



AGENDA

Henderson City Council Regular Meeting

Monday 8 June 2015, 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 James D. O'Geary, Presiding

Councilmember James C. Kearney, Sr.
Councilmember Sara M. Coffey
Councilmember Michael C. Inscoe
Councilmember D. Michael Rainey

Councilmember Brenda Peace-Jenkins
Councilmember Garry D. Daeke
Councilmember Fearldine A. Simmons
Councilmember George M. Daye

City Officials

Edward A. Wyatt, Interim 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 May 2015 Regular Meeting [*See Notebook Tab 1*]
- b) 18 May 2015 Special Called Meeting
- c) 19 May 2015 Special Called Work Session
- d) 21 May 2015 Budget Work Session #1

VII. PUBLIC HEARING – Continued

- a) Consideration of Approval of Ordinance 15-12, Rezoning Certain Property at 456 Spring Valley Road from R-20, Low Density Residential, to RA, Residential/Agricultural Use. (*CAF 15-31-A*) [*See Notebook Tab 2*]
 - Public Hearing
 - Ordinance 15-12

VIII. PUBLIC HEARING - New

- a) Consideration of Approval of Ordinance 15-19, Amending the Zoning Ordinance to Include Design Standards on Solar Farms and Add Section 675B Solar Farms and Section 1002 to the City Zoning Code. (*CAF 15-44*) [*See Notebook Tab 3*]
 - Public Hearing
 - Ordinance 15-19
- b) Consideration of Approval of Ordinance 15-27, Text Amendment Removing Solar Farms Use 20.7 in Residential Agricultural (RA) Zoning Districts. (*CAF 15-67*) [*See Notebook Tab 4*]
 - Public Hearing
 - Ordinance 15-27
- c) Consideration of Approval of Ordinance 15-05, Amending the Zoning Ordinance Section 310A Table of Permitted Uses to Allow Schools with a Special Use Permit in the I2 District. (*CAF 15-60*) [*See Notebook Tab 5*]
 - Public Hearing
 - Ordinance 15-05

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

X. NEW BUSINESS

- a) Consideration of Approval of Resolution 15-41, Approving in Concurrence with NCDOT the Bid Award to the Lowest Responsible Bidder for the Chavasse Widening Project and the Funding of \$87,000 for the Excess Expenses over the Estimated Cost of \$700,000 (WBS Element: 38404). (CAF 15-69) [See Notebook Tab 6]
 - Resolution 15-41

- b) Consideration of Approval of Ordinance 15-29, FY15 Budget Amendment #29 Amending the General, Water, Sewer and Regional Water Funds to Reflect the Reimbursement to the City by Builders Mutual Insurance Company for Repairs to a Damaged Water Main. (CAF 15-68) [See Notebook Tab 7]
 - Ordinance 15-29

- c) Consideration of Approval of Ordinance 15-31, FY15 Budget Amendment #30, Closing Out the 2013 BJA Bulletproof Vests Grant, the 2014 BJA Grant, and the 2014 Governor's Crime Commission Viper/MDT Upgrade Project Grant. (CAF 15-71) [See Notebook Tab 8]
 - Ordinance 15-31

- d) Consideration of Approval of Resolution 15-30-A, Accepting an Offer of \$10,000 for the Property Known as the Old City Garage Pursuant to N.C.G.S.§160A-269. (CAF 15-49-A) [See Notebook Tab 9]
 - Resolution 15-30-A

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.

- e) Consideration of Approval of Resolution 15-39, Authorizing an Application for U.S. Department of Justice's 2015-2016 BJA Justice Assistance Grant. (CAF 15-66) [See Notebook Tab 10]
 - Resolution 15-39
- f) Consideration of Approval of Resolution 15-46, Authorizing the Execution of a Quitclaim Deed for Property Outside City Limits Recorded in Error as Jointly Owned City/County Property. (CAF 15-78) [See Notebook Tab 11]
 - Resolution 15-46
- g) Consideration of Approval of Resolution 15-42, Issuing Sewer Credit for Outside Watering of Lawns, Plants and Vegetation for the June 1, 2015 through October 31, 2015 Billing Statements. (CAF 15-74) [See Notebook Tab 12]
 - Resolution 15-42

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.⁴

XII. REPORTS

- a) Mayor/Mayor Pro-Tem
- b) City Manager
- c) City Attorney
- d) City Clerk
 - i. Meeting and Events Calendar [See Notebook Tab 13]
 - ii. Monthly Fire Department Report

⁴ Citizen Comment Guidelines for Non-Agenda Items

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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.

XIII. CLOSED SESSION

a) Pursuant to G.S.§143-318.11 (a)(6) regarding a Personnel Matter

XIV. ADJOURNMENT

City Council Minutes

Regular Meeting

8 June 2015

PRESENT

Mayor James D. O'Geary, Presiding; and Council Members James C. Kearney, Sr., Sara M. Coffey, Michael C. Inscoe, D. Michael Rainey, Brenda Peace-Jenkins, Garry D. Daeke, Fearldine A. Simmons, and George M. Daye.

ABSENT

None.

STAFF PRESENT

Interim City Manager Edward A. Wyatt, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Engineering Director Clark Thomas, Finance Director Kathy Brafford, Public Services Director Mike Ross, Recreation and Parks Director Kendrick Vann, Development Services Director Corey Williams, Police Chief Marcus Barrow and Fire Chief Danny Wilkerson.

CALL TO ORDER

The 8 June 2015 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary 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 O'Geary a quorum was present.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

OPENING COMMENTS

Mayor O'Geary greeted everyone present saying it is always good to see citizens come out to this meeting

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. Council Member Inscoe asked that the disposition of the property located at 324 Charles Street be added to the agenda.

Council Member Rainey moved to accept the Agenda as adjusted. Motion seconded by Council Member Kearney, and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Coffey moved to approve the 11 May Regular Meeting, 18 May Special Called Meeting, 19 May Special Called Work Session and 21 May Budget Work Session #1 Minutes as presented. Motion seconded by Council Member Daye, and unanimously approved.

PUBLIC HEARING – Continued

Rezoning Certain Property at 456 Spring Valley Road from R20, Low Density Residential, to RA, Residential/Agricultural Use. (Reference: CAF 15-31-A; Ordinance 15-12)

Development Service Director Williams reminded Council that this request was submitted on January 12, 2015, by Spring Valley Farm, LLC (Petitioner). The requester seeks rezoning so it may apply for a special use permit to allow establishment of a solar farm. There was a Planning Board meeting on February 2, 2015 with one individual speaking against the rezoning due to the potential impact of a solar farm, both visually and with property values. However, the Planning Board approved the request and it was brought to Council on February 23, 2015. After deliberations, Council remanded this rezoning back to the Planning Board and continued the Public Hearing until the Planning Board presents its findings. The design standards are now before Council for consideration.

Mr. Williams distributed a chart showing *all* the uses that are included in this rezoning and stressed the rezoning is not for one use only but would include multi-purposes.

Mayor O'Geary asked if there were any questions before opening the Public Hearing. With no discussion, Mayor O'Geary opened the Public Hearing by asking if anyone was present who wished to speak in favor of this rezoning.

Louis Iannone, Strata Solar, Raleigh, NC (100 Neal Court, Apex) Mr. Iannone said he is happy with the well-written ordinance, felt his company would meet the requirements as stated, that a balance between families/neighbors and the Solar Farm could be attained and asked Council to consider the well-being of the Spain family (the requester).

Edward (Butch) Spain, 456 Spring Valley Road Mr. Spain said this project has been two years in the making which has been two years without raising crops on this property. He was unhappy about two zoning jurisdictions (City and County). He distributed several documents; and said he has even taken time to speak with neighbors living near other solar farms for input which he reported as all positive. He said the City cannot continue to live in the past and asked for Council to approve his request.

David J. Neill, Attorney, Smith, Moore, Leatherwood, LLP, 2 Hannover Square, Raleigh Attorney Neill asked Council to check the Comprehensive Plan and to approve the rezoning as proposed. He said this is an opportunity for the Spain family.

John Davis, 9 Butterwick, Durham As a solar farm developer , Mr. Davis said he would do all he can to make sure the solar farm is buffered properly and felt this is a good use of the property.,

No one else came forward to speak in favor of this rezoning so Mayor O’Geary asked if anyone was present who wished to speak in opposition to the rezoning.

Brian Alsop, 192 Lake Road Mr. Alsop expressed concern regarding what he felt was an inconsistency in the acreage to be rezoned and thought Council should have considered the Text Amendment first.

Jim Walters, 106 Spring Valley Road Mr. Walters expressed concern regarding the legal description and asked for clarification as to whether it was 40 acres or 60 acres. Mr. Walters said rezoning will allow more uses than he would like to see in the area and sees no need for the rezoning.

Mayor O’Geary asked Development Service Director Williams for clarification. Mr. Williams said there are three tracts of land involved, and this petition is for approximately 40.60 acres, a portion of which is within the City’s extraterritorial jurisdiction.

Bill Edwards, 550 Spring Valley Lake Road Mr. Edwards referenced the Master Plan which designates this area as Rural Density.. After 45 years in economic development Mr. Edwards feels he had a good knowledge of what would be best overall in this area and felt solar farms should be kept in industrial areas. He also expressed concern regarding the perception of individuals entering the County as there are already 5 other solar farms in the County.

No other citizen came forward so Mayor O’Geary then closed the Public Hearing and asked for Council’s pleasure.

Council Member Inscoe moved to TABLE Ordinance 15-12, *Rezoning Certain Property at 456 Spring Valley Road from R-20, Low Density Residential, to RA, Residential/Agricultural Use.* Council Member Kearney seconded the motion and Council APPROVED the TABLE by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None. (*See Ordinance Book 9, p 217*)

Council Member Inscoe asked for the **Public Hearings–New** sequence to be adjusted as follows.

PUBLIC HEARING – New

Text Amendment Removing Solar Farms Use 20.7 in Residential Agricultural (RA) Zoning Districts. (*Reference: CAF 15-67; Ordinance 15-27*)

Development Service Director Williams explained on April 6 the Planning Board instructed staff to research and draft a text amendment to restrict Solar Farms to Residential Agricultural Districts. A motion was made on May 4, 2015, during a Planning Board public hearing, to

recommend the text amendment to restrict Solar Farms in Residential Agricultural districts. Mr. Williams said due diligence was performed prior to this recommendation.

Council Member Rainey asked if solar farms would be allowed by special use. Mr. Williams responded yes.

Council Member Kearney asked if there were any name duplications on the petitions or if anyone had verified residency. Mr. Williams said the petitions had been spot checked and some of the signatures were outside the city.

Council Member Inscoe asked about this going before the Board of Adjustment when a conditional use permit can be issued. Mr. Williams responded it was cautionary on his part.

Council Member Daeke said he was pleased to see names on the petitions from a cross-section of the City.

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

Bill Edwards, 550 Spring Valley Lake Road Mr. Edwards said the petitions he submitted began mainly with the names of property owners and once the petition started circulation people called from other areas asking to add their names to the petition. Mr. Edwards cautioned Council and asked that solar farms be restricted to I-2.

Brian Alsop, 192 Lake Road Mr. Alsop called this a charade and said solar farms do not think they are an industry. He recommends Council limit solar farms to I-2.

Bonnie Baskett, 527 Spring Valley Road Ms. Baskett addressed Council as a resident, church member and daughter of Mary Lawson, who is physically unable to attend. She said it will be sad for the Methodist Church that has been on Spring Valley Road for over a quarter century to be boxed in on three sides by the solar farm. She asked that Council restrict solar farms in any residential areas.

Brenda Renshaw, 529 Spring Valley Road Ms. Renshaw lives in the ETJ and does not wish to see solar farms in residential areas.

Charmaine Beltz, 105 Lake Road Ms. Beltz moved to this area because of the "green" space in the area of discussion. She is not against solar farms but does not see them belonging in residential areas.

Phil Walters, 1290 Spring Valley Road Mr. Walters referenced the limited RA zoning within the City and feels solar farms should be in industrial areas only.

Jim Walters, 106 Spring Valley Road Mr. Walters said he hated to see families divided but expressed concern regarding the peace and tranquility of the neighborhood, referenced the rolling hills that cannot hide the solar panels; and mentioned several state agencies who have expressed concerns about this project. He foresees difficulty with selling homes in the area. He

also distributed documentation for Council's consideration. He closed by thanking Council for listening.

As no one else came forward to speak in favor of this rezoning, Mayor O'Geary asked if anyone was present who wished to speak in opposition to the rezoning.

Louis Iannone, Strata Solar, Raleigh, NC (100 Neal Court, Apex Mr. Iannone felt this would be a prudent project to benefit the community and asked Council to consider each case individually. He provided a statistic that it only takes 20 seconds to drive by the property.

David J. Neill, Attorney, Smith, Moore, Leatherwood, LLP, 2 Hannover Square, Raleigh Attorney Neill felt the focus is on killing this one project and said solar farms do not produce any of the typical noise, odors, etc. found in industrial areas. He felt rejecting this request is a bad planning idea.

Edward (Butch) Spain, 456 Spring Valley Road Mr. Spain opposes this action, specifically mentioning lack of uniformity between the City and County and his deep roots in the community. He is the largest landowner in the area and perhaps the ETJ. He respectfully requested Council not approve this action.

John Davis, 9 Butterwick, Durham Mr. Davis felt the question boils down to appearance. He said there are 150 solar farms in the state and does not believe the state is against solar farms. He said the farm will be a "sea of blue" which does not rust. He sees this as a way for farmers to diversify and "farm" the sun.

Al Rivers, 100 Waters Edge Loop Mr. Rivers said allowing the solar farm would bring dollars to the County, requires no sewer or water and would bring no crime to the area. He asked Council not to approve this ordinance.

Frank Hester, 1656 St. Andrews Church Road Mr. Hester said solar farms are green, safe and productive. He said agricultural land is the only land large enough for solar farms.

There were no further comments so Mayor O'Geary closed the Public Hearing and asked for Council's pleasure.

Council Member Daeke thanked everyone for their presentations and said it was good to see our form of democracy at work. He said homeowners should have the right to use their property as they see fit yet protecting values and neighborhoods is also important. Council Member Coffey expressed concern regarding two different sets of restrictions between the City and County and said citizens should be able to do what they wish if it does not infringe on others.

There was discussion with all the Council members saying this was a most difficult issue with both sides presenting valid points.

Council Member Rainey asked that the Development Service Department revisit the ETJ lines at a future time. Interim City Manager Wyatt said there has been some effort along that line and asked Mr. Williams to expand on his comments.

Mr. Williams said he has not had the staff or technology to address this issue until recently. Planner Robert Harris is beginning to look at the maps and Mr. Williams fully expects to be able to report back to Council in July or August the findings/suggestions.

Council Member Kearney asked Mr. Williams to clarify the confusion about the actual acreage involved for future reference.

Council Member Rainey moved the approval of Ordinance 15-27, *Text Amendment Removing Solar Farms Use 20.7 in Residential Agricultural (RA) Zoning Districts*. Motion seconded by Council Member Kearney, and APPROVED by the following vote: YES: NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p)

Amending the Zoning Ordinance to Include Design Standards on Solar Farms and Add Section 675'B Solar Farms and Section 1002 to the City Zoning Code. (Reference: CAF 15-44; Ordinance 15-19)

Development Service Director Williams said after three public hearings (March 9, April 6 and May 4) a planning board work session (April 28) and a special work session (May 19) the ordinance is now ready for a Public Hearing and approval by Council. Design standards have been established including a site plan, setbacks, screening and fencing, signage, noise levels, power transmission lines, inspections and inspection fees along with a decommissioning plan

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

David J. Neill, Attorney, Smith, Moore, Leatherwood, LLP, 2 Hannover Square, Raleigh Mr. Neill, speaking as a citizen, felt this ordinance should be approved as it sets strong standards.

No one else came forward to speak in favor of this rezoning, so Mayor O'Geary asked if anyone was present who wished to speak in opposition to the rezoning. No one came forward.

Mayor O'Geary then closed the Public Hearing and asked for Council's pleasure.

Council Member Daeke moved the approval of Ordinance 15-19, *Amending the Zoning Ordinance to Include Design Standards on Solar Farms and add Section 675B Solar Farms and Section 1002 to the City Zoning Code*. Motion seconded by Council Member Kearney, and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 231)

Amending the Zoning Ordinance Section 310A Table of Permitted Uses to Allow Schools with Special Use Permit in the I2 District. (Reference: CAF 15-60; Ordinance 15-05)

Development Director Williams said a text amendment has been requested to allow upper schools (high schools, magnet schools, etc.) in the I2 zoning district with a special use permit. Similar uses are already permitted in the district, and it is recommended Council approve this

amendment Mr. Williams said the petitioner, Attorney Jonathan Care was at the meeting but had to leave for another engagement and he apologized for not being able to stay.

Council Member Kearney was uncomfortable moving forward with this without the petitioner present. However, Mr. Williams explained this could be a time sensitive matter so Mr. Kearney was agreeable to move forward.

With no further discussion, Mayor O'Geary opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment. No one came forward.

Mayor O'Geary then asked if anyone was present who wished to speak in opposition to the amendment. No one came forward.

Mayor O'Geary then closed the Public Hearing and asked for Council's pleasure.

Council Member Inscoe moved the approval of Ordinance 15-05, *Amending the Zoning Ordinance Section 310A Table of Permitted Uses to Allow Schools with Special Use Permit in the I2 District*. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey, and Inscoe. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 247)

Mayor O'Geary thanked everyone for coming and presenting their concerns/comments. He said Council would be taking a 10 minute break before continuing.

Upon return Council returned to the following, tabled issue:

Rezoning Certain Property at 456 Spring Valley Road from R20, Low Density Residential, to RA, Residential/Agricultural Use.

Attorney Neill came forward and announced Mr. Edward Spain would like to *WITHDRAW* his rezoning application and the family will discuss their next step(s).

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

The City Clerk advised the Mayor and Council Members that no citizen wished to address Council at this time.

NEW BUSINESS

Approving, in Concurrence with NCDOT, the Bid Award to the Lowest Responsible Bidder for the Chavasse Widening Project and the Funding of \$87,000 for the Excess Expenses over the Estimated Cost of \$700,000 (WBS Element: 38404) (Reference: CAF 15-69; Resolution 15-41)

Interim City Manager Wyatt explained since its inception of this project, costs have increased and it is now estimated an additional \$87,000 will need to be provided by the City. However,

this amount may be deferred until the end of the project. He stated this seems to be a worthy project and would suggest Council approve moving forward.

Council Member Kearney commented he would like add any residual funds going to the Fund Balance to the funding coming from water distribution and the Powell Bill (approximately \$32,000).

Council Member Inscoe asked Assistant City Manager Frazier if there was a contingency line included in the bid. Mr. Frazier said no but he felt it is possible that the \$87,000 may not be completely used. The State's funding will be spent before using the City's additional funds. Mr. Inscoe commented that this is a good return on the investment being made for this widening project. He also asked if a start date has been established. Mr. Frazier said he will call the State in the morning and that it usually takes 2-4 weeks to mobilize a project.

There were no other questions so Mayor O'Geary asked for the pleasure of Council.

Council Member Daeke moved the approval of Resolution 15-41, *Approving, in Concurrence with NCDOT, the Bid Award to the Lowest Responsible Bidder for the Chavasse Widening Project and the Funding of \$87,000 for the Excess Expenses over the Estimated Cost of \$700,000 (WBS Element: 38404)*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: None. (*See Resolution Book 4, p 2231*)

Amending the General, Water, Sewer & Regional Water Funds to Reflect the Reimbursement to the City by Builders Mutual Insurance Company for Repairs to a Damaged Water Main. (*Reference: CAF 15-68; Ordinance 15-29, Budget Amendment #29*)

Interim City Manager Wyatt said in February a 30" regional water main was bored into by a contractor performing underground utility work along the I-85 corridor which created a major expense to the City for repair. An invoice was submitted to the contractor and payment was received in the amount of \$60,092.84 which will be budgeted to the appropriate funds if accepted.

Council Member Inscoe asked the City Manager to notify the Regional Water members of this reimbursement. Mr. Wyatt said he would do this.

There were no other questions so Mayor O'Geary asked for Council's pleasure.

Council Member Coffey moved the approval of Resolution 15-29, *Amending the General, Water, Sewer & Regional Water Funds to Reflect the Reimbursement to the City by Builders Mutual Insurance Company for Repairs to a Damaged Water Main*. Motion seconded by Council Member Kearney, and APPROVED by the following vote: YES: Daeke, Simmons, Daye, Kearney, Coffey, Inscoe, Rainey and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: None. (*See Resolution Book 4, p 251*)

Closing Out the 2013 BJA Bulletproof Vests Grant, the 2014 BJA Grant, and the 2014 Governor's Crime Commission Viper/MDT Upgrade Project Grant. (CAF 15-71, Ordinance 15-31)

Interim City Manager Wyatt said this is a routine action to close out the three grants awarded and received by the Police Department

There were no questions. Mayor O'Geary asked for Council's pleasure.

Council Member Peace-Jenkins moved the approval of Ordinance 15-31, *Closing Out the 2013 BJA Bulletproof Vests Grant, the 2014 BJA Grant, and the 2014 Governor's Crime Commission Viper/MDT Upgrade Project Grant*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Simmons, Daye, Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins and Daeke. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 255)

Accepting an Offer of \$10,000 for the Property Known as the Old City Garage Pursuant to NCGS §160A-269. (CAF 15-49-A, Resolution 15-30-A)

Interim City Manager Wyatt explained accepting this offer is contingent upon the preparation of a plat by a North Carolina licensed surveyor by the buyer for the portion of the parcel he is purchasing, along with installation of a chain link fence approved by the City and payment associated with the advertising associated with the upset bid procedure.

Council Member Kearney asked if the proceeds of this sale would be allocated to blight abatement. After a brief discussion it was the consensus of Council that 50% of the \$10,000 would go to blight abatement and 50% would go toward the additional Chavasse Avenue widening project (see Resolution 15-41).

There were no further questions. Mayor O'Geary asked for Council's pleasure.

Council Member Rainey moved the approval of Resolution 15-30-A, *Accepting an Offer of \$10,000 for the Property Known as the Old City Garage Pursuant to NCGS §160A-269*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Daye, Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke and Simmons. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 201-A)

Authorizing an Application for US Department of Justice's 2015-2016 BJA Justice Assistance Grant. (Reference: CAF 15-66; Resolution 15-39)

Interim City Manager Wyatt said this grant, which does not require a match, must be divided with Vance County's Sheriff's department. The full amount allocated by the Department of Justice is \$15,994.00. The grant will be divided in the same manner as in years past with the City being allocated 60% and the County 40%. The Police Chief plans to use the funds for two new in-car mobile camera audio/video recorders.

Council Member Daeke asked for the life expectancy of the in-car cameras. Police Chief Barrow said he is in the process of changing out the cameras to a system called WatchGuard, which is a more established, better system than currently being used. There were no questions so Mayor O'Geary asked for the pleasure of Council.

Council Member Coffey moved the approval of Resolution 15-39, *Authorizing an Application for US Department of Justice's 2015-2016 BJA Justice Assistance Grant*. Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 219)

Authorizing the Execution of a Quitclaim Deed for Property Outside City Limits Recorded in Error as Jointly Owned City/County Property. (Reference: CAF 15-78; Resolution 15-46)

Interim City Manager Wyatt explained this is a housekeeping matter as the property, located in Townsville, NC, was accidentally recorded as City/County property. The City Attorney has reviewed this quitclaim deed and has found it to be in order and approved the execution of the deed.

There were no questions. Mayor O'Geary asked for the pleasure of Council.

Council Member Inscoe moved the approval of Resolution 15-46, *Authorizing the Execution of a Quitclaim Deed for Property Outside City Limits Recorded in Error as Jointly Owned City/County Property*. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 233)

Issuing Sewer Credit for Outside Watering of Lawns, Plants and Vegetation for the June 1, 2015 through October 31, 2015 Billing Statements. (Reference: CAF 15-74; Resolution 15-42)

Interim City Manager Wyatt said this is a routine matter with Council offering this credit in an effort to reduce the cost to the customer for watering of lawns, plants and vegetation. If adopted, Council retains the right to discontinue the credit if it is not in the City's best interest due to drought and/or implementation of water conservation measures.

There were no questions. Mayor O'Geary asked for the pleasure of Council.

Council Member Rainey moved the approval of Resolution 15-42, *Issuing Sewer Credit for Outside Watering of Lawns, Plants and Vegetation for the June 1, 2015 through October 31, 2015 Billing Statements*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 225)

324 Charles Street (No CAF or Resolution)

City Attorney Edwards said he was contacted by the County Attorney asking that the City convey its portion of 324 Charles Street to the City. Mr. Edwards has reviewed the deed and found it to be in order and approves its execution.

There was no discussion so Mayor O'Geary asked Council for its pleasure.

Council Member Inscoe moved the approval of conveying the City's portion of 324 Charles Street to the County with the understanding upon sale of the property the City will receive its portion of the proceeds. Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

The City Clerk advised the Mayor and Council Members that no citizen wished to address Council at this time.

REPORTS

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

b) Interim City Manager – Mr. Wyatt reported progress is being made on the Fox Pond Trail with the help of citizens and staff alike. The trail has been cleared from the new fishing pier to north of the pond. Also, the sewer easements have been cleared so Vulcan Materials Company can hauling screening and rock to the appropriate location. He specifically thanked Mr. George Watkins and Mr. Robert Southerland, along with the Public Services Director Mike Ross, the Police Chief, Marcus Barrow, the Recreation and Parks Director Kendrick Vann and the Assistant City Manager, Frank Frazier.

Council Member Simmons asked if any pesticides have been used for mosquitos. Mr. Wyatt said pesticides have been used to kill grass and weeds but not near the public areas.

Mr. Wyatt reminded Council of the budget public hearing on June 15 and said the Fee Schedule will be sent to them for review prior to the meeting.

A meeting has been set next week for the County/City staff to discuss jointly owned property and the cost of upkeep for the City.

c) City Attorney (No Report)

d) City Clerk – (No Report)

OTHER

Engineering Director Clark Thomas distributed a memo which stated the City was not awarded the Brownfield Grant. He felt an industrial catalyst would have helped promote the City. The firm of Locklear, Locklear and Jacobs who submitted the application on behalf of the City is working with the grantee to determine what more can be done for consideration during the next round of grants.

Mayor O'Geary asked if Council was prepared to go into Closed Session. Interim City Manager Wyatt said an attorney/client matter will also be discussed during Closed Session.

CLOSED SESSION

Council Member Rainey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(6) for a Personnel Matter and G.S. §143-318.11(a)(3) for an attorney/client matter. Motion seconded by Council Member Peace-Jenkins, and unanimously approved.

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

With no further business Mayor O'Geary asked if Council was prepared to adjourn

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Peace-Jenkins, and unanimously approved. The meeting adjourned at 9:20 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk