



## **AGENDA**

**Henderson City Council Regular Meeting**

**Monday 12 June 2017, 6:00 p.m.**

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

**134 Rose Avenue**

**Henderson, North Carolina**

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### **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 Behavior<sup>1</sup> and Transparency in Governance<sup>2</sup>. 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.

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<sup>1</sup> **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.

<sup>2</sup> **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) 8 May 2017 Regular Meeting [See Notebook Tab 1]*
- b) 16 May 2017 Budget Work Session #1*
- c) 18 May 2017 Budget Work Session #2*
- d) 22 May 2017 Budget Public Hearing*
- e) 23 May 2017 Budget Work Session #3*
- f) 25 May 2017 Budget Work Session #4*

**VII. PRESENTATIONS & RECOGNITIONS**

- a) Curtis White*
- b) KLRW Department Gold Star Award*
- c) Teen Court Competition Team*
- d) Retiree Perry Twisdale*
- e) Recent Events – Fire Department and other Personnel*

**VIII. 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.<sup>3</sup>

**IX. NEW BUSINESS**

- a) Consideration of Approval of Ordinance 17-17, Adoption of the FY17-18 Budget, and FY 2017-18 Annual Fee Schedule. (CAF 17-43) [See Notebook Tab 2]*
  - Ordinance 17-17

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<sup>3</sup> **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.

- b)* Consideration of Approval of Resolution 17-43, Authorizing the Submission of an Application to the Bureau of Justice Assistance Office for the FY17 Bulletproof Vest Program Grant for the Police Department. *(CAF 17-58) [See Notebook Tab 3]*
- Resolution 17-43
- c)* Consideration of Approval of 1) Resolution 17-02-A, Authorizing the Award of a Construction Contract in the Amount of \$9,916 to Breedlove Electric for the Wiring and Installation of the Charge Point Electric Vehicle Charger Stations – Sponsored by Duke Energy; and 2) Ordinance 17-16, FY17 BA #31, Authorizing the Transfer of Contingency Funds. *(CAF 17-01-A) [See Notebook Tab 4]*
- Resolution 17-02-A
  - Ordinance 17-16
- d)* Consideration of Approval of Resolution 17-40, 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 01021) and to Advertise for Upset Bids per North Carolina General Statute 160A-269. *(CAF 17-54) [See Notebook Tab 5]*
- Resolution 17-40
- e)* Consideration of Approval of Resolution 17-39, Awarding of FY17 Audit Contract between the City of Henderson and William L. Stark and Company to Conduct the Annual Audit for Fiscal Year 2016-2017. *(CAF 17-53) [See Notebook Tab 6]*
- Resolution 17-39
- f)* Consideration of Approval of Ordinance 17-23, FY17, BA #30, Authorizing the Transfer of Contingency Funds to Henderson Redevelopment Capital Improvement Project. *(CAF 17-57) [See Notebook Tab 7]*
- Ordinance 17-23

## **X. 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 17-42, Awarding of Departmental Handgun and Badge to Retiree Captain Perry Twisdale. *(CAF 17-56) [See Notebook Tab 8]*
- Resolution 17-42

*b)* Consideration of Approval of Resolution 17-38, Issuing Sewer Credit for Outside Watering of Lawns, Plants and Vegetation for the June 1, 2017 through October 31, 2017 Billing Statements. (CAF 17-51) [See Notebook Tab 9]

- Resolution 17-38

*c)* Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of April 2017. (CAF 17-52) [See Notebook Tab 10]

## **XI. 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.<sup>4</sup>

## **XII. 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 11]
  - ii. E-911 Monthly Report
  - iii. Fire Department Monthly Report
  - iv. Police Department Monthly Report
  - v. Public Utilities Monthly Report

## **XIII. CLOSED SESSION**

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

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### **<sup>4</sup> 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.

**XIV. WORK SESSION**

- a) Urban Homestead Manual Review (No Materials)*
- b) CDBG Infrastructure Review of Project (No Materials)*
- c) Municipal Building Renovation Bid Review (No Materials)*
- d) Roadside Memorials (No Materials)*

**XV. ADJOURNMENT**

# **City Council Minutes**

## **Regular Meeting**

### **12 June 2017**

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#### **PRESENT**

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

#### **ABSENT**

None

#### **STAFF PRESENT**

City Manager Frank Frazier, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Finance Director Joseph Fuqua, Police Chief Marcus Barrow, Fire Chief Steve Cordell, Assistant Fire Chief Curtis Tyndall, 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, Assistant Public Works Director Lee Owen and Henderson Water Reclamation Facility Director Lamont Allen.

#### **CALL TO ORDER**

The 12 June 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 Elliott led those present in a prayer and the Pledge of Allegiance.

#### **OPENING COMMENTS**

Mayor Ellington greeted citizens and staff alike by welcoming them to this meeting.

## **ADJUSTMENTS TO/APPROVAL OF AGENDA**

Mayor Ellington asked if there were any adjustments to the Agenda. Council Member Daeke moved to accept the Agenda as presented. 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 Coffey moved the approval of the 8 May 2017 Regular Meeting minutes, and the 16, 18, 22, 23 and 25 May Budget Meeting minutes as presented. Motion seconded by Council Member Rainey, and unanimously approved.

## **PRESENTATIONS/RECOGNITIONS**

Mayor Ellington called Mr. Curtis White forward to present him with a recognition plaque. The Mayor said Mr. White, along with WW Properties staff, was instrumental in providing time, energy, expertise, and materials toward the completion of the Henderson-Vance Downtown Development Commission (DDC) office.

The Mayor then asked Kerr Lake Regional Water Director Christy Lipscomb to introduce her staff. The department received the *Gold Star* award from the North Carolina Division of Water Resources. This award is presented to facilities within the state that have received the NC Area Wide Optimization Award and Henderson has received this award for 12 consecutive years. Ms. Lipscomb thanked her staff for retaining optimum turbidity for all those who receive water from the plant.

Next, Mayor Ellington presented a retirement clock to Captain Perry Twisdale who retired from the Police Department on May 31, 2017. Capt. Twisdale was with the force for over thirty years and will be greatly missed. The Mayor wished Capt. Twisdale a happy, much deserved retirement. He was also presented a City of Henderson blanket by Human Resources Director Cathy Brown.

The Teen Court participants were unable to attend this meeting due to a conflict and they will be recognized during a future meeting.

City Manager Frazier called Fire Chief Steve Cordell and Assistant Fire Chief Curtis Tyndall forward to be recognized for the efforts put forth by the Fire Department in containing and putting out the large fire at the ETC warehouse recently. Mr. Frazier also recognized citizens and businesses that provided the firefighters with food and water during this devastating event for ETC. Both Council Members Elliott and Williams commended the department not only for its work at ETC but also for the efforts made to assist an individual off the water tower safely. Chief Cordell said both events were team efforts that included the City Manager, Police and Public Works Department, and other staff.

## **PUBLIC COMMENT PERIOD ON AGENDA ITEMS**

City Clerk McCrackin advised no citizen wished to address Council.

## NEW BUSINESS

### **Approval of FY17-18 Budget.** (*Reference: CAF 17-43; Ordinance 17-17*)

City Manager Frazier explained all the changes agreed upon during the budget work sessions have been made to the FY17-18 budget. He then summarized the budget as follows:

- No Rate Increase was recommended for Regional Water or Sewer
- The 3% Rate Increase recommended for Water was reduced to 0% with the difference being taken from Rate Stabilization
- No Property Tax Increase (will remain at .712)
- Aetna Health Insurance deductible was reduced to \$1,250, making insurance coverage per employee \$491.81 a month that is paid by the City
- FY17 Redevelopment Reserve Funds in the amount of \$25,000, will be placed in a CIP for FY18 to cover the cost of adding a code compliance inspector position for six months beginning in January 2018
- Fire Pumper Truck was approved with a ten (10) year loan instead of the proposed five (5) year term
- \$40,000 was moved from the Powell Bill Fund Balance to the Street Department to assist with cleaning/cutting of street right-of-ways.
- Hiring a Grant Writer/Community Liaison position was recommended by Council and discussions have been initiated with the County and JCPC for possibly using the vacant Youth Services Program Manager to perform this work. Details still need to be refined.

Mr. Frazier said the proposed budget recommended a change to the Fire Inspection Fees. There was no discussion about this proposal and the fee changes have been included in this ordinance.

Council Member Coffey specifically thanked the City Manager and Finance Director for all their work to put together this budget.

Council Member Elliott said she has been contacted by a County Commissioner with questions about using the Youth Services Manager position. Mr. Frazier reiterated that the details of this position have not been finalized.

Mayor Ellington also thanked Mr. Frazier and Mr. Fuqua, along with all the other department heads for compiling this budget.

Mayor Ellington then asked Council how it wished to proceed.

Council Member Rainey moved the approval of Ordinance 17-17. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Williams, Coffey, Inscoc, Rainey, Elliott, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None. (*See Ordinance Book 9, p 437*)



**Authorizing the Submission of an Application to the Bureau of Justice Assistance Office for the FY17 Bulletproof Vest Program Grant for the Police Department.** (Reference: CAF 17-58, Resolution 17-43)

City Manager Frazier reminded Council this is a yearly submission. There is a 50% match with this grant, and this year the estimated cost to the City will be \$3,324.88, as the total cost is \$6,649.75. This amount will purchase 10 vests, including shipping and handling.

Council Member Rainey asked what happens to the retiring vests and if they can be passed on to the Fire or other departments. Police Chief Marcus Barrow said vests have a 5-year lifespan. Manager Frazier said some vests are included in the budget for the Fire Department.

Council Member Williams asked if all officers have their own vests. The Chief explained that vests are specifically cut for each officer. The downside of this is if the officer leaves the City the vest can only be used by a new hire until a new vest is made.

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. Motion seconded by Council Member Elliott, 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 255)

**Authorizing the Award of a Construction Contract in the Amount of \$9,916 to Breedlove Electric for the Wiring and Installation of the Charge Point Electric Vehicle Charger Stations – Sponsored by Duke Energy; and Authorizing the Transfer of Contingency Funds.** (Reference: CAF 17-01-A; Resolution 17-02-A, Ordinance 17-16, Budget Amendment #31)

City Manager Frazier reminded Council that it accepted a \$20,000 grant from Duke Energy in 2016 for two electric charging stations to be placed at the Police Department and two to be placed at the Operations Center. There were two bidders for the wiring and installation of the stations. Contingent on approval by Duke Energy, staff recommends awarding the project to Breedlove Electric as the lowest bidder. It is anticipated the total project excluding asphalt and concrete will be \$24,898 and the budget amendment allows the existing contingency funds to be transferred to capital outlay.

Council Member Coffey asked if a usage report could be made available. Mr. Frazier said once the stations are up and running a report will be made available to Council.

Mayor Ellington asked Council how it wished to proceed.

Council Member Daeke moved the approval of Resolution 17-02-A, *Authorizing the Award of a Construction Contract in the Amount of \$9,916 to Breedlove Electric for the Wiring and Installation of the Charge Point Electric Vehicle Charger Stations – Sponsored by Duke Energy*; and Ordinance 17-16, *FY17 BA #31, Authorizing the Transfer of Contingency Funds*. Motion seconded by Council Member Simmons, and APPROVED by the following vote: YES: Inscoe, Rainey, Elliott, Daeke, Simmons, Daye, Williams and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 5, p 173-A, Ordinance Book 9, p 435, Budget Amendment #31)

**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 213, Page 0085 (PIN #00545 01021) and to Advertise for Upset Bids per North Carolina General Statute 160A-269.** (Reference: CAF 17-54; Resolution 17-40)

City Manager Frazier explained an offer of \$1,000 has been received to purchase a City owned land-locked strip of land on property better known as Southerland Mill Pond. The Land Planning Committee has reviewed the offer and recommends authorizing the City Clerk to begin the upset bid process.

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

Council Member Daeke moved the approval of Resolution 17-40, *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 213, Page 0085 (PIN #00545 01021) and to Advertise for Upset Bids per North Carolina General Statute 160A-269*. Motion seconded by Council Member Daye, 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 249)

**Awarding of FY17 Audit Contract between the City of Henderson and William L. Stark and Company to Conduct the Annual Audit for Fiscal Year 2016-2017.** (Reference: CAF 17-53; Resolution 17-39)

City Manager Frazier said this is the last year of the three-year agreement with William L. Stark and Company. He said when Council approved the second year of the contract for FY16-17, staff was asked to review the 5% escalation of cost included in the agreement. Mr. Frazier said he and Finance Director Joey Fuqua met with Mr. Curtis Averette about this increase. Mr. Averette stated that due to the work and time involved in performing the audit, along with their accessibility to the Finance Department throughout the year, he felt the 5% increase was reasonable. Mr. Frazier added Mr. Averette indicated there may be some things that the Finance Department can do in the future to reduce the audit costs.

Council Member Daeke expressed his thoughts that the cost should decrease with each year as the auditors become more familiar with the accounts. Council Member Inscoe said this was discussed at length last year and he encouraged the City Manager to competitively bid the audit at the end of this existing agreement.

Council Member Williams asked what staff could do to reduce costs. Mr. Frazier mentioned the management statement as one possibility but there were certainly parts of the audit that staff can further look into.

Council Member Inscoe felt any service to the City, no matter how small, should be competitively bid.

The discussion concluded with the Manager being asked to address these concerns with the next audit contract.

Mayor Ellington asked Council how it wished to proceed.

Council Member Rainey moved the approval of Resolution 17-39, *Awarding of FY17 Audit Contract between the City of Henderson and William L. Stark and Company to Conduct the Annual Audit for Fiscal Year 2016-2017*. Motion seconded by Council Member Daeke and APPROVED *under protest by the majority of the Council* 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 247)

**Authorizing the Transfer of Contingency Funds to Henderson Redevelopment Capital Improvement Project.** (Reference: CAF 17-57; Ordinance 17-23, Budget Amendment #30)

City Manager Frazier said that during budget deliberations the consensus was to set aside \$25,000 for a new 6-month code compliance inspector position. This amount needs to be placed in a CIP Project for the FY18 budget. There was also a previous discussion about redevelopment costs as presented by the School of Government (SOG) to perform a downtown area study in the amount of \$67,000. Before Council this evening are two options. Option A would transfer only \$25,000 and Option B would transfer \$75,000 to cover the cost of an inspector for six months, and also the cost of the downtown area study. If Option A is approved, \$76,050 will remain in the General Fund contingency. Approval of Option B would leave \$26,050 in the General Fund contingency.

Council Member Inscoe asked if there had been any discussion with the County about participating in the downtown study costs. Mr. Frazier said he talked briefly with the County Manager but there was no indication from that discussion as to the County's interest.

Council Member Inscoe suggested this item be tabled until further information regarding the County's interest in the downtown study is known. It was noted by the Manager that the proposed transfer would come from contingency since there will not be another meeting in this fiscal year; thus any future funding for Redevelopment would have to come from Fund Balance.

Mayor Ellington asked Council how it wished to proceed.

Council Member Inscoe moved to TABLE Ordinance 17-23, *Authorizing the Transfer of Contingency Funds to Henderson Redevelopment Capital Improvement Project*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Daeke, Simmons, Daye, Williams, Coffey, Inscoe, Rainey and Elliott. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 247)

## CONSENT AGENDA

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

**Awarding of Departmental Handgun and Badge to Retiree Captain Perry Twisdale.** (Reference: CAF 17-56, Resolution 17-42) Captain Perry Twisdale officially retired from the Police Department on June 1, 2017 after serving on the force for over 30 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 253)

**Issuing Sewer Credit for Outside Watering of Lawns, Plants and Vegetation for June 1, 2017 through October 31, 2017 Billing Statements.** (Reference: CAF 17-51; Resolution 17-38) As in past years, this action allows citizens to seek credit for outside watering during the summer months. (See Resolution Book 5, p 245)

**Tax Releases and Refunds from Vance County for the Month of April 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 April.

April 2017 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
<b>Real &amp; Personal Property Releases</b>			
Maria Parham	Correct Value	2013	\$ 56,028.59
Maria Parham	Correct Value	2014	\$ 46,099.59
Maria Parham	Correct Value	2015	\$ 43,105.73
Gaye, John Heirs	Correct Value	2016	\$ (178.00)
<b>Total Releases/R &amp; P Property</b>			<b>\$ 145,055.91</b>
<b>Audit Discoveries</b>			
			\$ -
<b>Total Refunds/ R &amp; P Property</b>			<b>\$ -</b>
<b>Total Refunds &amp; Releases RP</b>			<b>\$ 145,055.91</b>

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 Inscoe had a brief question about whether the Releases/Refunds for Maria Parham were a result of equipment or real property. Mr. Frazier said it is a combination of both.

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

## PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised two citizens wished to address Council.

**Lester Allison, 135 Dorsey Place** As a homeowner and taxpayer Mr. Allison had a noise problem he would like Council to look into. He said he has no problem with the lawn service business but he objected to multiple lawns being mowed simultaneously late at night --- sometimes after 9:00 p.m. He is hopeful Council can find a peaceful solution to this problem.

Council Member Daeke lives on the same street and suggested this go before the Land Planning Committee.

Council Member Coffey asked why this issue does not fall under the noise ordinance. City Attorney Edwards said he and the Manager would do some research on existing ordinances and added that it may be easier to enforce a time rather than decibel levels. The Manager will report back to Council after this is reviewed.

**Toni Reed, 1103 South Chestnut** Ms. Reed expressed concern for the neighborhood due to the lack of speed limit signs on Chestnut Street and specifically asked if stop signs could be installed at the intersection Chestnut and Jeannette where an accident occurred recently. Manager Frazier said he would look into this to see what can be done about this situation.

## REPORTS

- a) Mayor/Mayor Pro-Tem – Mayor Ellington reported on several events he has attended: DDC Main Street Tour, Local Food/Local Places, and presenting proclamations/recognitions for nursing homes for Nursing Home Week and Wound Care Awareness. He also mentioned graduation events and the passing of Rick Russell who was an advocate for Henderson and promoted his mother’s art by donating paintings to various City buildings.
- b) City Manager – Mr. Frazier reported on the following:
  - i. The City Attorney has prepared the deed for the sale of 245/255 Andrews Avenue. The deed includes a 24-month period to either bring the structure up to code or fully demolish the building. Mr. Frazier said unless Council objects, the sale will be finalized. *(Clerk’s Note: There were no comments from Council.)*
  - ii. The testing reports have been received regarding the former Henderson laundry facility on Chestnut Street. Discussions with the State and County need to be arranged.
- c) City Attorney - (No Report)
- d) City Clerk – JCPC Breakfast is this Thursday and although early, City Hall will be closed on Tuesday, July 4 for the Independence Day holiday.

## **OTHER**

Council Member Coffey asked Manager Frazier if he had any further information regarding a conversation she had earlier with him regarding a building being occupied inappropriately. Mr. Frazier said this is not city owned property and he has been able to determine no permits have been obtained.

Ms. Coffey also brought up an issue discussed previously regarding failure of pipes on private property that were originally installed by the City. She expressed concern that ultimately the City will be responsible for repairs. The Manager stated that this was being looked into but most storm drains outside the street right-of-way are not the City's responsibility for maintenance or repair.

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. Motion seconded by Council Member Daeke and unanimously approved.

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

*(Clerk's Note: Council Member Inscoe left the meeting at this time.)*

## **WORK SESSION**

### **Urban Homestead Manual Review**

City Manager Frazier explained this manual has been authored by Assistant City Manager Paylor Spruill and asked him to present a brief overview of the project.

Mr. Spruill said most programs he has been able to locate similar to this are oriented toward low-income families and are associated in some way with HUD or the USDA. He said this program is directed at anyone who is willing to meet the requirements. Mr. Spruill said it will be important for the applicant to understand the costs and materials, timing, etc. necessary to obtain ownership. The Administrator of this program will be responsible for making sure each phase of the program is met in a timely manner and yet there will be room for subjectivity depending on each individual circumstance. Ultimately, the goal is to help each applicant succeed and become a tax paying homeowner.

Mr. Spruill also mentioned the adopt-a-property provision that would allow an applicant to reserve a vacant lot while gaining the funds to build on the property. The requirement for this program is to keep the grass cut and to have current liability insurance naming the City as an additional insured and certificate holder.

Council Member Coffey asked if the applicant needed to be gainfully employed and what about ADA compliance? Mr. Spruill responded that as long as an individual has income to meet the requirements, they can become an applicant. She also asked about who pays for the asbestos costs. Mr. Spruill said the City will obtain an asbestos report so the applicant knows up front whether this is an issue. The Manager stated that this is normally done by the City as a part of the demolition process.

Ms. Coffey also asked if a list of contractors could be created for any applicant to consider. City Attorney Edwards said this could be seen as playing favorites but did suggest a method for soliciting contractor names.

Council Member Simmons asked who would administer the program. Mr. Frazier said at this time no specific individual has been named.

Council Member Rainey asked how the applicants will be selected. Mr. Rainey also asked about whether there would be any real estate agent involvement when application is made. Mr. Spruill said no agent is needed for this program, but that would be up to the applicant. If they solicited help from an agent there would be no compensation by the City.

Council Member Daeke then raised the question as to whether City residents should be given first choice over non-residents. There was general discussion about this but there was no consensus.

Council Member Williams recommended a checklist be created to make the process easier for the applicant to meet each requirement. Ms. Williams asked how many properties are currently available for this program. Mr. Spruill said approximately six. Ms. Williams asked how the program is being promoted. Mr. Spruill responded by word of mouth.

At this time, Engineering Director Clark Thomas made a suggestion that Mr. Spruill look at a very similar program offered in Chattanooga, TN.

Manager Frazier said a final draft will be brought to Council at the July meeting.

### **CDBG Infrastructure Review of Project**

City Manager Frazier said Council has basically two options regarding this project for the Birch/Bobbitt and Newton Dairy Road Sewer infrastructure project due to costs exceeding the loan amount of over one million dollars. If Council decides to discontinue the project, the City will need to refund approximately \$98,000 back to the State. If Council decides to continue with this project, rate stabilization and/or the sewer fund balance could be used to make up the deficit. If Council moves forward with the project, he presented several options on how to cover the overrun costs. Mr. Frazier asked Engineering Director Clark Thomas to explain further.

Mr. Thomas said there is a possibility that the sewer could be rerouted through wetlands to mitigate fees; however, it is unknown if the wetlands can support the necessary equipment to complete the work. He said this particular CDBG grant is better suited for entitlement cities that have the ability to administer projects and the requirements of the CDBG program. He indicated that Henderson does not have the staff to do this efficiently. He added his portion of

the grant will soon end and the bulk of the responsibility will fall on the Development Services and Human Resources Department during construction and for several years thereafter.

Mr. Frazier also asked Henderson Water Reclamation Facility Director Lamont Allen to give Council a summary of the work needed at the pump station. Mr. Allen said the pumps are very old and added the panel box needs to be replaced. Replacement cost for each pump is approximately \$10,000. The Manager stated in a previous communication that the cost could be up to \$500,000.

There was discussion on both the pros and cons of the project. Council Member Daeke asked Mr. Frazier for his recommendation. Mr. Frazier said work has to be done at the pump station to avoid overflows and said Rate Stabilization Funds or Sewer Fund Balance dollars could be used to cover the costs over and above the existing grant. Ultimately, after further discussion, Council felt this project definitely needed to be done to complete the work at Birch/Bobbitt and to extend the sewer to do away with the pump station. Council also felt that it would not be good to give back over \$1.5 million and possibly hinder further efforts to obtain grants.

It was the consensus of Council to move forward with the project by deleting the flow meter, generator, and SCADA at the Harris pump station and to reroute the sewer. This was #5 on the previously submitted list. The consensus was as follows: YES: Williams, Coffey, Rainey, Elliott, Daeke, Simmons and Daye. NO: None. ABSTAIN: No. ABSENT: Inscoc.

### **Municipal Building Renovation Bid Review**

City Manager Frazier stated the low bidder for this renovation of both the municipal building and the fire station was Danco Builders at \$645,882. Currently there is \$457,282 remaining in the project budget due to work already completed. Mr. Frazier said the City is negotiating with Danco Builders; however, the budget is approximately \$200,000 less than needed. He requested guidance from Council on how to proceed and then asked Mr. Mike Killian, from Killian Engineering to come forward. Mr. Killian explained the bids included a new roof on the municipal building, a conference room and new bathroom. On the fire station side, the north side of the building needs to be replaced, work needs to be completed on the chimney, bathroom, kitchen and the bid includes a small generator so the bay doors will open for the fire engines in the event of a power failure

Council Member Daeke asked why the cost increase and learned that basically it was because of the need to correct more items than originally discussed. Mr. Daeke also asked what terms have been offered by the lender. At the original \$600,000 cost in borrowed funds, Mr. Frazier said \$65,000 a year for 10 years. At \$800,000 it would be approximately \$95,000 per year that would start in FY19. At Mr. Spruill said notes have increased so he anticipates at least a ½% increase in the rate.

The consensus of Council was that this is a necessary project and that staff should seek rates for funding of approximately \$200,000 additional dollars. Staff should also continue to negotiate with the low bidder. Lending rates and the bid award will be brought back for consideration at the July meeting. The Manager reminded Council that the loan is subject to Local Government Commission approval. The consensus was as follows: YES: Williams, Coffey, Rainey, Elliott, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Inscoc.



## **Roadside Memorials**

City Manager Frazier said Attorney Edwards has drafted an ordinance for consideration regarding the time allowed for a roadside memorial to be left in place. He expressed his concern regarding certain portions of the ordinance and before he could continue, City Attorney Edwards called for a Closed Session.

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

*(Clerk's Note: Council Member Daeke left the meeting at 8:35 p.m.)*

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

## **ADJOURNMENT**

Council Member Rainey moved for adjournment. Motion seconded by Council Member Elliott and unanimously approved. The meeting adjourned at 8:43 p.m.

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Eddie Ellington  
Mayor

***ATTEST:***

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Esther J. McCrackin, City Clerk