said they want to start out slow, making this an initial trial period per se.

Council Member Coffey asked if there were plans to increase the number of performances. Mr. Vann said that might be a possibility.

There was no further discussion so Mayor Ellington asked how Council wished to proceed.

Council Member Daeke moved the approval of Resolution 16-26, *Authorizing a Partnership Agreement with the Embassy Cultural Center Foundation, Inc., (Foundation) for Use of McGregor Hall*, and Council Member Rainey moved the approval of Ordinance 16-09, *Amending the Fee Schedule to Reflect the New Rate*. Both motions were seconded by Council Member Williams, and APPROVED by the following vote: YES: Daeke, Simmons, Daye, Williams, Coffey, Inscoc, Rainey and Elliott. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 5, p 51, Ordinance Book 9, p 323)

Establishing a No Parking Zone on Roanoke Ave. and Two Hour Parking Spaces on Church Street and the Deletion of Unsigned Reserved Parking on Church Street. (CAF 16-29; Ordinance 16-08)

City Manager Frazier said this is a type of housekeeping item as a request has been received to remove some parking spaces along Roanoke Avenue at the Intersection of Roanoke Ave. and Dabney Drive to allow more space for large vehicles to make safer turns. After a study by staff, it was also found that an extended no parking area is required due to limited sight distances along this section of Roanoke Ave. Also of concern is the parking duration on Church Street in front of the Corbitt Museum. Some people have been parking all day in front and by changing to two hour parking, patrons visiting the museum will be better accommodated.

Council Member Inscoc mentioned the loading zone signs on Winder Street that were approved for removal have not been removed. Mr. Frazier said he would follow-up on this with Mr. Ross.

Mayor Ellington asked Council how they wished to proceed.

Council Member Rainey moved the approval of Ordinance 16-08, *Establishing a No Parking Zone on Roanoke Ave. and Two Hour Parking Spaces on Church Street and the Deletion of Unsigned Reserved Parking on Church Street*. Motion seconded by Council Member Williams, and APPROVED by the following vote: YES: Simmons, Daye, Williams, Coffey, Inscoc, Rainey, Elliott and Daeke. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 321)

Non-Acceptance of a Drinking Water State Revolving Fund (DWSRF) Loan in the Amount of \$460,000 for the Knoll Terrace Water System Merger Project #WIF-1916. (Reference: CAF 16-38, Resolution 16-31)

City Manager Frazier said the City received notification that this Loan was approved on February 11, 2016. However, the loan rate for 20 years is 1.84%. There is also a loan fee of 2% that would be invoiced after bids are received. Mr. Frazier said the anticipated annual revenue from the 111 customers affected would be approximately \$19,980 with a breakeven point of 34 years with no principal forgiveness and no participation by the owners. Staff has met with the

Knoll Terrace property owners and based on the parameters discussed, the property owners felt they are unable to agree to the terms as presented. The owner would have been responsible for any cost exceeding the revenues by the city, as well as the water costs and a lien on the property. They still have the opportunity to install city water; however, it would be at their own costs as if a new development. As such, it is recommended that the loan Not be accepted and notification be sent to the State refusing the loan.

Council Member Inscoe noted that developers pay for the installation of all water and sewer lines as a part of a new development.

Mayor Ellington now asked Council how they wished to proceed.

Council Member Rainey moved the approval of Resolution 16-31, *Non-Acceptance of a Drinking Water State Revolving Fund (DWSRF) Loan in the Amount off \$460,000 for the Knoll Terrace Water System Merger Project #WIF-1916*. Motion seconded by Council Member Elliott, and APPROVED by the following vote: YES: Daye, Williams, Coffey, Inscoe, Rainey, Elliott, Daeke and Simmons. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 5, p 41)

Acceptance of a Drinking Water State Revolving Fund Loan in the Amount of \$1,548,000 for the Young Avenue Asbestos Cement Water Line Replacement Project #WIF-1911. (Reference: CAF 16-39; Resolution 16-22)

City Engineer Clark Thomas reminded Council that there were five (5) failures in this water line last summer at a repair cost of approximately \$44,000. The pipe was installed in the 1950's and he said he did not think the City could do any better than the 0% interest being offered with this loan.

Council Member Daeke inquired when the 2% closing fee will be due. Mr. Thomas said it would need to be paid up front and not as part of the loan.

Council Member Inscoe asked about the City's debt service status and expressed concerns with how this loan, along with other upcoming projects such as the future upgrade at the KLRW plant will effect water rates. Council Member Daeke said this would be a budget consideration.

Following a discussion, it was the consensus of Council to TABLE this item until the financial implications are clearer. Due to the time constraints a special called meeting will be scheduled before the next regularly scheduled meeting in May. The consensus of Council to table this item was as follows: YES: Williams, Coffey, Inscoe, Rainey, Elliott, Daeke, Simmons and Daye.

CONSENT AGENDA

The City Clerk read the Consent Agenda, summarized as follows:

Awarding of Departmental Handgun and Badge to Retiree Detective Deric D. Wormley. (Reference: CAF 16-31; Resolution 16-25) Detective Wormley joined the Henderson Police Department in 1988 and retired on February 1, 2016. As has been the case with previous retirees,

Council is awarding him his departmental badge, at no cost, and service side arm per NCGS 20-187.2 at the said price of \$1.00. (See Resolution Book 5, p 49)

Amending the Personnel Manual to Include the Employment Assistance Program. (Reference: CAF 16-55; Resolution 16-29) In order for the Employee Assistance Program (EAP) provided by the City to be recognized by the Commission on Accreditation for Law Enforcement Agency (CALEA), the existing EAP Section must be added back into Article VI – Employee Benefits section of the Personnel Manual. (See Resolution 16-29, p 57)

Tax Releases and Refunds from Vance County for the Month of February 2016. (CAF 16-37) The tax releases and refunds have been reviewed and found to be in order. (See below)

Feb 2016 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property Releases			
Novastar Mortgage Inc	Taxes lost to foreclosure	2008	\$ 181.34
Cameron and Associates	Taxes lost to foreclosure	2009	\$ 462.68
Cameron and Associates	Taxes lost to foreclosure	2010	\$ 462.68
Cameron and Associates	Taxes lost to foreclosure	2011	\$ 462.74
Cameron and Associates	Taxes lost to foreclosure	2012	\$ 462.74
Cameron and Associates	Taxes lost to foreclosure	2013	\$ 490.43
Cameron and Associates	Taxes lost to foreclosure	2014	\$ 490.43
Thorfood LLC	Correct Value	2015	\$ 390.60
Martin, Brenda B	Correct Value	2015	\$ (144.87)
Cameron and Associates	Taxes lost to foreclosure	2015	\$ 490.43
Total Releases/Real & Personal Property			\$ 3,749.20
Refunds/ Real & Personal Property			
Thorfood LLC	Correct Value	2012	\$ 579.15
Thorfood LLC	Correct Value	2013	\$ 508.40
Thorfood LLC	Correct Value	2014	\$ 446.40
Total Refunds Real & Personal Property			\$ 1,533.95
Total Releases & Refunds R & P Property			\$ 5,283.15

Mayor Ellington asked if anyone wished to remove an item from the Consent Agenda. There were no requests, so Mayor Ellington asked for a motion to approve the Consent Agenda.

Council Member Inscoe moved the approval of the Consent Agenda as presented. Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Elliott, Daeke, Simmons, Daye and Williams. NO: None. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised one citizen wished to address Council.

Jim Populorum, 1517 Peace Street Mr. Populorum presented his opinion regarding the following: 1) the EDC Toolbox bonds, from his understanding, would be purchased by individuals and ultimately create a tax increase which he did not think citizens would approve;

2) citizens are entitled to certain housing standards and he would like the standard established in 2007 and later recanted, to be reinstated, and 3) unpaid taxes should be pursued aggressively as those dollars could fund all sorts of needs within the City. Mr. Populorum understood taxes are collected by the County and he said he plans to address the County Commissioners on this matter.

REPORTS

a) Mayor/Mayor Pro-Tem - Mayor Ellington said the first Mayor's walk was successful and said he would welcome any citizens that would like to join them on the walk. Mayor Pro-Tem Rainey said he and Council Member Simmons attended the baseball kickoff at the Recreation Center and both threw out the first balls.

b) City Manager - Mr. Frazier gave a report on the following:

- i. Amend the Soil Erosion and Sedimentation Control Ordinance Establishing a Procedure to Address Civil Penalties and Non-compliance Issues and Remissions.
- ii. Recycling week is April 18-23rd
- iii. The anticipated cost of the Chavasse Avenue project was \$87,000 and it came in at \$78,000.
- iv. The Southerland Mill Road upset bid is now at \$64,570.00.
- v. Budget preparation continues.⁶
- vi. A financial report will be presented monthly.
- vii. The Safety Committee met and the information requested is currently being gathered.
- viii. A meeting with Mr. Taylor regarding soil erosion problems was held and Mr. Frazier said he thought Mr. Taylor was satisfied. Engineering is working on recommending ordinance changes.
- ix. There will be a meeting on April 20 between City Council/County Commissioners regarding redevelopment.

Council Member Daeke said this is the Week of the Young Children and as such, Mayor Ellington will be detained Tuesday morning to help raise money.

Development Services Director Corey Williams distributed a report regarding demolitions.

Council Member Inscoe asked about the status of the fire department using some building scheduled for demolition as training exercises. Mr. Williams said the buildings will be inspected for asbestos sometime this week and if everything is approved, the fire department will use four city owned buildings and one county owned building for training.

Council Member Rainey asked how many more demolitions are planned this year. Mr. Williams said four by fire and one more, depending on the remaining funds available.

c) City Attorney (No Report)

d) City Clerk (No Report)

With no further discussion, Mayor Ellington asked if Council was prepared to go into Closed Session and stated there would be no report following the session.

CLOSED SESSION

Council Member Rainey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3) for an Attorney/Client Matter. Motion seconded by Council Member Coffey, and unanimously approved.

(Clerk's Note: Council Member Elliott left the meeting at 8:40)

Council Member Rainey moved for Council to convene in open session. Motion seconded by Council Member Williams and unanimously approved.

Mayor Ellington asked if there was any further business of concern or if Council was prepared to adjourn.

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Williams and unanimously approved. The meeting adjourned at 8:51 p.m.

Eddie Ellington
Mayor

ATTEST:

Esther J. McCrackin, City Clerk