



AGENDA

Henderson City Council Regular Meeting

Monday 28 August 2017, 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. Inscoe
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 August 2017 Regular Meeting [*See Notebook Tab 1*]

VII. PUBLIC COMMENT PERIOD ON AGENDA ITEMS

Citizens may only speak on Agenda items 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

VIII. OLD BUSINESS

- a) Consideration of Approval of Resolution 17-36, Authorizing a Lease Agreement Extension by and Between the City of Henderson (City) and Green Rural Redevelopment, Inc. (CAF 17-49) [*See Notebook 2*]

- Resolution 17-36

IX. NEW BUSINESS

- a) Consideration of Approval of Resolution 17-64, Authorizing an Application for US Department of Justice's 2017 BJA Justice Assistance Grant. (CAF 17-82) [*See Notebook Tab 3*]

- Resolution 17-64

- b) Consideration of Approval of Ordinance 17-07, Amending Division 4: Speed Limits Section 7-48(b) Twenty(20) Miles Per Hour, Adding Powell Street from Daniel Street to Rockspring Street. (CAF 17-80) [*See Notebook Tab 4*]

- Ordinance 17-07

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;
- 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.

X. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may only speak on non-Agenda items 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

XI. REPORTS

- a)* Mayor/Mayor Pro-Tem (No Report)
- b)* City Manager (No Report)
- c)* City Attorney (No Report)
- d)* City Clerk
 - i. Meeting and Events Calendar [See Notebook Tab 5]

XII. WORK SESSION

- a)* Consideration of Approval of Resolution 17-65, Authorizing Salary Increases for Employees and Ordinance 17-32, FY18, BA #3, Transferring Funds for the Above Mentioned Increases. (CAF 17-83) [See Notebook Tab 6]
 - Resolution 17-65
 - Ordinance 17-32

XIII. CLOSED SESSION

- a)* Pursuant to G.S.§143-318.11 (a)(6) regarding a Personnel Matter
- b)* Pursuant to G.S.§143-318.11 (a)(3) regarding an Attorney/Client Matter

XIV. ADJOURNMENT

⁴ Citizen Comment Guidelines for Non-Agenda Items

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- 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.

City Council Minutes

Regular Meeting

28 August 2017

PRESENT

Mayor Eddie Ellington, Presiding; and Council Members Marion B. Williams, Sara 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, Finance Director Joseph Fuqua, Police Chief Marcus Barrow, Assistant Police Chief Vance Johnson, Fire Chief Steve Cordell, Assistant Fire Chief Curtis Tyndall, Assistant to City Manager Paylor Spruill, Engineering Director Clark Thomas, Development Services Director Corey Williams, Parks and Recreation Director Kendrick Vann, Human Resources Director Cathy Brown and Kerr Lake Regional Water Director Christy Lipscomb.

CALL TO ORDER

The 28 August 2017 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 Simmons led those present in a prayer and the Pledge of Allegiance.

OPENING COMMENTS

Mayor Ellington extended a warm welcome to those present.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Ellington asked if there were any adjustments to the Agenda. The City Clerk said with Council's approval, one item will be added to the Work Session: *Consideration of Approval of Resolution 17-62, Approving Changes to the Youth Services Program Designed as Opt #1 and Establishing a City Wide Community Advisory Committee*. Council Member Daeke moved to accept the Agenda as adjusted. Motion seconded by Council Member Daye, and unanimously approved.

APPROVAL OF MINUTES

Mayor Ellington asked for any corrections to and/or approval of the minutes. Council Member Daeke moved the approval of the 14 August 2017 Regular Meeting minutes as presented. Motion seconded by Council Member Daye, and unanimously approved.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address Council.

OLD BUSINESS

Authorizing a Lease Agreement Extension by and Between the City of Henderson (City) and Green Rural Redevelopment, Inc. (Reference: CAF 17-49; Resolution 17-36)

City Manager Frazier said this has been discussed several times and he reminded Council that no action was taken due to a low attendance at the last meeting. Mr. Frazier said the Council Commissioners approved this lease extension at its July 10 meeting and stated Mr. and Mrs. Crews are present to respond to any questions. The Manager went on to clarify terminology by saying the City has called this project a *community garden* whereas the original lease said the project was a *farm*.

Council Member Coffey asked specifically what property is included in this lease extension. Mr. Frazier said it is important to note that this lease extension is only for the property on Roberson and does not include Arch Street that was included in the current lease that will expire at the end of August 2017.

Council Member Elliott asked if there were any trainees in attendance this evening since she understood some of the Hispanics did not feel they were well treated while participating in the farm training program offered by Green Rural. Ms. Elliott also asked if the program has any records or evidence of how participants participated and progressed through the program. The Manager asked the Mayor and Council if Mr. or Mrs. Crews could respond to these questions.

A lengthy discussion pursued regarding the plan, the number of students (37 began and 5 completed the required business plan), who taught the business plan, whether the agency was certified along with other issues of concern to Council.

Ms. Crews said only one person is present and that person was too shy to speak. There was also mention of another person who wanted to attend but was unable to come this evening. She went

on to explain the steps included in the program, stated records have been kept and added an outside group monitored the progress of participants regarding the completion of a business plan before moving to the second level of learning how to garden. Ms. Crews added there have been some misunderstandings about the program. She specifically mentioned it was a gardening program only and did not offer any type of housing program.

Council Member Daeke refocused the discussion by saying the issue at hand was whether or not to renew the lease on Roberson Street for a three year period. He said it was his understanding the County had already approved the extension and saw the installation of a greenhouse a benefit because it would provide a longer growing season. Mr. Daeke said the other issue seemed to be what happens to the produce once ready for harvest.

Ms. Crews said their program provides the seeds, fertilizer, tractor and techniques for students to practice. Once ready for harvest, the students can sell their produce or keep it for family use. The pop-up farmers market is one venue for selling produce and Ms. Crews emphasized their pop-up market did not conflict with Vance County's Farmers Market as it was on different days.

Council Member Coffey asked about produce she has seen sold in Greenville. Ms. Crews stated produce sold in Greenville was from her own garden and none of it came from the program.

Mayor Ellington asked Council how it would like to proceed and did not feel that a Closed Session was needed as requested by City Attorney Edwards.

Before calling for a vote, City Attorney Edwards read the statute regarding abstaining from voting.

Council Member Daeke moved the approval of Resolution 17-36, *Authorizing a Lease Agreement Extension by and Between the City of Henderson (City) and Green Rural Redevelopment, Inc.* Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Williams, Inscoe, Rainey, Daeke, Simmons and Daye. NO: Coffey and Elliott. ABSTAIN: None. ABSENT: None. (*See Resolution Book 5, p 241*)

(Clerk's Note: Council Member Williams abstained from voting due to a conflict of interest; however, her request did not meet the requirements of NCGS14-234, GS 160A-381(d) or GS 160A-388(e); therefore, her vote was counted as a YES)

NEW BUSINESS

Authorizing an Application for US Department of Justice's 2017 BJA Justice Assistance Grant. (Reference: CAF 17-82; Resolution 17-64)

City Manager Frazier said this is a yearly request for a grant that has no required match. The Police Department is requesting \$19,580 and as in the past, the funds will be divided, with the Vance County Sheriff's department receiving \$7,832 and the City receiving \$11,748 if approved.

The City plans to use these funds to purchase three new In-Car Mobile Camera Audio/Video Recorders for three vehicles that do currently do not have these units.

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

Council Member Daeke moved the approval of Resolution 17-64, *Authorizing an Application for US Department of Justice's 2017 BJA Justice Assistance Grant*. Motion seconded by Council Member Rainey, 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 297)

Amending Division 4: Speed Limits Section 7-48(b) Twenty (20) Miles Per Hour, Adding Powell Street from Daniel Street to Rockspring Street. (Reference: CAF 17-80, Ordinance 17-07)

City Manager Frazier said he recently met with the Pine Ranes Community Watch Association. Their request was to have speed bumps (humps) installed in the above area to reduce traffic speed. After review by the both the Police and Engineering departments, the recommendation is to lower the speed limit due to concerns relating to emergency vehicles.

There were no questions so Mayor Ellington asked Council how it wished to proceed.

Council Member Elliott moved the approval of Ordinance 17-07, *Amending Division 4: Speed Limits Section 7-48(b) Twenty (20) Miles Per Hour, Adding Powell Street from Daniel Street to Rockspring Street*. Motion seconded by Council Member Williams, and APPROVED by the following vote: YES: Inscoe, Rainey, Elliott, Daeke, Simmons, Daye, Williams and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 417)

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised one citizen wished to address Council.

Marquis L. Skinner, 831 State Street Mr. Skinner mentioned several concerns: 1) he did not feel more police was the answer to the recent rash of lives lost within the City; 2) he was concerned about the expense of the KLRW project and asked if the money could be used better elsewhere; 3) he said the Recreation and Parks Department is in a location that is not accessible to many of the city residents; 4) he felt water main repairs were not being made properly; and 4) he has started an organization called Project Uplift and asked for help in obtaining a 501C(3) status.

The Mayor thanked Mr. Skinner for sharing his concerns and suggested he work on a business plan. Mayor Ellington asked the City Manager to get back to Mr. Skinner regarding his concerns. Mr. Frazier said he would call Mr. Skinner on Tuesday.

REPORTS

a) Mayor/Mayor Pro-Tem (No Report)

b) City Manager – Mr. Frazier reported on the following:

- i. A request has been received to create a beautification area on the corner of Chavasse and Arch where a cross was placed several years ago. Mr. Frazier said it would be a place for reflection with a park bench.

Council Member Daeke asked if there was a design plan; Council Member Coffey felt it was a great idea and said she would donate a park bench; Council Member Elliott said this was actually Lt. Gwinn's idea and added it would be a memorial for lives lost. Ms. Elliott said a committee will meet at Shiloh Baptist Church on September 9 at 10:00 a.m. Mr. Frazier said a resolution will be brought before Council and mentioned upkeep as an issue of concern. Ms. Elliott stated that she hoped the city would be a partner in this..

c) City Attorney - (No Report)

d) City Clerk – Need to RSVP to Crime Stoppers and COG banquets in September

OTHER

Council Member Williams thanked several departments for the fun event this past week on Chestnut Street. She was referencing the PULL Weekend (Peace, Unity, Love and Live).

WORK SESSION

Authorizing Salary Increases for Employees and Transferring Funds for the Above Mentioned Increases. (*Reference: CAF 17-83; Resolution 17-65*)

During the budget process, City Manager Frazier was asked to look into increasing the salaries in the Police Department. He said although the numbers have not been audited, it seems like revenues are higher than prior years and he is hopeful this will be a trend in coming years. In considering this increase, Mr. Frazier asked Council to keep in mind debt service that will be added to the FY18 budget; items such as the street sweeper, police vehicles and the fire pumper truck. He then presented three options, to begin in mid-October for consideration:

- A. For police only, a salary increase of \$2,000 with an additional .05% increase for each year of service. Officers with more than 15 years of service and an existing salary of more than \$40,000 would receive a .025% increase for years of service. The total cost to implement this for a full year = \$154,257.
- B. Add the fire department to the above option, making the total cost of implementation for the remainder of this fiscal year = \$275,770.
- C. An increase for all employees. The police and fire would still receive the \$2,000 plus the percentages as described in Option #1. The remaining General Fund and Utility employees, including Regional Water would receive a .05% increase for each year of service. Employees with more than 15 years of service and a salary of \$40,000 would receive .025% for each year of service. Implementation of this option = \$384,496.

There was a general discussion about the three options, the need for incentives to retain staff and the full implementation costs for coming years as related to the pay study.

City Manager Frazier said he has discussed these options with the Police Chief and asked Police Chief Barrow to come forward to express his views. Chief Barrow said he reviewed the options with his Assistant Chief and he feels it is a fair plan to accomplish the purpose. He added one advantage Henderson has over surrounding communities is the career development plan. He said many of his officers are coming into the department with degrees, which increases their salary. The Chief felt this is a good plan for what the City can work with.

The City Manager said a cost of living has not been included in these dollar amounts and stated that many other departments are having trouble recruiting qualified applicants. That is why Option C was proposed which included an increase for all employees.

Mr. Frazier asked Council to advise which option they are leaning toward so he can bring this back for approval at the September meeting. Council indicated their choice as follows: Option A: Daeke (with Option B a close second). Option B: Williams, Coffey, Inscoe, Rainey, Elliott and Daye. Option C: Simmons.

Mr. Frazier thanked Council for its guidance and this item will be brought back to Council at the September 11 meeting with the appropriate budget amendment.

Approving Changes to the Youth Services Program Designated as Option #1 and Establishing a City Wide Community Advisory Committee. *(Reference: CAF 17-81; Resolution 17-62 and 17-63)*

City Manager Frazier said at the request of a large group of citizens who expressed concerns regarding recent fatalities within the City, he recommended using the vacant Youth Services Program Manager position to address the issues of youth violence and create a community liaison. These were the two specific requests of the citizens. Since that time, he asked the Recreation and Parks Director, Kendrick Vann to review the request and formulate a plan. The Manager then asked Mr. Vann to come forward to explain the plan in detail.

Mr. Vann said three options were created to meet the citizens' request. It is the recommendation of staff to approve Option #1 that reclassifies and increases the responsibilities of two existing positions in the Recreation and Parks department. He said a grant writer, if hired or retained on contract, would be available for all departments and it is recommended an outside agency be used to assess the needs. The Community Wide Advisory Committee would bring recommendations to the City Council. Mr. Vann said the state and county manager of the JCPC program have already approved the job revisions. The individuals in these two positions already work with the youth and Mr. Vann felt it was a natural transition. Department Director Kendrick Vann added that he felt the two pastors who made the request should be members of the Community Wide Advisory Committee.

Council Member Inscoe asked that goals be set and reviewed at the end of the year. Mr. Frazier said this will be reviewed during the budget process, as well as other timeframes to see how the program is progressing.

Council Member Elliott expressed some concern about the job being divided between two positions.

The consensus was to continue with Option #1 as follows: YES: Williams, Coffey, Inscoc, Rainey, Elliott, Daeke, Simmons and Daye.

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 Inscoc moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(6) for a Personnel matter and G.S. §143-318.11(a)(3) for an Attorney/Client matter. Motion seconded by Council Member Coffey, and unanimously approved.

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

With no further discussion, Mayor Ellington asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Inscoc moved for adjournment. Motion seconded by Council Member Rainey, and unanimously approved. The meeting adjourned at 7:50 p.m.

Eddie Ellington
Mayor

ATTEST:

Esther J. McCrackin, City Clerk