



## **AGENDA**

### **Henderson City Council Regular Meeting**

**Monday 14 November 2016, 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. 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 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) 10 October 2016 Regular Meeting *[See Notebook Tab 1]*
- b) 28 October 2016 Special Called Meeting

## **VII. PRESENTATIONS/RECOGNITIONS**

- a) United Way Campaign – Nancy Gray and Donna Stearns

## **VIII. PUBLIC HEARING**

- a) Consideration of Approval of Ordinance 16-43 (Public Hearing), Amending the City Code and Zoning Ordinance to Include Electric Security Fences. (CAF 16-113) *[See Notebook Tab 2]*
  - Ordinance 16-43
- b) Consideration of Approval of Ordinance 16-34, Authorizing Permanently Closing a Portion of Lamb Street from Main Street to David Street (CAF 16-93-A) *[See Notebook Tab 3]*
  - Ordinance 16-34

## **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.<sup>3</sup>

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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.

## NEW BUSINESS

- a) Consideration of Approval of Ordinance 16-46, FY17 BA #17, Transferring Funds from Capital Reserve Utilities to Capital Improvement Project (CIP) Water for the Improvement of an 8" Water Main Under I-85 at Parham Road. (CAF 16-117) [See Notebook Tab 4]
- Ordinance 16-46
- b) Consideration of Approval of Resolution 16-78, Authorizing the Application for a FEMA Grant by the Henderson Fire Department in the Amount of \$148,000. (CAF 16-115) [See Notebook Tab 5]
- Resolution 16-78
- c) Consideration of Approval of Resolution 16-81, Approving a Salary Increase of 5% for the Sworn Officers of the Police Department to Align with Overall City Increase. (CAF 16-120) [See Notebook Tab 6]
- Resolution 16-81
- d) Consideration of Approval of Resolution 16-80, Authorizing the Sale of a Parcel of City Owned Land Located at 255 Andrews Avenue Recorded in Vance County Tax Deed Book 1296, Page 0007, Better Identified as PIN #0078 01012 and a Parcel of City/County Owned Land Located at 245 Andrews Avenue Recorded in Vance County Tax Deed Book 1288, Page 0283 and Better Identified as PIN #0078 01011, to Advertise for Upset Bids Per North Carolina General Statute 160A-269.(CAF 16-119) [See Notebook Tab 7]
- Resolution 16-80
- e) Consideration of Approval of 1) Resolution 16-79-A, Authorizing the Execution of a Contract for the Replacement of Wiring and Other Associated Repairs at the Regional Water Plant in the Amount of \$125,000 and 2) Ordinance 16-44, FY 17 BA #16, Amending Said Fund.(CAF 16-116-A) [To be distributed during the meeting]
- Resolution 16-79-A
- f) Consideration of Approval of Resolution 16-11-A, Industrial Park Project Bid Award. (CAF 16-26-A) [To be distributed during the meeting]
- Resolution 16-11-A
- g) Consideration of Approval of Resolution 16-45, Order to Vacate 134 S. Bullock. (CAF 16-111) [To be distributed during the meeting]
- Resolution 16-45

## CONSENT AGENDA

All matters listed under the Consent Agenda have either been previously discussed by City Council during a previous meeting and/or are considered in the ordinary course of business by the City Council and will be enacted-on by one motion and a roll call vote in the form listed. If discussion is desired by either the Council or the Audience, the item in question will be removed from the Consent Agenda and considered separately after the revised consent agenda has been approved.

- a) Consideration of Approval of Ordinance 16-47, FY17 BA #18, Closing Out the 2015 BJA JAG Grant. (CAF 16-118) [See Notebook Tab 9]
  - Resolution 16-47
- b) Consideration of Approval of Ordinance 16-41, Amending City Code Sections 7-10 and 7-11 Regarding Vehicle Registration and Vehicle Registration Tax. (CAF 16-107) [See Notebook Tab 10]
  - Ordinance 16-41
- c) Consideration of Approval of Resolution 16-75, Employee Appreciation One-Time Salary Supplement. (CAF 16-112) [See Notebook Tab 11]
  - Resolution 16-75
- d) Consideration of Approval of Resolution 16-76, Ratifying the Signing by the Mayor, City of Henderson, North Carolina of Memorandum of Agreement (MOA) for Proposed Southeast High-Speed Rail (SEHSR) Project Segment from the Virginia-North Carolina State line to Raleigh, NC, NCDOT TIP Project No. P-3819. (CAF 16-110) [See Notebook Tab 12]
  - Resolution 16-76
- e) Consideration of Approval of Tax Releases and Refunds from Vance County for the Months of September and October 2016. (CAF 16-109) [See Notebook Tab 13]

## X. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may only speak on Non-Agenda items at this time. Citizens wishing to address the Council must sign-in on a form provided by the City Clerk prior to the beginning of the meeting. The sign-in form is located on the podium. When recognized by the Mayor, come forward to the podium, state your name, address and if you are a city resident. Please review the Citizen Comment Guidelines that are provided below.<sup>4</sup>

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### <sup>4</sup> Citizen Comment Guidelines for Non-Agenda Items

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- 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;

## **XI. REPORTS**

- a)** Mayor/Mayor Pro-Tem (No Report)
  - i. Shiloh Baptist Church Resolution *[See Notebook Tab 14]*
  - ii. Vance Furniture Resolution
  - iii. Lonnie Davis, Jr. Resolution
- b)** City Manager (No Report)
- c)** Departmental Reports *[See Notebook Tab 15]*
  - i. Fire Department Monthly Report
  - ii. Police Department Monthly Report
  - iii. E-911 Monthly Report
- d)** City Attorney (No Report)
- e)** City Clerk
  - i. Meeting and Events Calendar *[See Notebook Tab 16]*

## **XII. WORK SESSION**

- a)** Consideration of Approval of Resolution 16-43-A, To Award a Bid for the Elmwood Sanitary Sewer Project for Either Option A for Division I to HG Reynolds for \$1,527,926 Funded by the Clean Water State Revolving Fund (CWSRF) Project S370410-08; or Approval of Resolution 16-43-B, Option B in the Amount of \$2,417,408, Subject to the Approval of Additional Funds as Well as Approval by the Local Government Commission. *(CAF 16-69-A) [See Notebook Tab 17]*
  - Resolution 16-43-A or 16-43-B

## **XIII. ADJOURNMENT**

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- 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.

# **City Council Minutes**

## **Regular Meeting**

### **14 November 2016**

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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 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, Henderson Water Reclamation Director Lamont Allen, Kerr Lake Regional Water Director Christy Lipscomb and Youth Services Program Manager Donna Stearns.

#### **CALL TO ORDER**

The 14 November 2016 Regular Meeting of the Henderson City Council was called to order by Mayor Eddie Ellington at 6:00 p.m. in the R. G. “Chick” Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

#### **ROLL CALL**

The City Clerk called the roll and advised Mayor Ellington a quorum was present.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

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

#### **OPENING COMMENTS**

Mayor Ellington thanked citizens for attending and their interest in the city’s business.

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

Mayor Ellington asked if there were any adjustments to the Agenda. City Clerk McCrackin said item “f” under New Business will be removed from consideration this evening. Council Member

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

## **APPROVAL OF MINUTES**

Mayor Ellington asked for any corrections to and/or approval of the minutes. Council Member Daeke moved the approval of the 10 October 2016 Regular and 28 October 2016 Special Called Meeting minutes as presented. Motion seconded by Council Member Coffey, and unanimously approved.

## **PRESENTATIONS/RECOGNITIONS**

United Way Representative Ms. Nancy Gray and Youth Services Program Manager Donna Stearns presented the 2016 United Way Campaign.

## **PUBLIC HEARING**

**Amending the City Code and Zoning Ordinance to Include Electric Security Fences.**  
*(Reference: CAF 16-113, Ordinance 16-43)*

City Manager Frazier stated staff received a request to install an electric security fence and it was discovered there no ordinance exists that addresses this issue. He then asked Development Services Director Corey Williams to explain further. Mr. Williams said this fence would be installed around a commercial property to deter theft. The Zoning Ordinance currently allows fences under the height of 15 feet without obtaining a permit but electric fences are prohibited. After review, the Planning Board recommended allowing electric security fences within the industrial/commercial districts with a special use permit. Electric fencing of agricultural uses will not require a special use permit. Mr. Williams said ordinances from Goldsboro, Rocky Mount, Morganton and Shelby, to name a few, have been studied and the proposed ordinance is what staff believes is best for Henderson.

Shortly before this Council meeting started, Cindy Williams, representative from Electric Guard Dog, LLC, the company installing the electric fence, suggested several changes to Mr. Williams regarding the proposed ordinance. (Due to a scheduling conflict, Ms. Williams was unable to attend the Planning Board meeting). Mr. Williams shared potential changes which led to Council concerns regarding the setback for a double fence and whether opaque or mesh could be used relative safety issues relating to children putting their hands through the fence.

Mayor Ellington opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment.

**Cindy Williams, Electric Guard Dog, 121 Executive Drive, Columbia, SC** Ms. Williams stated she represents Lambert Cable, the company requesting fencing to protect its inventory that has to be stored outdoors. She said the fence will be 10 feet tall and will have an alarm system attached. In case of an emergency, the local fire department would have access to a key housed in a Knox box. Ms. Williams said a 3-12 inch setback is recommended. She assured Council that the electric fence produces a short-duration pulsating shock that lasts only 3/10,000<sup>th</sup>s of a second and has been independently tested by a biomedical engineer. This

amount of electrical shock should not affect anyone with heart problems, pacemaker, etc. Ms. Williams explained if someone breaches the fence, an attached alarm would function just like a burglar alarm, with the business manager being contacted first. Both Ms. Williams and a representative from Lambert Cable, located on William Street supported this ordinance with several minor changes.

Mayor Ellington then asked if anyone else wished to speak in favor of this amendment. No one came forward so the Mayor asked if anyone was present who wished to speak in opposition to the amendment. No one came forward.

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

Council Member Daeke expressed concerns regarding the distance between the two fences.

Council Member Inscoe commented on the spacing on the chain link fencing and how difficult it would be getting a hand through. He also commented on whether the fencing should be solid or chain link, and what type fabric would be used if slats were slipped into the chain link fence.

Council Member Rainey asked about the requirements for the height of the fencing and also the style of fencing.

Council Member Williams expressed concern about children being injured.

City Manager Frazier said if Council desired more information, this could be tabled for more information.

Council Member Elliott moved to TABLE Ordinance 16-43, *Amending the City Code and Zoning Ordinance to Include Electric Security Fences* for further information. Motion seconded by Council Member Williams, and APPROVED by the following vote: YES: Williams, Coffey, Inscoe, Rainey, Elliott, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

**Authorizing Permanently Closing a Portion of Lamb Street from Main Street to David Street.** (*Reference: CAF 16-93-A, Ordinance 16-34*)

City Manager Frazier said the proposed street has been discussed previously and has been properly noticed with no written objections received. He said if Council chooses not to close the street, it should be made a one way street due to the narrowness of the pavement.

Council Member Inscoe asked if the street would be properly barricaded. Mr. Frazier said it would be barricaded properly.

With no further questions, Mayor Ellington opened the Public Hearing by asking if anyone was present who wished to speak in favor of this street closing. No one came forward so Mayor Ellington then asked if anyone was present who wished to speak in opposition to the street closing. No one came forward.

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



Council Member Inscoe moved the approval of Ordinance 16-34, *Authorizing Permanently Closing a Portion of Lamb Street from Main Street to David Street*. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Elliott, Daeke, Simmons, Daye, and Williams. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 373)

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

City Clerk McCrackin advised no citizen wished to address Council.

## **NEW BUSINESS**

**Transferring Funds from Capital Reserve Utilities to Capital Improvement Project (CIP) Water for the Improvement of an 8” Water Main Under I-85 at Parham Road.** (Reference: CAF 16-117; Ordinance 16-46, Budget Amendment #17)

City Manager Frazier reminded Council that during the June 2016 Council meeting, a water main leak along the northbound portion of I-85 at Parham Road was repaired. The cast iron main is not encased under I-85 and is lying on bedrock. During that meeting, Council authorized the Manager to proceed and it was suggested that Capital Reserve Funds be used to pay the estimated cost of \$73,457 for work performed by S.T. Wooten. The State encased the new main prior to repaving I-85 and the same will be done under the southbound lane. Reimbursement to the State will not be made until the final portion of the work is completed which may be in FY 17-18; therefore, a CIP Budget is needed.

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

Council Member Rainey moved the approval of Ordinance 16-46, *Transferring Funds from Capital Reserve Utilities to Capital Improvement Project (IP) Water for the Improvements of an 8” Water Main Under I-85 at Parham Road*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Inscoe, Rainey, Elliott, Daeke, Simmons, Daye, Williams and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 397)

**Authorizing the Application for a FEMA Grant by the Henderson Fire Department in the Amount of \$148,000.** (Reference: CAF 16-115, Resolution 16-78)

City Manager Frazier said if the department is awarded this grant it will certainly help with the city’s capital outlay for the upcoming FY17-18 Budget, and he then asked the Chief to address Council.

Chief Cordell explained the grant will be used to purchase a Mini Unicus Air Compressor/Cascade system (\$49,350) that is used by the department and volunteer departments to fill air tanks; Upgrade the air system on Rescue One (13,650) which will allow for bottles to be filled on scene; Nine (9) Self Contained Breathing Apparatus (SCBA) (\$72,000) and Five (5) Positive Pressure Ventilation Fans (\$12,500). There is a local match of \$7,400 that will be

included in the FY17-18 Fire Department budget if approved. Chief Cordell said he would appreciate Council's approval to apply for this grant.

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

Council Member Coffey moved the approval of Resolution 16-78, *Authorizing the Application for a FEMA Grant by the Henderson Fire Department in the Amount of \$148,000*. 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 155)

**Approving a Salary Increase of 5% for the Sworn Officers of the Police Department to Align with Overall City Increase.** (Reference: CAF 16-120: Resolution 16-81)

City Manager Frazier explained this request was discussed at a Human Resources meeting. He thanked Council for its commitment to Phases I-III of the Pay Class Study completed by the MAPS Group in 2013. Competitive salaries continue to be an issue and during the Human Resource Committee meeting November 8, 2016, it was recommended that this increase be approved to retain and recruit the best officers available. The increase for the remainder of FY 16-17 is approximately \$64,000 which is available in the departmental salary line item due to savings resulting from vacancies. The total cost for an entire year is approximately \$107,000. The Committee recognizes the great job the department has done in working with the citizens and would like to insure the City continues to see a decrease in crime. Mr. Frazier then asked Police Chief Marcus Barrow to elaborate on this request.

Chief Barrow began by sharing salary comparisons between Oxford, Vance County Sheriff's Department and Henderson. Overall, salaries in Henderson lag behind and the city is losing good officers to Wake Forest as its salary range greatly exceeds what Henderson currently pays. Chief Barrow was ardent as he spoke of how hard the officers work for the city and they do their jobs well. They have participated in special events such as *Shop with a Cop, No Shave November, GangFree, St. Baldricks Day, Fish with a Copy, reading at Smart Start and in the pediatric unit at the hospital*, among other things. The Chief said 56 use of force complaints were filed in 2013: this year 19 complaints have been filed; 29 complaints against officers were filed in 2013; this year 15 complaints have been filed. This year they have responded to almost 27,000 calls so the department is very busy! He stated he is losing officers after the City pays for BLET training.

Mayor Ellington thanked the Chief for an excellent presentation to the Human Resources Committee.

Council Member Elliott, as founder of GangFree, said the Chief and his officers have spent Fridays helping to unload food and they spend time playing basketball the kids. She said they have gone the extra mile.

Chief Barrow said all these things are changing the culture and help avoid major issues that other cities are currently dealing with, and he added there will be gun buyback program between now and the end of the year.

Council Member Inscoe asked for confirmation that the monies for this year will come from unfilled positions. Chief Barrow said that is correct. Mr. Inscoe asked the City Manager to provide a comparison of the FY17-18 pay study showing salary increases with and without the police department. He also mentioned market adjustments since the pay study was completed. Although this is a reoccurring expense, he wondered if funding could be found (perhaps with cuts elsewhere) to provide a greater than 5% increase next year. He also felt there should be a discussion regarding longevity pay/bonus incentives.

City Manager Frazier said the Study included a much larger increase for all employees; however, it was reduced by 18% to meet funding availability for the first year.

Council Member Coffey mentioned BLET training and once officer have passed the test they move on to other jurisdictions. The Chief said there are less BLET students to choose from now than in prior years which also hinders recruitment efforts.

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

Council Member Daeke moved the approval of Resolution 16-81, *Approving a Salary Increase of 5% for the Sworn Officers of the Police Department to Align with Overall City Increase*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Elliott, Daeke, Simmons, Daye, Williams, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: None. *(See Resolution Book 5, p 161)*

**Authorizing the Sale of a Parcel of City Owned Land Located at 255 Andrews Avenue Recorded in Vance County Tax Deed Book 1296 Page 0007 Better Identified as PIN #0078 901012 and a Parcel of City/County Owned Land Located at 245 Andrews Avenue Recorded in Vance County Tax Deed Bok 1288 Page 0283 and Better Identified as PIN #0078 01011, to Advertise for Upset Bids Per North Carolina General Statute 160A-269. (Reference: CAF 16-119, Resolution 16-80)**

City Manager Frazier reminded everyone that during the October 19, 2016 Council meeting a citizen requested the City to consider donating the property at 255 Andrews Avenue for a homeless shelter for women. This request was referred to the Land Planning Committee. Before the Committee met, an Offer to Purchase was received in the amount of \$753. The Committee met on November 2, 2016, and although a real need exists for a shelter, the Committee felt the property would not be appropriate due to the potential cost of extensive renovations. While discussing the Offer to Purchase, the Committee felt that an adjacent piece of property (245 Andrews Avenue) that is jointly owned with Vance County should be part of the sale. The City Manager has discussed with the County Manager and the County is willing to turn the property over to the City for sale. Mr. Frazier said a memo has been received by the individual making the offer to purchase the adjacent property for an additional \$250, making the total offer \$1,003. The Committee recommends approval of this resolution and requests that the City Clerk begin the process of advertising for Upset Bids with the understanding that final acceptance or rejection will be brought before Council at the appropriate time.

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

Council Member Inscoe moved the approval of Resolution 16-80, *Recorded in Vance County Tax Deed Book 1296 Page 0007 Better Identified as PIN #0078 901012 and a Parcel of City/County Owned Land Located at 245 Andrews Avenue Recorded in Vance County Tax Deed Bok 1288 Page 0283 and Better Identified as PIN #0078 01011, to Advertise for Upset Bids Per North Carolina General Statute 160A-269.* Motion seconded by Council Member Elliott, and APPROVED by the following vote: YES: Daeke, Simmons, Daye, Williams, Coffey, Inscoe, Rainey and Elliott. NO: None. ABSTAIN: None. ABSENT: None. (*See Resolution Book 5, p 159*)

**Authorizing the Execution of a Contract for the Replacement of Wiring and Other Associated Repairs at the Regional Water Plant in the Amount of \$96,252 and 2) Ordinance 16-44, FY17 BA #16, Amending Said Fund.** (*Reference: CAF 16-116-A, Resolution 16-79-A, Ordinance 16-44, Budget Amendment #16*)

As Council requested previously, City Manager Frazier said additional quotes have been obtained and Cooper Electric submitted the lowest bid. An attempt to verify all bids were for comparable material causes the delay in getting this information to Council. Mr. Frazier added there is a troubleshooting expense from A&W for approximately \$6,000.

Council Member Inscoe asked why the troubleshooting cost was so high. Kerr Lake Regional Water Director Christy Lipscomb said it took three days to locate the problems. There was also discussion about the budget amendment being more than the contract amount and the City Manager explained the amendment includes a 5% contingency for unexpected expenses.

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

Council Member Williams moved the approval of Resolution 16-79-A, *Authorizing the Execution of a Contract for the Replacement of Wiring and Other Associated Repairs at the Regional Water Plant in the Amount of \$96,252* and Ordinance 16-44, *Amending Said Fund.* Motion seconded by Council Member Inscoe, and APPROVED by the following vote: YES: Simmons, Daye, Williams, Coffey, Inscoe, Rainey, Elliott and Daeke. NO: None. ABSTAIN: None. ABSENT: None. (*See Resolution Book 5, p 159*)

**Authorizing the Closing and Vacating of 135 S. Bullock Street Due to Violation of Minimum Housing Standards.** (*Reference: CAF 16-111, Ordinance 16-45*)

City Manager Frazier said the water violation has been taken care of as of this afternoon. It was the consensus of Council to take no action at this time.

## CONSENT AGENDA

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

**Closing Out the 2015 BJA JAG Grant.** (*Reference: CAF 16-47; Ordinance 16-47; Budget Amendment #18*) This is an annual submission that shares funding between the City (\$9,596.40) and County (\$6,397.60). All grant funds have been expended; thus the closeout. (*See Ordinance Book 9, p 399*)

**Amending City Code Sections 7-10 and 7-11 Regarding Vehicle Registration and Vehicle Registration Tax.** (Reference: CAF 16-107; Ordinance 16-41) This action amends the City Code to increase the vehicle tag tax, as allowed by the State, from \$10.00 to \$20.00 as approved by Council during the FY16-17 Budget deliberations. (See Ordinance Book 9, p 387)

**Employee Appreciation One-Time Salary Supplement.** (Reference: CAF 16-112; Resolution 16-75) The FY16-17 budget included allocations for a one-time salary supplement for full-time active employees of \$200 and pro-rated based on hire date as follows: January-March 2016 (\$150); April-June (\$100); July – September 2016 (\$75); and October to distribution date (\$25). This supplement will be distributed during the holiday season. (See Resolution Book 5, p 149)

**Ratifying the Signing by the Mayor, City of Henderson, North Carolina, of a Memorandum of Agreement (OA) for Proposed Southeast High-Speed Rail (SEHSR) Project Segment from the Virginia-North Carolina State Line to Raleigh, NC NCDOT TOP Project No. P-3819.** (Reference: CAF 16-110; Resolution 16-76) The City received an MOA for review to show support of the project. The MOA provides for black aluminum fencing as rail barriers with the City’s historic district, possible boundary expansions and in the South Henderson Industrial historic district, and a phased approach for using concrete barriers and landscaping where existing road crossing are to be closed. If this project is funded, the City will be able to review and comment on the fencing specifications. The deadline for signing the document was October 16, 2016; therefore, it was necessary for the Mayor to sign the MOA and this action ratifies the Mayor’s signature. (See Resolution Book 5, p 151)

**Approval of Tax Releases and Refunds from Vance County for the Months of September and October 2016.** (Reference: CAF 16-109) The following releases/refunds are found to be in order and this action approves the tax releases and refunds for September and October.

Sept 2016 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
<b>Real &amp; Personal Property</b>			
<b>Releases</b>			
Dane Investments, LLC	Lost to Foreclosure	2013	480.29
Dane Investments, LLC	Lost to Foreclosure	2014	480.29
Dane Investments, LLC	Lost to Foreclosure	2015	480.29
American Tower Asset	State Assessed	2016	213.60
Chase Ventures, Inc.	Correct Value	2016	33.54
Coghill, John Curtis	Correct Value	2016	24.92
Dane Investments, LLC	Lost to Foreclosure	2016	124.85
Embassy Cultural Center	Adjusted Value	2016	1,088.48
Francis, Mekre	Correct Value	2016	30.45
Hernandez, Amezqva	Personal Property Billed in Error	2016	38.48
Humphries Properties	Correct Value	2016	24.92
Johnson, Mark	Personal Property Billed in Error	2016	43.62
Martinez, Andres	Personal Property Billed in Error	2016	47.68
M R Williams	Correct Value	2016	32,558.63
Ortega, Maria	Personal Property Billed in Error	2016	11.75
Speedway #8216	Personal Property Billed in Error	2016	1,520.77
Speedway #8669	Personal Property Billed in Error	2016	1,645.50
Vazquez, Maria De Jesus Medina	Personal Property Billed in Error	2016	28.55
<b>Total R&amp;P Property Releases</b>			<b>38,876.61</b>
<b>Real &amp; Personal Property</b>			
<b>Refunds</b>			
Floyd, Ronald		2016	(105.25)
Vance County-City of		2016	(212.10)
<b>Total R&amp;P Property Refunds</b>			<b>-317.35</b>
<b>Total R&amp;P Prop. Rel. &amp; Ref.</b>			<b>\$ 38,559.26</b>

Oct 2016 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
<b>Real &amp; Personal Property</b>			
<b>Releases</b>			
Crudup, Charles Edward	Taxes Lost to Foreclosure	2012	\$ 194.69
Crudup, Charles Edward	Taxes Lost to Foreclosure	2013	\$ 253.35
Crudup, Charles Edward	Taxes Lost to Foreclosure	2014	\$ 253.35
Crudup, Charles Edward	Taxes Lost to Foreclosure	2015	\$ 253.35
Champion, Loretta	Corrective/Grant Exemption	2016	\$ 178.00
Crudup, Charles Edward	Taxes Lost to Foreclosure	2016	\$ 74.72
Divine Hospitality, LL	Remove Late List	2016	\$ 2,043.19
Pawnee Leasing Corporation	Correct Value	2016	\$ 504.97
Person, Mable	Corrective/Grant Exemption	2016	\$ 35.97
<b>Total R&amp;P Prop. Releases</b>			<b>\$ 3,791.59</b>
<b>Refunds</b>			
Speedway LLC( N. Garnett)		2016	\$ (17.83)
<b>Total R&amp;P Prop. Rel. &amp; Ref.</b>			<b>\$ 3,773.76</b>

Mayor Ellington asked if anyone wished to remove an item from the Consent Agenda. There were no requests. Mayor Ellington then asked for a motion to approve the Consent Agenda.

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

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

City Clerk McCrackin advised no citizen wished to address Council.

#### **REPORTS**

- a) Mayor/Mayor Pro-Tem - Mayor Ellington commented on the resolutions that have been issued. He said Danny Flowers was at the Performing Arts Center over the weekend and a resolution was presented to him as well. The Mayor said the City was well represented at the service for former Mayor Pro-Tem Lonnie Davis. He participated in the Southern Vance Young Lives Matter march with Council Member Elliott. On a personal note, the Mayor thanked Council for standing by him during this difficult time.

Mayor Pro-Tem Rainey said he has received complaints about loud mufflers and music. Police Chief Barrow said there is an ordinance regarding these issues and it is being enforced.

Mr. Rainey said City Tire will be celebrating 60 years of service to this community on Friday and gave an invitation to staff and Council to attend.

b) City Manager

- i. Notice has been received from Duke Energy that the City will be awarded funding for four electric vehicle charging stations.
- ii. Three bids were received for street resurfacing with S.T. Wooten being the lowest bidder at approximately \$100,000 over budget so the City Engineer is working with the contractor in an attempt to reduce the bid.

- iii. The traffic light at Young Avenue and Chestnut is out again. A new circuit board is needed and will be replaced shortly by the contractor.
  - iv. A request has been received for the city to donate property on North Street for a Habitat for Humanity project. Mr. Frazier said the plan is to build a 1,500 sq. foot home and asked Council for direction. It was mentioned that this was briefly discussed at the last Land Planning Committee meeting.
  - v. Mr. Frazier thanked Council for approving the one-time salary supplement that is greatly appreciated by all the staff.
- c) City Attorney (No Report)
- d) City Clerk - Ms. McCrackin reminded Council of the following upcoming events: City Hall will be closed for the Thanksgiving Holiday November 24 and 25; Christmas Parade on November 27 with the tree lighting ceremony to follow at a new location on Breckenridge Street; Holiday Luncheon for employees and Council December 8 at Aycock Recreation Center.

## OTHER

Council Member Inscoe asked when and where the sign ordinance pamphlet will be distributed, and when the abatement period will begin. City Manager Frazier said a timeframe has not been set for implementing the ordinance and the pamphlet will be distributed to the library, Vance County's inspection office and the Chamber of Commerce, along with City Hall.

Mr. Inscoe asked what procedure is in place for how street signs are put up/replaced. He specifically mentioned a short section near Smithfield Barbeque that has 16 new signs. Mr. Frazier said the signs should have been put up by ordinance and that all but perhaps three or four signs will be removed and used elsewhere.

Mr. Inscoe also asked for a study throughout the city regarding old/unreadable signs. Mr. Frazier said he and Assistant to the City Manager Paylor Spruill have started a list, and Mr. Inscoe asked if the list could be completed by the December meeting. The Manager stated they would start on the main streets first and work out to other areas, particularly the downtown area.

Council Member Coffey asked for a resolution from the Mayor for a specific business in town, ETC. of Henderson, as they have been in business here for many years.

Ms. Coffey also said she was truly honored to be selected as one of four female veterans in North Carolina to be honored during the North Carolina State Volleyball game recently.

## WORK SESSION

**Award a Bid for the Elmwood Sanitary Sewer Project for Either Option A for Division I to HG Reynolds for \$1,527,926 Funded by the Clean Water State Revolving Fund (CWSRF) Project #CS270410-08; or Approval of Resolution 16-43-B, Option B in the Amount of \$2,417,408, Subject to the Approval of Additional Funds as Well as Approval by the Local Government Commission. (Reference: CAF 16-69-A; Resolution 16-43-A, Resolution 16-43-B)**

Engineering Director Clark Thomas explained the original project bids came in way over budget and it seemed improbable to negotiate the bids so staff reviewed the project and is now suggesting the project be broken into three segments. Option A would include I-85 to just below Chestnut Street and Option B would include the entire project which includes Option A plus Spring Street and William Street to Arch Street. Mr. Thomas said there is an opportunity to receive a lower interest rate which is currently 2% over 20 years (which was accepted by Council on December 9, 2013). He also said if Council chooses to go with Option B it could potentially cause a sewer rate increase of 1.8%.

City Manager Frazier said both options are good but realizes there are budget concerns and the desire not to raise sewer rates. He also stated approximately \$260,000 in rate stabilization funds were used to balance the sewer fun in the FY16-17 budget.

There was discussion regarding the awarding of the loan, how much of the funds have been expended, how many disruptions have occurred within the last 12/24 months, and whether Option A would put more stress on the lower section. City Engineer Thomas said the bottom section would be new with Option A so it would place any stress on the upper section. Overall Council felt they were not in favor of Option B until they had more details and had a better handle on projected increases for wastewater.

City Manager Frazier said both options are good but he recommended doing a portion of the project if there was no desire to raise sewer rates.

It was the consensus of Council to move forward with Option A as follows: YES: Williams, Coffey, Inscoe, Rainey, Elliott, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

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

## **ADJOURNMENT**

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Elliott, and unanimously approved. The meeting adjourned at 7:53 p.m.

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Eddie Ellington  
Mayor

***ATTEST:***

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Esther J. McCrackin, City Clerk