



AGENDA

Henderson City Council Regular Meeting

Monday 10 July 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) 12 June 2017 Regular Meeting *[See Notebook Tab 1]*

VII. PRESENTATIONS & RECOGNITIONS

- a) Teen Court Competition Team
- b) Honorary Police Officer
- c) Retiree Brenda Branch
- d) Retiree Gregory Williams

VIII. PUBLIC HEARING

- a) Holding a Public Hearing Relative to Amending the Contract for Funding Under the Housing and Community Development Act of 1974; *and* Consideration of Approval of Resolution 17-54, Awarding a Contract to H G Reynolds for the Newton Dairy Road, Birch & Bobbitt Project; *and* Approval of Resolution 17-55, Amending the Contract with McGill Associates for Said Project; *and* Approval of Ordinance 17-28, FY18 BA #2, Amending the CIP Budget for the Newton Dairy Road, Birch & Bobbitt CDBG Project. (CAF 17-71) *[See Notebook Tab 2]*

- Resolution 17-54
- Resolution 17-55
- Ordinance 17-28

- b) Consideration of Approval of Resolution 17-36, Authorizing a Lease Agreement Extension by and Between the City of Henderson and Green Rural Redevelopment Inc. (CAF 17-49) *[See Notebook Tab 3]*

- Resolution 17-36

IX. 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

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. OLD BUSINESS

a) Consideration of Approval of Ordinance 17-14, 1) Extending the Corporate Limits of the City of Henderson, North Carolina; 2) Assignment of Newly Annexed Area 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 17-23-C) [See Notebook Tab 4]*

- Ordinance 17-14

XI. NEW BUSINESS

a) Consideration of Approval of Resolution 17-48, Authorizing FY17-18 Financing with First Citizens Bank for Equipment Approved in the FY17-18 Budget; and Resolution 17-56, Authorizing the Execution of a Loan/Grant Application with USDA. *(CAF 17-66) [See Notebook Tab 5]*

- Resolution 17-48
- Resolution 17-56

b) Consideration of Approval of Resolution 17-50, Authorizing the Use of the Remaining Grant Funds for the Henderson Water Reclamation Facility Project with Turner Murphy Co., Inc., in the Amount of \$93,005. *(CAF 17-68) [See Notebook Tab 6]*

- Resolution 17-50

c) Consideration of Approval of Resolution 17-41, Awarding the Contract for the Installation of a New Supervisory Control and Data Acquisition (SCADA) System for Kerr Lake Regional Water Facility to Instrumentation Services, Inc. *(CAF 17-60) [See Notebook Tab 7]*

- Resolution 17-41

d) Consideration of Approval of Ordinance 17-27, Amending the City Code to be Consistent with the Zoning Ordinance Relative to Electric Charged Fences. *(CAF 17-70) [See Notebook Tab 8]*

- Ordinance 17-27

e) Consideration of Approval of Resolution 17-47, Amending the Contract Between Southern Lawn Services, LLC and the City of Henderson Relative to the Landscape Management Services at Elmwood Cemetery and Blacknall Cemetery. *(CAF 17-64)[See Notebook Tab 9]*

- Resolution 17-47

f) Consideration of Approval of Resolution 17-40-A, Authorizing the Sale of a City Owned Strip of Land 100 Feet Wide Along a 50 Foot Easement of an Area Better Known as Southerland Mill Pond Property Recorded in Vance County Register of Deeds Book 1213, Page 0085 (PIN # 00545 001021) (CAF 17-54-A) [See Notebook Tab 10]

- Resolution 17-40-A

g) Consideration of Approval of 1) Resolution 17-45, Acceptance of a Commercial Loan to Fund the Renovation of the Former Municipal Building in the Amount of \$830,000; 2) Resolution 17-46, Awarding the Contract for the Renovation of the Former Municipal Building to Danco Builders, Inc., in the Amount of \$645,883; 3) Resolution 17-51, Authorizing an Amendment to the Contract with Kilian Engineering, Inc., for Additional Work for Said Project; 4) Resolution 17-52, Authorizing Filing of Application with the Local Government Commission for Approval of the Financing Agreement; and 5) Ordinance 17-26, Amending the Budget of the Old Municipal Building Capital Improvement Project (CIP) to reflect the \$830,000 Commercial Loan. (CAF 17-63) [See Notebook Tab 11]

- Resolution 17-45
- Resolution 17-46
- Resolution 17-51
- Resolution 17-52
- Ordinance 17-26

XII. 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 17-49, Awarding of Departmental Handgun and Badge to Retiree Lieutenant Gregory Williams. (CAF 17-67) [See Notebook Tab 12]

- Resolution 17-49

- b) Consideration of Approval of Resolution 17-44, Ratifying the Acceptance of the Carolina Panthers Charities Challenger Flag Football League Grant in the Amount of \$2,500 to Continue the Implementation of a Challenger League. (CAF 17-65) [See Notebook Tab 13]
 - Resolution 17-44
- c) Consideration of Approval of Ordinance 17-25, Amending the FY 16-17 Budget as Part of The Year Ending Budget Reconciliation Process, Budget Amendment #32. (CAF 17-62) [See Notebook Tab 14]
 - Ordinance 17-25
- d) Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of May 2017. (CAF 17-61) [See Notebook Tab 15]

XIII. 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

XIV. 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 16]
 - ii. E-911 Monthly Report
 - iii. Fire Department Monthly Report
 - iv. Public Utilities Monthly Report

⁴ Citizen Comment Guidelines for Non-Agenda Items

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- 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;
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- 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.

XV. WORK SESSION

- a) ETJ Zoning Parcel Line Changes – Corey Williams (No Materials for Distribution)*
- b) Establishing a Stormwater Utility – Clark Thomas (CMR 17-01-A)[See Notebook Tab 17]*
- c) Urban Homestead Manual Update (No Materials for Distribution)*

XVI. ADJOURNMENT

City Council Minutes

Regular Meeting

10 July 2017

PRESENT

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

ABSENT

Council Members Garry D. Daeke and George M. Daye

STAFF PRESENT

City Manager Frank Frazier, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Finance Director Joseph Fuqua, Police Chief Marcus Barrow, Captain Vance Johnson, Fire Chief Steve Cordell, Assistant to City Manager Paylor Spruill, Engineering Director Clark Thomas, Development Services Director Corey Williams, Recreation and Parks Director Kendrick Vann, Human Resources Director Cathy Brown, Kerr Lake Regional Water Director Christy Lipscomb, and Henderson Water Reclamation Facility Director Lamont Allen.

CALL TO ORDER

The 10 July 2017 Regular Meeting of the Henderson City Council was called to order by Mayor Eddie Ellington at 6:02 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 greeted citizens by saying this is their city and Council is here to serve the citizens.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Ellington asked if there were any adjustments to the Agenda. The City Clerk said with Council’s permission a Closed Session will be added pursuant to G.S. §143-318.11(a)(6) for a Personnel Matter, along with *Consideration of Approval of Resolution 17-45, Approving the*

Selection of CDM Smith as the Design Build Team for the Kerr Lake Regional Water System Plant Improvement Project. Council Member Williams moved to accept the Agenda as adjusted. Motion seconded by Council Member Coffey and unanimously approved.

APPROVAL OF MINUTES

Mayor Ellington asked for any corrections to and/or approval of the minutes. Council Member Elliott moved the approval of the 12 June 2017 Regular Meeting minutes as presented. Motion seconded by Council Member Simmons, and unanimously approved.

PRESENTATIONS/RECOGNITIONS

Mayor Ellington asked Greg Kelly, Youth Services Program Coordinator to come forward to introduce the Teen Court participants. Mr. Kelly explained Teen Court is a program for first time youth offenders and on April 7, 2017, these participants took 1st place in the 19th Annual Teen Court Competition. The participants competed against 13 other North Carolina counties. Greg asked the participant to introduce themselves, tell what school they attend and the grade they will be entering in the fall. They were all recognized with a loud round of applause.

The Honorary Police Officer and Retiree Brenda Branch were unable to attend this meeting so Mayor Ellington next called Retiree Lt. Gregory Williams forward. The Mayor told Lt. Williams that he will be greatly missed and wished him the very best as he presented a clock inscribed with his retirement date.

Lt. Williams was very appreciative of the clock and graciously accepted the City throw (blanket) from Human Resources Director Cathy Brown. A check from the City was presented by City Manager Frank Frazier.

PUBLIC HEARING

Holding a Public Hearing Relative to Amending the Contract for Funding Under the Housing and Community Development Act of 1974; and Consideration of Approval of Resolution 17-54, Awarding a Contract to H G Reynolds for the Newton Dairy Road, Birch & Bobbitt Project; and Approval of Resolution 17-55, Amending the Contract with McGill Associates for Said Project; and Approval of Ordinance 17-28, FY18 BA #2, Amending the CIP Budget for the Newton Dairy Road, Birch & Bobbitt CDBG Project. (*Reference: CAF 17-71; Resolutions 17-54, 17-55 and Ordinance 17-28*)

City Manager Frazier said this project has definitely had its difficulties. This afternoon he received information that causes him to respectfully request Council to Table this action following the public hearing.

Mayor Ellington then opened the Public Hearing by asking if anyone was present to speak in favor of this project. No one came forward so he then asked if anyone was present to speak in opposition to this project. No one came forward so Mayor Ellington closed the public hearing and Council TABLED the project as reflected in the vote below.

Manager Frazier then asked McGill representative, Doug Chapman, to elaborate on these recent findings. Mr. Chapman briefly reviewed the guidelines for this CDBG project and said the original project was to provide sewer service to the Birch/Bobbitt area along with a gravity sewer from Newton Dairy Road to just east of Fox Pond. The gravity feed would eliminate the need for the Chicken Farm Pump Station. Due to a cost gap of \$400,000, other options have been considered. One option was to delete work on the Harris Street Pump Station that included a generator and flow meter. Another option was to create a new route but that still left a gap of approximately \$300,000. Another consideration is that June 2018 is when the project is to be finalized. Mr. Chapman said there have been discussions with the State about the possibility of the City using funds outside the grant to do a portion of the project. The State said this would be unacceptable. Mr. Chapman said the public hearing was necessary if Council wishes to move forward with the project due to reducing the scope of the project.. Manager Frazier said Council could choose not to do the project or continue to try to get a better handle on the overall issues.

Council Member Inscoe asked if there have been any discussions with the CDBG staff or the DENR Secretary for possible additional funds. Mr. Frazier said SRF funds cannot be used for this project since it had already been bid. Mr. Chapman noted that McGill and City staff had discussed the issues with the State representative, Julia Cebata. Mr. Inscoe asked about discussions with other State representatives.

The discussion then turned to directional drilling under the wetland area which would cost approximately \$38,000 to mitigate but could not accurately be determined until the survey is completed.

Council Member Inscoe asked what the \$98,000 expense expended so far covered. Manager Frazier said engineering and design fees. At this time, Mr. Inscoe said he was not comfortable with proceeding until he saw further information and requested a hard copy of the options for review and consideration before this is next brought before Council at the next regular meeting.

Holding a Public Hearing Relative to Amending the Contract for Funding Under the Housing and Community Development Act of 1974; Council Member Inscoe moved to TABLE Consideration of Approval of Resolution 17-54, Awarding a Contract to H G Reynolds for the Newton Dairy Road, Birch & Bobbitt Project; and Approval of Resolution 17-55, Amending the Contract with McGill Associates for Said Project; and Approval of Ordinance 17-28, FY18 BA #2, Amending the CIP Budget for the Newton Dairy Road, Birch & Bobbitt CDBG Project. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Williams, Coffey, Inscoe, Rainey, Elliott and Simmons. NO: None. ABSTAIN: None. ABSENT: Daeke and Daye.

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

City Manager Frazier explained the City and County entered into a joint one-year lease agreement with Green Rural for two vacant lots: Arch Street and Roberson Street. Green Rural is now requesting a three-year lease as required by the grant it has applied for through the US Department of Agriculture for a high tunnel greenhouse. Manager Frazier said the public hearing was properly noticed jointly with the County.

Since there was no one present from Green Rural Development, Council Member Coffey asked that this item be TABLED and the Public Hearing be continued to a later date.

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

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address Council.

OLD BUSINESS

Extending the Corporate Limits of the City of Henderson, North Carolina; 2) Assignment of Newly Annexed Area 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. (*Reference: CAF 17-23-C; Ordinance 17-14*)

City Manager Frazier asked that this item be TABLED as it relates back to the CDBG Public Hearing that was TABLED earlier in this meeting.

Mayor Ellington then asked Council how it wished to proceed.

Council Member Rainey moved to TABLE Ordinance 17-14, *Extending the Corporate Limits of the City of Henderson, North Carolina; 2) Assignment of Newly Annexed Area 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.* Motion seconded by Council Member Simmons, and APPROVED by the following vote: YES: Inscoe, Rainey, Elliott, Simmons, Williams and Coffey. NO: None. ABSTAIN: None. ABSENT: Daeke and Daye.

NEW BUSINESS

Authorizing FY17-18 Financing with First Citizens Bank for Equipment Approved in the FY17-18 Budget; and Authorizing the Execution of a Loan/Grant Application with USDA. (*Reference: CAF 17-66; Resolutions 17-48 and 17-56*)

City Manager Frazier said finance has secured five (5) quotes from local banking institutions to purchase several items approved in the FY 17-18 budget: 1 fire pumper truck, 2 police patrol sedans, 1 street sweeper, 1 mini excavator and 1 dump truck. The lowest quote came from First Citizens with an interest rate of 1.94% for a 5-year lease/purchase rate. Mr. Frazier said the City may be eligible for grant/loan funding through the USDA for the purchase of the new pumper fire truck and is seeking Council's approval to make application to the USDA for a grant/loan in the amount of \$50,000, to assist with the full cost of the new fire truck.

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

Council Member Inscoe moved the approval of Resolution 17-48, *Authorizing FY17-18 Financing with First Citizens Bank for Equipment Approved in the FY17-18 Budget; and Resolution 17-56, Authorizing the Execution of a Loan/Grant Application with USDA*. Motion seconded by Council Member Elliott, and APPROVED by the following vote: YES: Rainey, Elliott, Simmons, Williams, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Daeke and Daye. (See Resolution Book 5, p 265 and ***)

Authorizing the Use of the Remaining Grant Funds for the Henderson Water Reclamation Facility Project with Turner Murphy Co., Inc., in the Amount of \$93,005. (Reference: CAF 17-58, Resolution 17-43)

City Manager Frazier said the final construction items with Liberty Mutual (through Turner Murphy) have been completed and there are funds remaining from the work at the Henderson Water Reclamation Facility (HWRP). Turner Murphy has done a satisfactory job and staff would like to use \$93,005 of the remaining funds for a 12" bypass Connection, SAM installation with support System and flushing line and a 2" NPW Line with tie-ins. Mr. Frazier added the State has approved the use of its funds for these items.

Council Member Inscoe asked if Turner Murphy's work has been inspected. Manager Frazier stated this had been done and then Mr. Frazier called Engineering Director Clark Thomas forward to respond further Mr. Thomas said there has been a problem with the digesters and air unit. One of the digesters is out of warranty and will need to be replaced at a cost of \$7,500 and he said Turner Murphy has been easy to work with in making corrections as necessary.

Council Member Coffey inquired about the age of the digester and the warranty periods. Mr. Thomas said the purchase was in 2015 and were out of warranty.

Council Member Williams asked if there were funds in the budget to cover any further modification costs. City Manager Frazier stated that the funds were in the budget.

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

Council Member Rainey moved the approval of Resolution 17-43, *Authorizing the Use of the Remaining Grant Funds for the Henderson Water Reclamation Facility Project with Turner Murphy Co., Inc., in the Amount of \$93,005*. Motion seconded by Council Member Inscoe, and APPROVED by the following vote: YES: Elliott, Simmons, Williams, Coffey, Inscoe and Rainey NO: None. ABSTAIN: None. ABSENT: Daeke and Daye. (See Resolution Book 5, p 255)

Awarding the Contract for the Installation of a New Supervisory Control and Data Acquisition (SCADA) System for Kerr Lake Regional Water Facility to Instrumentation Services, Inc. (Reference: CAF 17-60; Resolution 17-41)

City Manager Frazier said funds were set aside for this project in the FY15-16 budget. These funds were moved into a CIP as the current proprietary SCADA System is outdated and an upgrade is necessary. Four bids were received and Instrumentation Services, Inc. (ISI) submitted

a bid of \$398,750 (base bid plus Alternate No #1 VT SCADA). The construction component of this project was budgeted at \$472,300 so there are adequate funds available to complete the project. The Kerr Lake Regional Water Advisory Board met on June 28, 2017, and the consensus was to award the project to ISI with Council's approval.

There was a short discussion about how this would affect Oxford, Warren and Vance County and the Manager stated that they desired KLRW to monitor their tanks. Mr. Inscoc reminded Council that it is in Vance County's water contract that they are required to connect to the SCADA so that the City could monitor their tank levels. This is in their best interest for us to do so.

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

Council Member Inscoc moved the approval of Resolution 17-41, *Awarding the Contract for the Installation of a New Supervisory Control and Data Acquisition (SCADA) System for Kerr Lake Regional Water Facility to Instrumentation Services, Inc.* Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Simmons, Williams, Coffey, Inscoc, Rainey and Elliott. NO: None. ABSTAIN: None. ABSENT: Daeke and Daye. (*See Resolution Book 5, p 251*)

Amending the City Code to be Consistent with the Zoning Ordinance Relative to Electric Charged Fences. (*Reference: CAF 17-70; Ordinance 17-27*)

City Manager Frazier said this is a housekeeping matter. When the zoning ordinance was amended, it was the intent to also amend the City Code. However, that did not occur and this amendment unifies the City Code with the Zoning Ordinance with regard to electric charged fences.

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

Council Member Rainey moved the approval of Ordinance 17-27, *Amending the City Code to be Consistent with the Zoning Ordinance Relative to Electric Charged Fences.* Motion seconded by Council Member Williams, and APPROVED by the following vote: YES: Simmons, Williams, Coffey, Inscoc, Rainey, and Elliott. NO: None. ABSTAIN: None. ABSENT: Daeke and Daye. (*See Ordinance Book 9, p 457*)

Amending the Contract between Southern Lawn Services, LLC and the City of Henderson Relative to the Landscape Management Services at Elmwood Cemetery and Blacknall Cemetery. (*Reference: CAF 17-64; Resolution 17-47*)

City Manager Frazier said Southern Lawn Services, LLC was awarded a contract to cut the grass for these two cemeteries in 2015 at a rate of \$64,800 for Elmwood and \$18,000 for Blacknall). Southern Lawn is willing to extend its agreement with the City for another three (3) years with no increase to the existing contract.

Council Member Coffey verbalized her understanding that Southern Lawn Service would provide the same service with no increase and that there was no escalation clause included in the agreement. Mr. Frazier said that is correct.

With no other comments, Mayor Ellington asked Council how it wished to proceed.

Council Member Inscoe moved the approval of Resolution 17-47, *Amending the Contract between Southern Lawn Services, LLC and the City of Henderson Relative to the Landscape Management Services at Elmwood Cemetery and Blacknall Cemetery*. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Williams, Coffey, Inscoe, Rainey, Elliott and Simmons. NO: None. ABSTAIN: None. ABSENT: Daeke and Daye. (See Resolution Book 5, p 263)

Authorizing the Sale of a City Owned Strip of Land 100 Feet Wide Along a 50 Foot Easement of an Area Better Known as Southerland Mill Pond Property Recorded in Vance County Register of Deeds Book 1213, Page 0085 (PIN # 00545 001021). (Reference: CAF 17-53; Resolution 17-39)

City Manager Frazier explained an offer of \$1,000 to purchase this strip of land has been received and was brought before the Land Planning Committee on June 12, 2017, and Council approved proceeding with the sale of this property in accordance with GS §160A-269 at the last regular meeting. The sale was properly noticed in the *Daily Dispatch* and no upset bids were received during the ten-day period. Therefore, staff recommends Council accept this bid and that the City Attorney be authorized to proceed with the preparation of a Non-Warranty Deed.

Council Member Coffey asked what this strip of land could be used for and Mr. Frazier responded neither the Land Planning Committee or City staff anticipates any use for this landlocked strip of the land

Mayor Ellington asked Council how it wished to proceed.

Council Member Coffey moved the approval of Resolution 17-39, *Authorizing the Sale of a City Owned Strip of Land 100 Feet Wide Along a 50 Foot Easement of an Area Better Known as Southerland Mill Pond Property Recorded in Vance County Register of Deeds Book 1213, Page 0085 (PIN # 00545 001021)*. Motion seconded by Council Member Williams, and APPROVED by the following vote: YES: Williams, Coffey, Inscoe, Rainey, Elliott, and Simmons. NO: None. ABSTAIN: None. ABSENT: Daeke and Daye. (See Resolution Book 5, p 247)

Acceptance of a Commercial Loan to Fund the Renovation of the Former Municipal Building in the Amount of \$830,000; Awarding the Contract for the Renovation of the Former Municipal Building to Danco Builders, Inc., in the Amount of \$645,883; Authorizing an Amendment to the Contract with Kilian Engineering, Inc., for Additional Work for Said Project; Filing of Application with the Local Government Commission for Approval of the Financing Agreement; and Amending the Budget of the Old Municipal Building Capital Improvement Project (CIP) to reflect the \$830,000 Commercial Loan. (Reference: CAF 17-63; Resolutions 17-45, 17-46, 17-51, 17-52, Ordinance 17-26)

City Manager Frazier asked Assistant City Manager Paylor Spruill to elaborate on this request. Mr. Spruill began by saying there are different scenarios to consider with this action. Mr. Frazier asked Council to consider the options and to then TABLE any decision until it is brought back before them at a Special Called Meeting on Monday, July 24.

Mr. Spruill said bids have been received but depending on how the City utilizes the building makes a difference in whether the financing is taxable or non-taxable. If the building is used for public purposes (non-profits), the financing would be non-taxable; however, if it is used for private purposes it would be taxable. Mr. Spruill said loan closing is anticipated around August 15th and Council needs to determine how it would like the building used.

Council Member Inscoe asked if the building could have a combination of public and private uses. Mr. Spruill said only 10% of the building could be mixed use. Mr. Frazier said it is because of the need to make this decision that he has asked Council to Table a decision until the July 24th meeting. The Manager stated that a new public hearing was needed due to the changing loan amount, as well as the funding agency. Therefore, the public hearing will be conducted on July 24.

Mayor Ellington asked Council for a motion to table this action.

Council Member Elliott moved to TABLE Resolution 17-45, *Acceptance of a Commercial Loan to Fund the Renovation of the Former Municipal Building in the Amount of \$830,000*; Resolution 17-46, *Awarding the Contract for the Renovation of the Former Municipal Building to Danco Builders, Inc., in the Amount of \$645,883*; Resolution 17-51, *Authorizing an Amendment to the Contract with Kilian Engineering, Inc., for Additional Work for Said Project*; Resolution 17-52, *Filing of Application with the Local Government Commission for Approval of the Financing Agreement*; and Ordinance 17-26, *Amending the Budget of the Old Municipal Building Capital Improvement Project (CIP) to reflect the \$830,000 Commercial Loan*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Elliott, Simmons and Williams. NO: None. ABSTAIN: None. ABSENT: Daeke and Daye.

Approving the Selection of CDM Smith as the Design Build Team for the Kerr Lake Regional Water System Plant Improvement Project. (*Reference: CAF 17-69; Resolution 17-53*)

City Manager Frazier began by saying Engineering Director Clark Thomas and Kerr Lake Regional Water Director Christy Lipscomb have dedicated many hours to get to this point. He then asked Ms. Lipscomb to come forward to provide more details regarding the project. Ms. Lipscomb said seven firms responded to the Request for Qualifications. She said they all had excellent qualifications but through a process of scoring by the selection committee, the field for consideration was narrowed to two teams. Both teams were interviewed twice: once by the selection team and Advisory Board and the second interview included council members /commissioners and executive staff from Henderson, Oxford and Warren County. The consensus was to select CDM Smith to perform the design build with Council's approval.

Council Member Inscoe (as a member of the Advisory Board) commented that after the second interview it was a unanimous decision by those present from Oxford, Warren County and Henderson to select CDM Smith. Council Member Williams attended the second interview and said she was impressed with the presentation and was glad the team with local representatives has been selected. Council Member Coffey also attended and she felt CDM Smith representatives were up front and very responsive to questions.

Mr. Frazier said grant funds will be pursued for this project and any opportunities will be brought back to Council for approval.

Mayor Ellington asked Council how it wished to proceed.

Council Member Inscoe moved the approval of Resolution 17-53, *Approving the Selection of CDM Smith as the Design Build Team for the Kerr Lake Regional Water System Plant Improvement Project*. Motion seconded by Council Member Coffey, and APPROVED *under protest by the majority of the Council* by the following vote: YES: Inscoe, Rainey, Elliott, Simmons, Williams and Coffey. NO: None. ABSTAIN: None. ABSENT: Daeke and Daye. (See Resolution Book 5, p 275)

CONSENT AGENDA

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

Awarding of Departmental Handgun and Badge to Retiree Lieutenant Gregory Williams. (Reference: CAF 17-67, Resolution 17-49) Lieutenant Williams officially retired from the Police Department on June 30, 2017, after serving on the force for over 20 years. As in the past, it is the City's policy to award retiring officers their badge and service side arm. (See Resolution Book 5, p 267)

Ratifying the Acceptance of the Carolina Panthers Charities Challenger Flag Football League Grant in the Amount of \$2,500 to Continue the Implementation of a Challenger League. (Reference: CAF 17-65; Resolution 17-44) As in past years, this non-matching grant allows the Recreation and Parks Department to continue to participate in the Challenger League that allows children and young adults with disabilities to participate in flag football programs. (See Resolution Book 5, p 257)

Amending the FY16-17 Budget as Part of the Year Ending Budget Reconciliation Process. (Reference: CAF 17-62, Ordinance 17-25, Budget Amendment #32) This budget ordinance reconciles three of the major operating funds (General, Water and Sewer) for FY16-17. (See Ordinance Book 9, p 453)

Tax Releases and Refunds from Vance County for the Month of May 2017. The Finance Director has reviewed the following releases/refunds and found them to be in order. This action approves the tax releases and refunds for May.

May 2017 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property Releases			
Bollar, Lewis Jr.	Lost To Foreclosure	2010	\$ 52.65
Bollar, Lewis Jr.	Lost To Foreclosure	2011	\$ 52.65
Bollar, Lewis Jr.	Lost To Foreclosure	2012	\$ 52.65
Bollar, Lewis Jr.	Lost To Foreclosure	2013	\$ 55.80
Bollar, Lewis Jr.	Lost To Foreclosure	2014	\$ 55.80
Bollar, Lewis Jr.	Lost To Foreclosure	2015	\$ 55.80
Bollar, Lewis Jr.	Lost To Foreclosure	2016	\$ 42.72
Total Releases/R & P Property			\$ 368.07
Audit Discoveries			
			\$ -
Total Refunds/ R & P Property			\$ -
Eastern Pride, Inc.			\$ (377.36)
Total Refunds & Releases RP			\$ (9.29)

Mayor Ellington asked if anyone wished to remove any item from the Consent Agenda. There were no requests. Mayor Ellington then 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 Simmons, and APPROVED by the following vote: YES: Rainey, Elliott, Simmons, Williams, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Daeke and Daye.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised five citizens wished to address Council.

Joanne Allen, 159 Waterfall Road Ms. Allen addressed Council at an earlier meeting regarding the violence within the City and she asked what has been done since that time regarding police presence, a substation, and a liaison position.

City Manager Frazier said these issues are being addressed and said there is to be a Human Resources Committee meeting this Thursday to discuss various options and to primarily discuss the community liaison and the use of the vacant Youth Services Program Manager position that was agreed upon by Council during budget deliberations. A discussion ensued with no specific direction or instruction.

Tom Englehardt, 225 White Oak Mr. Englehardt complimented the city on its many assets. He then asked Council to drive White Oak because he felt the street needed major work. He said the street had not be resurfaced in many years.

Sandra Liles, 394 Davis Street Ms. Liles expressed concern regarding the violence in her neighborhood and said something has to be done to make it safe. She also expressed her

frustration with the court system. Ms. Liles spoke about how her vehicles had been shot and was very compassionate about wanted to be able to live in a safe neighborhood.

Council Member Simmons strongly expressed her thoughts on this issue. Ms. Simmons lives in this area and has experienced the same difficulties as Ms. Liles mentioned but Ms. Simmons said it is time to take a stand. She said the community needs to band together and fight back. She also said the police take their lives in their hands each and every day and she does not want to discount what they do.

Christy Bennett, 910 Marrow Drive Ms. Bennett came before Council to endorse a proposed stormwater utility fee. She has been working with the City's engineering department, along with the Public Works department and understands problems will not be fixed overnight but does feel over time the fee will help resolve existing problems. Ms. Bennett also mentioned the need to repair/replace pipe on Granite Street and pipe(s) adjacent to her property.

Michael Bullock, 184 S. Vance Drive Mr. Bullock expressed his concern about violence by saying everyone is tired of it and everyone should come together to establish trust. He offered to help in any way possible; he commended the Recreation department and again stated everyone needs to keep pushing the positives as there are a lot of positive things going on in the City.

REPORTS

a) Mayor/Mayor Pro-Tem – No Report

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

- i. In response to Mr. Allison's concern regarding mowing late at night (Public Comment period at the last meeting), Mr. Frazier is working with the City Attorney regarding a possible ordinance based on decibel levels. Council Member Rainey asked about other possible restrictions. City Attorney Edwards responded the problem is not the activity but the noise associated with the activity. Council Member Coffey asked how decibels would be measured and Attorney Edwards said there are monitors to measure decibels. Further information will be forthcoming
- ii. The sale of Andrews Avenue has been completed and the deed has been recorded.
- iii. There will be a Human Resources meeting this Thursday at 1:00 p.m.
- iv. The mid-year strategic planning update meeting will be changed from August 24th to the end of July or the first part of August. More details to come.
- v. Various items listed on GovDeal have not sold and Mr. Frazier is seeking Council's permission to scrap the items. He specifically mentioned desks that are not usable. There was no objection from Council.
- vi. Mr. Frazier will be on vacation next week. Assistant City Manager Spruill will be responsible in Mr. Frazier's absence.

c) City Attorney - (No Report)

d) City Clerk – (No Report)

CLOSED SESSION

Council Member Coffey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(6) for an Personnel Matter. Motion seconded by Council Member Elliott and unanimously approved.

Mayor Ellington said there would be no announcement(s) following this closed session.

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

(Clerk's Note: Council Members Inscoe and Rainey left before the meeting was convened back into open session.)

WORK SESSION

(Clerk's Note: Due to time constraints, Council postponed the discussion regarding the establishment of a stormwater utility until the next regular meeting.)

ETJ Zoning Parcel Line Changes- Development Services Director Corey Williams presented a brief history by PowerPoint on how the current ETJ lines were drawn and the need to update the parcel lines so parcels are not bisected between the city and county. At the conclusion of his presentation, he asked Council if it would be agreeable to begin work on this major project that will require multiple public hearings, planning board meetings and discussions with the county. It was the consensus of Council to move forward with this project.

Urban Homestead Manual Update - Assistant to the City Manager Paylor Spruill provided Council with an updated version of the manual. He said the program will need to be discussed with the County as many of the possible properties are city/county owned. Mr. Spruill said there have been 19 inquiries about the program and he hopes to establish a pilot program with property on Arch Street.

Council Member Elliott asked if participants needed to be gainfully employed. Mr. Spruill responded the administrator of the program will have some latitude with that component of the program. He said if someone had the resources, it is possible they could qualify without being employed.

Council Member Williams said she liked the idea of a pilot program to work out the kinks and asked who would administer the program. Mr. Spruill said an administrator has not been named and City Manager Frazier said he would be naming someone soon.

Mr. Frazier also mentioned a checklist has been created and added to the manual as suggested during a previous discussion.

Before adjourning, Manager Frazier asked Council to read over the stormwater utility fee information before the next regular meeting.

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

ADJOURNMENT

Council Member Coffey moved for adjournment. Motion seconded by Council Member Williams, and unanimously approved. The meeting adjourned at 8:45 p.m.

Eddie Ellington
Mayor

ATTEST:

Esther J. McCrackin, City Clerk