



AGENDA

Henderson City Council Regular Meeting

Monday 8 February 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) 11 January 2016 Regular Meeting and Work Session. *[See Notebook Tab 1]*
- b) 27-28 January 2016 Annual Strategic Planning Retreat

VII. PRESENTATIONS/RECOGNITIONS

VIII. PUBLIC HEARINGS

- a) Consideration of Approval of Ordinance 16-02, Amending the Zoning Map to Rezone the Properties Located on St. Matthews Street from B2A (Highway Commercial) to R8M (Moderate to High Density Residential-HUD Code). (CAF 16-08) *[See Notebook Tab 2]*
 - Ordinance 16-02
- b) Holding a Public Hearing on the Question of Annexation for Henderson Collegiate, Inc. Pursuant to North Carolina General Statute 160-A-31; *and* Consideration of Approval of Ordinance 16-04, 1) Extending the Corporate Limits of the City of Henderson, North Carolina; 2) Assignment of Newly Annexed Area known as Henderson Collegiate, Inc. to Ward 4 and 3) Directing the City Attorney to Record Annexation with Vance County Board of Elections, Vance County Register of Deeds and the North Carolina Secretary of State. (CAF 16-03-A) *[See Notebook Tab 3]*
 - Ordinance 16-04

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;
- 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. NEW BUSINESS

- a)** Consideration of Approval of Resolution 16-15, Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2015. *(CAF 16-20) [See Notebook Tab 4]*
- Resolution 16-15
- b)** Consideration of Approval of Resolution 16-10, Supporting Connect NC Bond to Provide Funding for Projects to Further Economic Development in the State. *(CAF 16-25) [See Notebook Tab 5]*
- Resolution 16-10
- c)** Consideration of Approval of Resolution 16-16, Authorizing the Dedication and Acceptance of a Water Main Serving the Henderson Collegiate Charter School Located on Old Epsom Road. *(CAF 16-06) [See Notebook Tab 6]*
- Resolution 16-16
- d)** Consideration of Approval of Resolution 16-14, Declaring Intent to Close a Dedicated but Unopened Street Referred to as Berry Street. *(CAF 16-10) [See Notebook Tab 7]*
- Resolution 16-14
- e)** Consideration of Approval of Resolution 16-12, Authorizing an Application to the North Carolina State Department of Environmental Quality Resources for a technical Assistance Grant Relative to Asset Management and Sanitary Sewer Modeling. *(CAF 16-13) [See Notebook Tab 8]*
- Resolution 16-12
- f)** Consideration of Approval of Resolution 16-13, Authorizing a Request for Proposal for a 3-year On Call Engineering Service Agreement. *(CAF 16-17) [See Notebook Tab 9]*
- Resolution 16-13
- g)** Consideration of Approval of Resolution 16-11, Authorizing the Acceptance and Support of a Grant from the NC Industrial Development Fund Relative to Funding Assistance for a Water and Sewer Main Extension for a Henderson-Vance Industrial Park Property. *(CAF 16-26) [See Notebook Tab 10]*
- Resolution 16-11

h) Consideration of Approval of Resolution 16-17, Council Committee Appointments. (CAF 16-07) [See Notebook Tab 11]

- Resolution 16-17

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 Ordinance 16-01, FY16 BA #15 to Close-Out the KLRWS Containment Wall Project. (CAF 16-11) [See Notebook Tab 12]

- Ordinance 16-01

b) Consideration of Approval of Ordinance 16-03, FY16 BA #16 to Close Out Phase 1 of the 20MGD Expansion Project Budget. (CAF 16-09) [See Notebook Tab 13]

- Ordinance 16-03

c) Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of December 2015. (CAF 16-28) [See Notebook Tab 14]

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)* Interim City Manager (No Report)
- c)* City Attorney (No Report)
- d)* City Clerk
 - i. Meeting and Events Calendar [*See Notebook Tab 15*]

XIV. CLOSED SESSION

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

XV. ADJOURNMENT

City Council Minutes

Regular Meeting

8 February 2016

PRESENT

Mayor Eddie Ellington, Presiding; and Council Members Marion B. Williams., Sara M. Coffey, Michael C. Inscoc, 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, Human Resources Director Cathy Brown and Kerr Lake Regional Water Director Christy Lipscomb.

CALL TO ORDER

The 8 February 2016 Regular Meeting of the Henderson City Council was called to order by Mayor Eddie Ellington at 6:01 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 everyone and thanked them for being part of this meeting.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Ellington asked if there were any adjustments to the Agenda. The City Clerk asked Council's permission to add-on the following item: *Consideration of Approval of Resolution 16-18, Authorizing the Demolition of Several Jointly Owned Properties*. Council Member Rainey moved to accept the Agenda as adjusted. Motion seconded by Council Member Simmons and unanimously approved.

APPROVAL OF MINUTES

Mayor Ellington asked for any corrections to and/or approval of the minutes. Council Member Inscoe moved the approval of the 11 January 2016 Regular Meeting minutes and the 27-28 January 2016 Strategic Planning Retreat minutes as presented. Motion seconded by Council Member Elliott, and unanimously approved.

PUBLIC HEARING

Amending the Zoning Map to Rezone the Properties Located on St. Matthews Street from B2A (Highway Commercial) to R8M (Moderate to High Density Residential-HUD Code).
(Reference: CAF 16-08; Ordinance 16-02)

Mr. Williams explained this came about from a request submitted by Oakwood Homes to replace a dwelling deemed uninhabitable by fire at 2135 St. Matthews Street with a 1,344 square foot mobile home. For years this area has been zoned commercial; however, while reviewing this request, the Board of Adjustment asked the Planning Board to review rezoning all the properties on St. Matthews Street to match the surrounding area. The current zoning is B-2A which is normally business uses with minimum lots of 15,000 square feet; however the properties on St. Matthews Street are mainly residential or vacant with an average lot size of 8,000-10,000 square feet. A public hearing was held on December 7, 2015 by the Planning Board where residents expressed concerns regarding the abandoned/burned homes but had no problem with rezoning the properties to R-8M.

Council Member Inscoe asked if the R8M zoning would allow for both single and double wide mobile homes. Mr. Williams said yes, with a special use permit.

Mayor Ellington now opened the Public Hearing by asking if anyone present wished to speak in favor of this rezoning. No one came forward so Mayor Ellington asked if anyone present wished to speak in opposition to the amendment. No one came forward.

Mayor Ellington then closed the Public Hearing and asked how Council wished to proceed.

Council Member Rainey moved the approval of Ordinance 16-02, *Amending the Zoning Map to Rezone the Properties Located on St. Matthews Street from B2A (Highway Commercial) to R8M (Moderate to High Density Residential-HUD Code)*. Motion seconded by Council Member

Coffey, and APPROVED by the following vote: YES: Williams, Coffey, Inscoc, Rainey, Elliott, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Daeke. (*See Ordinance Book 9, p 309*)

Public Hearing on the Question of Annexation for Henderson Collegiate, Inc., Pursuant to North Carolina General Statute 160-A-31; and Extending the Corporate Limits of the City Of Henderson, North Carolina; Assignment of Newly Annexed Area Known as Henderson Collegiate, Inc., to Ward 4; and Directing the City Attorney to Record Annexation with Vance County Board of Elections, Vance County Register of Deeds and the North Carolina Secretary of State. (*Reference: CAF 1-03-A; Ordinance 16-04*)

City Manager Frazier explained after receiving the petition from Henderson Collegiate, there are set items that need to be completed. When the Clerk completed the Certificate of Sufficiency, there was 30.89 acres being considered. Since that time, additional acreage has been acquired by the school bringing the total area to be annexed to 38^{+/-} acres. By statute, a public hearing is required and depending on the outcome of this hearing, the Ordinance sets the annexation date effective as February 8, 2016. He added any necessary charges to the water and sewer assessment billing will be accomplished by April 1, 2016.

There was no discussion. Mayor Ellington opened the Public Hearing by asking if anyone present wished to speak in favor of this rezoning. No one came forward so Mayor Ellington asked if anyone present wished to speak in opposition to the amendment. No one came forward.

Mayor Ellington then closed the Public Hearing and asked how Council wished to proceed.

(Clerk's Note: Council Member Daeke had notified the Mayor he would be delayed and arrived at 6:13p.m.)

Council Member Coffey moved the approval of Ordinance 16-04, *Extending the Corporate Limits of the City Of Henderson, North Carolina; Assignment of Newly Annexed Area Known as Henderson Collegiate, Inc., to Ward 4; and Directing the City Attorney to Record Annexation with Vance County Board of Elections, Vance County Register of Deeds and the North Carolina Secretary of State.* Motion seconded by Council Member Inscoc, and APPROVED by the following vote: YES: NO: None. ABSTAIN: None. ABSENT: None. (*See Ordinance Book 9, p 313*)

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

City Clerk McCrackin advised no citizens wished to address Council at this time.

NEW BUSINESS

Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2015. (Reference: CAF 16-20; Resolution 16-15)

City Manager Frazier said the audit has been completed by William L. Stark and Company and invited Mr. Curtis Averette, Sr. Partner with the firm, to come forward to present the highlights of the findings. Mr. Frazier noted an error on page 13. The rates for Water, Sewer and Regional Water were not correct and should have been 4% for Water, 9% for Sewer and 5% for Regional Water. This error does not affect the outcome of the fund balances.

Before summarizing the findings, Mr. Averette thanked Council for the opportunity to complete the audit. He thanked staff for their assistance and specifically mentioned Ms. Lisa Boyd, Assistant Finance Director for her prompt and efficient help in providing the needed information. Overall, there were no major outstanding issues or findings. Mr. Averette did suggest the City put in place a policy for uncollectable water bills regarding how much should be set aside as he felt the City is being more conservative than necessary.

Mr. Averette then summarized the General Fund and proprietary funds, by saying both have increased over the prior year. He unassigned fund balance for the General Fund is now at 41% and the City has not exceeded its goal for this fund. He touched on the existing debt which includes three loans: Aycock Recreation Center, Police Station and City Hall. Mr. Averette made a point of saying the collection rate for real property has increased to 96.82% and vehicle taxes have climbed to 99.97%.

Council Member Inscoe asked how the debt to be incurred at a future time regarding the Regional Water plant expansion will be reflected in the budget now that the city has received the IBT permit. Mr. Averette said the full debt amount would be reflected in Henderson's budget along with the revenue received from the partners (Oxford and Warren County).

There were no other questions. Mayor Ellington thanked Mr. Averette and looks forward to a continued relationship with William L. Stark and Company.

Council Member Rainey praised Mr. Averette's son for his acceptance into the Naval Academy to which Mr. Averette thanked the previous Mayor, City Attorney Edwards and the City Clerk for their help in the process.

Mayor Ellington asked how Council wished to proceed.

Council Member Inscoe moved the approval of Resolution 16-15, *Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2015*. 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 29*)

Supporting Connect NC Bond to Provide Funding for Projects to Further Economic Development in the State. (Reference: CAF 16-25; Resolution 16-10)

City Manager Frazier said this bond has been widely advertised by the media. If approved by voters in November, the funds will help Vance-Granville Community College and Kerr Lake State Park. It will also provide funds for water and sewer projects. By resolution, the City of Henderson is joining many other municipalities and counties by supporting this important bond.

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

Council Member Inscoe moved the approval of Resolution 16-10, *Supporting Connect NC Bond to Provide Funding for Projects to Further Economic Development in the State*. Motion seconded by Council Member Elliott, 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 19)

Authorizing the Dedication and Acceptance of a Water Main Serving the Henderson Collegiate Charter School Located on Old Epsom Road. (Reference: CAF 16-06; Resolution 16-16)

City Manager Frazier explained a new water main for the school has been designed by Stock Engineering and this dedication has been requested by the school. The water line has been inspected and constructed in accordance to the City's standards and all testing has been performed and deemed acceptable. Approval from NCDEQ – Public Water Supply has been obtained and the water system has been in service since the school opened. A one year warranty has been placed on the system as a condition of acceptance by the City. The water line runs in the shoulders of Reservoir Street and Old Epsom Road and terminates at the meter vault and fire hydrants on campus. The prescribed distance is 1,590 feet of 6" ductile iron water line. If approved, the main would become part of the City's water system.

As there were no questions, Mayor Ellington asked how Council wished to proceed.

Council Member Rainey moved the approval of Resolution 16-16, *Authorizing the Dedication and Acceptance of a Water Main Serving the Henderson Collegiate Charter School Located on Old Epsom Road*. Motion seconded by Council Member Coffey, 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 31)

Declaring Intent to Close a Dedicated but Unopened Street Referred to as Berry Street. (Reference: CAF 16-10; Resolution 16-14)

City Manager Frazier said in conjunction with the annexation of Henderson Collegiate, a petition has been received to permanently close a dedicated but unopened street commonly known as Berry Street. Approval of this item is only for the *intent* to close the street. A public hearing is needed before this becomes effective. He said staff has concerns regarding the closing and will be meeting with the engineer and school representatives to discuss the closing as it relates to future plans for expansion by the school.

Council Member Daeke questioned whether it would be wise to move forward until staff concluded their review. There was a brief discussion with Council determining this item be *TABLED* until the March meeting.

Mayor Ellington asked for a consensus of Council to *TABLE* this item and the consensus was as follows: YES: Williams, Coffey, Inscoc, Rainey, Elliott, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

Authorizing an Application to the North Carolina State Department of Environmental Quality Resources for a Technical Assistance Grant Relative to Asset Management and Sanitary Sewer Modeling. (*Reference: CAF 16-13; Resolution 16-12*)

While Engineering Director Clark Thomas came to the podium, City Manager Frazier said this item was touched on during the last meeting and since that time, additional information has been discovered relative to the match requirements. Mr. Clark said with Council's blessing he would like to make application for this grant as it will provide an opportunity for infrastructure investigation in more detail. He said detailed investigations are very time consuming and although staff has started the process, the grant would be beneficial. Mr. Clark said there is a 10% match. After completing the on-line dashboard, the City of Henderson seems to score high (4 out of 5) which makes the City an excellent candidate to receive funding and also reduces the amount of the match.

Council Member Rainey asked what will be learned that is not already known. Mr. Thomas explained the grant would provide capacity to determine I&I (inflow and Infiltration) that would then help build scenarios to better understand replacement needs which ultimately would save capital for the City. It will provide more analytical data to support capital improvements.

Council Member Coffey asked if the City could seek any amount and Council Member Daeke asked how the amount to request would be determined.

Council Member Inscoc suggested requesting a maximum amount of \$125,000 for the Technical Assistance grant and designating the matching amount of approximately \$12,500 of revenue that the City will receive from grant funds associated with the grant funding to be received for engineering work performed in-house for water and sewer main extensions along Peter Gill Road to a future industrial site. Mr. Frazier stated that these funds would probably go in Capital Reserve Utilities which would then be transferred.

City Manager Frazier expressed concern about specifically designating the \$12,500.

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

Council Member Coffey moved the approval of Resolution 16-12 with the requested amount to be limited to \$125,000, *Authorizing an Application to the North Carolina State Department of Environmental Quality Resources for a Technical Assistance Grant Relative to Asset*

Management and Sanitary Sewer Modeling. Motion seconded by Council Member Inscoe, and APPROVED by the following vote: YES: Simmons, Daye, Williams, Coffey, Inscoe, Rainey, Elliott and Daeke. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 5, p 23)

Authorizing a Request for Proposal for a 3-Year On Call Engineering Services Agreement.
(Reference: CAF 16-17; Resolution 16-13)

City Manager Frazier explained this item comes from Council's concerns regarding the use of different engineers for different projects. This is a fairly common process that municipalities are using which allows a pool of engineers to be contacted when a RFP is needed. In response to Council Member Coffey's question, Mr. Frazier said a committee will be formed to review and determine who within the pool would best meet the needs of each specific project. He stated this process awards no specific project to an engineer nor does it include a monetary award. After selection from the pool, specific projects and award would come back before Council. Mr. Inscoe asked for confirmation that it would be for a three (3) year period.

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

Council Member Coffey moved the approval of Resolution 16-13, *Authorizing a Request for Proposal for a 3-year On Call Engineering Services Agreement.* Motion seconded by Council Member Williams, and APPROVED by the following vote: YES: Daye, Williams, Coffey, Inscoe, Rainey, Elliott, Daeke and Simmons. ABSTAIN: None. ABSENT: None. (See Resolution Book 5, p 25)

Authorizing the Acceptance and Support of a Grant from the NC Industrial Development Fund Relative to Funding Assistance for a Water and Sewer Main Extension for a Henderson-Vance Industrial Park Property. (Reference: CAF 16-26, Resolution 16-11)

City Manager Frazier explained in September Council authorized accepting this grant for a water and sewer main extension to serve an expansion for Jerry's Artarama. Since that time, Jerry's Artarama shelved its plan to expand. The NC Rural Industrial Development Fund is still willing to offer assistance to construct the above mentioned water main and sewer extension to enhance the marketability of the Henderson-Vance Industrial Park but has asked for a new resolution to reflect this change.

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

Council Member Daeke moved the approval of Resolution 16-11, *Authorizing the Acceptance and Support of a Grant from the NC Industrial Development Fund Relative to Funding Assistance for a Water and Sewer Main Extension for a Henderson-Vance Industrial Park Property.* Motion seconded by Council Member Simmons, and APPROVED by the following vote: YES: Williams, Coffey, Inscoe, Rainey, Elliott, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 5, p 21)

Council Committee Appointments. (Reference: CAF 16-07; Resolution 16-17)

City Manager Frazier explained the Mayor and Mayor Pro-Tempore met on February 4, 2016, to review the requests submitted by Council members for serving on various committees. After reviewing the requests, appointments were made in an effort to honor requests to the extent feasible and the recommendations are being presented this evening for approval.

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

Council Member Inscoe moved the approval of Resolution 16-17, *Council Committee Appointments*. Motion seconded by Council Member Daeke, 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 1)

Authorizing the Demolition of Several Jointly Owned Properties. (Reference: CAF 16-35; Resolution 16-18)

City Manager Frazier explained that the properties shown are jointly owned with Vance County. They are considered dilapidated and the repair costs will exceed the assessed value. The properties are: 910 Andrews Avenue, 107 Briarcliff Street, 320 Charles Street, 112 Cleveland Street, 248 Denver Street, 601 East Avenue, 719 Garnett Street, 803 Garnett Street, 809 Garnett Street, 706 Highland Avenue, 617 Hillside Avenue, 742 Hillside Avenue, 744 Hillside Avenue, 747 Hillside Avenue, 741 Jefferson Street, 857 Lamb Street, 1022 Standish Street, 1109 Washington Street, 404 Whitten Avenue, 508 Winder Street and 546 Young Avenue. Mr. Frazier said a letter will be sent to the Vance County Manager requesting the County's approval for demolishing these properties and added any cost and/or eventual sale of the property will be shared accordingly. Mr. Frazier reminded Council that not all of these can be demolished this year due to funding; some will be done as funding allows.

Council Member Rainey applauded the efforts to move forward with demolition; however, was concerned that the City is moving too fast since it is unknown what the County funding will be. He asked the City push the County to help fund demolitions. He also asked the City Manager to notify the *Citizens Aligned to Take Back Henderson* of the progress the City is making. He also asked that this group be notified that the City does not own all the dilapidated structures within the City limits. Both the City Manager and Development Services Director explained the group has already been notified and is aware that currently only limited funds are available. The group would like to see a large project done knowing it may take several years to complete.

Mayor Ellington added he has been contacted by the County and expects a joint meeting in the near future regarding demolition.

Council Member Inscoe said he understood eight (8) properties are under contract for demolition and asked at what cost. Mr. Williams said about \$45,500.

There was then a general discussion about the feasibility of using city equipment for demolition, consideration of using a chipper rather than taking materials to a landfill, and the cost of the tipping fees to Waste Industries, and whether agencies could remove materials for recycling. It

was stated that recycling materials was under the contractor's control and that there should be a release of liability if others entered a site to remove materials. Council Member Inscoe suggested the City Attorney draft a liability agreement.

Both Mr. Frazier and Mr. Williams said city equipment is not sufficient for demolition work, and most do not have much if anything salvageable. The feasibility of renting equipment has been looked into also. Mr. Frazier stated it is difficult to use City staff due to the amount of water, sewer and street work needed.

Mr. Frazier said he would be willing to look into a chipper but if the purpose was to use this as mulch, he had environmental concerns such as the inclusion of nails, wires, etc.

Mr. Williams said as far as salvageable items, it is usually a case by case situation and often those materials are considered in the demolition bid.

Fire Chief Cordell added two properties have been selected for possible firefighting training but added once he does a walk-through, he will have to submit a request to the State for approval. Approval from the State may take 45 days or longer.

Council Member Rainey again asked that the *Citizens Aligned to Take Back Henderson* be informed.

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

Council Member Rainey moved the approval of Resolution 16-18, *Authorizing the Demolition of Several Jointly Owned Properties*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Rainey, Elliott, Daeke, Simmons, Daye, Williams, Coffey and Inscoe. ABSTAIN: None. ABSENT: None. (See Resolution Book 5, p 35)

At this time, the City Clerk asked for clarification from Council that when the Public Hearing regarding the Annexation of Henderson Collegiate, Inc. was approved, Council was approving the Annexation, effective February 8, 2016. All present agreed they understood.

CONSENT AGENDA

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

Close Out the KLRWS Containment Wall Project. (CAF 16-11; Ordinance 16-01) This project, in conjunction with the 20MGD project, allowed the raising of the concrete containment wall around the bulk chemical tanks per NCDEQ, new bulk chemical tank for Caustic was added and both the Alum and Caustic outside chemical lines are now wrapped as to be protected against the weather. (See Ordinance Book 9, p 307)

Close Out Phase I of the 20MGD Expansion Project Budget. (CAF 16-09; Ordinance 16-03) As advised by the City's auditors, this action closes out the first phase of the project and will create a new project phase with the actual start of the 20MDG project. (See Ordinance Book 9, p 311)

Tax Releases and Refunds from Vance County for the Month of December 2015. (CAF 16-28) The tax releases and refunds have been reviewed and found to be in order. (See below)

Column1	Column2	Column3	Column4
Dec 2015 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property Releases			
A Bail Bondsman	Discovery	2015	12.50
Genlyte Thomas Group	Correct Value	2015	929.56
M Chael's Property MG	Correct Ownership	2015	(49.43)
Tarheel Regional Community	Correct Value	2015	47.37
Vance Charter School	Government	2015	9,326.31
Zolliham, LLC	Correct Value	2015	49.43
Total R&P Property Releases			10,315.74
Real & Personal Property Refunds			
NONE	NONE		-
Total R & P Property Refunds			-
Total R&P Prop. Rel. & Ref.			10,315.74

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

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised no citizens wished to address Council at this time.

REPORTS

- a) Mayor/Mayor Pro-Tem --- Mayor Pro-Tem Rainey kudos to the staff regarding the snow removal.
- b) City Manager - Mr. Frazier gave a report on the following:
 - i. Water funding for Knoll Terrace and Young Street was applied for and approved. Acceptance of the grant will be brought before Council in March.
 - ii. Work continues on the new DDC office.
 - iii. Discussions have begun with financial institutions regarding renovations to the old Police station connected to the Fire station on Garnett Street.

- iv. Sale of the Southerland Mill property has been upset several times and the offer currently stands at \$48,000.
- v. As mentioned earlier, Interim County Manager Murphy said after the County meets with the Take Back Henderson group, the County plans to meet with the City regarding the demolition funding issue.
- vi. The Regional Water Advisory Board met this morning and discussed, among other issues, find funding options for the 20MGD expansion and water rates for FY16-17.
- vii. A schedule for budget meetings will be distributed during the March meeting.
- viii. Mr. Frazier thanked Department Directors and staff for their assistance during the audit process and for their efforts to maximize resources which has helped the City obtain its goal of increasing the fund balance, particularly in the General Fund.

c) City Attorney (No Report)

d) City Clerk – Ms. McCrackin reminded Council of the Employee Recognition Banquet February 18 and the deadline for submitting evaluations for the Retreat.

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 Privilege Matter, and G.S. §143-318.11(a)(6) for a Personnel Matter. Motion seconded by Council Member Daeke, and unanimously approved.

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

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Inscoe, and unanimously approved. The meeting adjourned at 7:54 p.m.

Eddie Ellington
Mayor

ATTEST:

Esther J. McCrackin, City Clerk