



AGENDA

Henderson City Council Regular Meeting

Monday 12 September 2016, 6:00 p.m.

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

134 Rose Avenue

Henderson, North Carolina

Mayor and City Council Members

Mayor Eddie Ellington, Presiding

Councilmember Marion B. Williams

Councilmember Sara M. Coffey

Councilmember Michael C. Inscoe

Councilmember D. Michael Rainey

Councilmember Melissa Elliott

Councilmember Garry D. Daeke

Councilmember Fearldine A. Simmons

Councilmember George M. Daye

City Officials

Frank Frazier, City Manager

D. Rix Edwards, City Attorney

Esther J. McCrackin, City Clerk

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION AND PLEDGE OF ALLEGIANCE

IV. OPENING REMARKS

In order to provide for the highest standards of ethical behavior and Transparency in Governance as well as provide for good and open government, the City Council has approved Core Values regarding Ethical Behavior¹ and Transparency in Governance². The Mayor now inquires as to whether any Council Member knows of any conflict of interest, or appearance of conflict, with respect to matters before the City Council. If any Council Members knows of a conflict of interest, or appearance of conflict, please state so at this time.

¹ **Core Value 4: Ethical Behavior:** We value the public trust and will perform our duties and responsibilities with the highest levels of integrity, honesty, trustworthiness and professionalism.

² **Core Value 10: Transparency in Governance:** We value transparency in the governance and operations of the City.

V. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA

VI. APPROVAL OF MINUTES

- a) 8 August 2016 Regular Meeting [*See Notebook Tab 1*]
- b) 24 August 2016 Special Called Meeting

VII. PUBLIC HEARING

- a) Consideration of Approval of Ordinance 16-36, Amending the Zoning Ordinance To Allow Outdoor Advertising Signs as a Special Use Permit in the Industrial Park District (I-1) Section 310A Table of Permitted Uses; Article Section 400, Section 412.1 and 412.2; Article 1000 Definitions, Section 1002 Defining Billboard Signs and Off Premise Signs. (*CAF 16-76*) [*See Notebook Tab 2*]
 - Ordinance 16-36
- b) To Conduct a Public Hearing Relative to the Use of Loan Proceeds to Renovate the Former City Municipal Building; and 2) Consideration of Approval of Resolution 16-65, Authorizing a Loan Agreement with Benchmark Community Bank in the amount of \$600,000 for Renovation of the Former City Municipal Building at 110 Young Street. (*CAF 16-96*) [*See Notebook Tab 3*]
 - Resolution 16-65

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.³

³ Citizen Comment Guidelines for Agenda Items

The Mayor and City Council welcome and encourage citizens to attend City Council meetings and to offer comments on matters of concern to them. Citizens are requested to review the following public comment guidelines prior to addressing the City Council.

- 1) Citizens are requested to limit their comments to five minutes; however, the Mayor, at his discretion, may limit comments to three minutes should there appear to be a large number of people wishing to address the Council;
- 2) Comments should be presented in a civil manner and be non-personal in nature, fact-based and issue oriented. Except for the public hearing comment period, citizens must speak for themselves during the public comment periods;
- 3) Citizens may not yield their time to another person;
- 4) Topics requiring further investigation will be referred to the appropriate city official, Council Committee or agency and may, if in order, be scheduled for a future meeting agenda;
- 5) Individual personnel issues are confidential by law and will not be discussed. Complaints relative to specific individuals are to be directed to the City Manager;
- 6) Comments involving matters related to an on-going police investigative matter and/or the court system will not be permitted; and
- 7) Citizens should not expect specific Council action, deliberation and/or comment on subject matter brought up during the public comment section unless and until it has been scheduled as a business item on a future meeting agenda.

IX. OLD BUSINESS

- a)* Consideration of Approval of Ordinance 16-31, FY17 BA #8, Authorizing the Appropriation of \$20,000 from the CIP Sewer Contingency Line to the Legal/Administration Line of the Water Reclamation Renovation Project. (CAF 16-88) [See Notebook Tab 4]
- Ordinance 16-31

X. NEW BUSINESS

- a)* Consideration of Approval of Resolution 16-12-B, Acceptance of a Technical Assistance Grant Relative to Asset Management and Sanitary Sewer Modeling to Meet the Guidelines of the North Carolina State Department of Environmental Quality Resources. (CAF 16-13-B) [See Notebook Tab 5]
- Resolution 16-12-B

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 16-52, Adopting a Special Events Policy and Manual for the Special Events Permit Process; and 2) Ordinance 16-22, Establishing the Associated Permit Application Fee at \$25.00. (CAF 16-04-A) [See Notebook Tab 6]
- Resolution 16-52
- b)* Consideration of Approval of Ordinance 16-35, FY17 BA #9, Closing Out CIP Water Fund 2” Water Line Project 43-850 and BA #10, Closing Out CIP Regional Water Fund Pipe Repair Project 46-941. (CAF 16-62) [See Notebook Tab 7]
- Ordinance 16-35
- c)* Consideration of Approval of Resolution 16-63, Authorizing the Application for a Wal-Mart Community Grant by the Henderson Fire Department in the Amount of \$2,500. (CAF 16-94) [See Notebook Tab 8]
- Resolution 16-63

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 (No Report)
- b)** City Manager (No Report)
- c)** City Attorney (No Report)
- d)** City Clerk
 - i. Meeting and Events Calendar [*See Notebook Tab 9*]
 - ii. E-911 Monthly Report
 - iii. Fire Department Monthly Report

XIII. CLOSED SESSION

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

XIV. WORK SESSION

- a)** Consideration of Approval of 1) Resolution 16-66, Authorizing Use of General Fund Contingency for City Redevelopment Project; and 2) Ordinance 16-37 FY17 BA #11, Transferring the Funds from the General Fund Contingency and Establishing a CIP Budget for Redevelopment. (*CAF 16-97*) [*See Notebook Tab 10*]
 - Resolution 16-66
 - Ordinance 16-37

XV. ADJOURNMENT

⁴ Citizen Comment Guidelines for Non-Agenda Items

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- 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

12 September 2016

PRESENT

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

ABSENT

Council Member George M. Daye

STAFF PRESENT

City Manager Frank Frazier, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Finance Director Joseph Fuqua, Fire Chief Steve Cordell, Assistant Fire Chief Curtis Tyndall, Assistant to City Manager Paylor Spruill, Engineering Director Clark Thomas, Planner Robert Harris, Kerr Lake Regional Water Director Christy Lipscomb, Human Resources Director Cathy Brown, Interim Henderson Water Reclamation Director Lamont Allen and Interim Public Services Director Andy Perkinson.

CALL TO ORDER

The 12 September 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 welcomed both citizens and staff.

Council Member Coffey thanked everyone for their thoughts, prayers, cards and visits during the passing of her granddaughter.

Authorizing a Loan Agreement with Benchmark Community Bank in the Amount of \$600,000 for Renovation of the Former City Municipal Building at 110 Young Street.
(Reference: CAF 16-96, Resolution 16-65)

City Manager Frazier reminded Council that this is a project to renovate the old police station that has been discussed previously and is included in the FY16-17 budget. The Local Government Commission will need to review and approve the loan prior to the City closing on the loan, as well as awarding a contract for the construction. Mr. Frazier said several banks were asked to submit bids and staff felt Benchmark presented the best fixed term rate in conjunction with other requirements as listed in the responses. If approved by the Commission, the next step will be to take bids for the project and then this will be brought back to Council for final approval.

Council Member Inscoe clarified this renovation also includes the upstairs living quarters of Fire Station #2.

Council Member Rainey asked how many tenants the buildout will allow and Council Member Inscoe said multi-tenants could use the space.

With no other discussion, Mayor Ellington opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment. No one came forward so Mayor Ellington then 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 Rainey moved the approval of Resolution 16-65, *Authorizing a Loan Agreement with Benchmark Community Bank in the Amount of \$600,000 for Renovation of the Former City Municipal Building at 110 Young Street.* Motion seconded by Council Member Inscoe, and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Elliott, Daeke, Simmons and Williams. NO: None. ABSTAIN: None. ABSENT: Daye. (See Resolution Book 5, p 129)

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

City Clerk McCrackin advised no citizens wished to address Council.

OLD BUSINESS

Authorizing the Appropriation of \$20,000 from the CIP Sewer Contingency Line to the Legal/Administration Line of the Water Reclamation Renovation Project. (Reference: CAF 16-88, Ordinance 16-31)

City Manager Frazier said this request is to move \$20,000 into the appropriate budget line item to cover future invoices for services performed by Poyner & Spruill in working out a takeover agreement with the surety company for the completion of the Henderson Water Reclamation Facility renovation project.

Authorizing the Application for a Wal-Mart Community Grant by the Henderson Fire Department in the Amount of \$2,500. (Reference: CAF 16-94; Resolution 16-63) This action will enable the Fire Department to purchase a Bright Link 595 Wi-Interactive 3 LCD Projector that will be used during fire prevention classes. (See Resolution Book 5, p 125)

Mayor Ellington asked if anyone wished to remove an item from the Consent Agenda. There were no requests so Mayor Ellington asked for how Council wished to proceed.

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

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised one citizen wished to address Council.

Mark Sanders, 516 Birch Circle Mr. Sanders has addressed Council before regarding concerns he has regarding Birch Circle. He thanked the City for the work that has been done but felt there are trees on City property that need to be removed and he also asked that some type of barricade be placed over the end of a drainage ditch outlet.

City Manager Frazier said he would discuss these issues with staff and will have Mr. Andy Perkinson, Interim Public Services Director, contact Mr. Sanders regarding his concerns.

REPORTS

- a) Mayor/Mayor Pro-Tem – Mayor Ellington reported on the excellent turnout for the Ducky Derby downtown, events at the Recreation Center and also the Gang Free cookout held by Council Member Elliott
- b) City Manager -
 - i. The final invoice for the Chavasse Avenue project has been received. It was \$78,382.37 which is in line with what was anticipated.
 - ii. Work continues with the engineers regarding the KLRW expansion and more meetings are anticipated. There may be a need for a special called meeting depending on the outcome of these meetings
 - iii. The Recreation and Parks Advisory Board needs more time to consider the changes proposed for the South Henderson ballfield. It is unknown when there will be further movement on this project.
 - iv. The Elmwood Cemetery project is moving forward with the bid opening date set for September 27th. Several contractors have expressed an interest in this project.
 - v. NCDENR DEQ Secretary van der Vaart will be at the HWRF on Thursday, September 15th to view the plant renovations and how the loan helped the City with this project.

Council Member Williams shared her grandson has juvenile diabetes and asked anyone interested to join her in the Juvenile Diabetes walk being held in Raleigh on October 22nd.

Lastly, Mr. Frazier said there have been some questions recently regarding cloudy and/or discolored water. He said there is nothing wrong with the water and wanted Council to know this in case they receive any calls from citizens.

With no further discussion, Mayor Ellington asked if Council was prepared to go into Closed Session and stated there would be no announcement following the session.

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

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

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

ADJOURNMENT

Council Member Daeke moved for adjournment. Motion seconded by Council Member Elliott, and unanimously approved. The meeting adjourned at 7:12 p.m.

Eddie Ellington
Mayor

ATTEST:

Esther J. McCrackin, City Clerk