

City Council Minutes

Regular Meeting

December 11, 2017

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 Simmons, George M. Daye and Council Member-Elect William Burnette

ABSENT

STAFF PRESENT

City Manager Frank Frazier, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Finance Director Joseph Fuqua, Police Chief Marcus Barrow, Assistant Fire Chief Curtis Tyndall, Assistant to City Manager Paylor Spruill, Engineering Director Clark Thomas, Public Services Director Andy Perkinson, Development Services Director Corey Williams, Kerr Lake Regional Water Director Christy Lipscomb and Recreation and Parks Director Kendrick Vann.

CALL TO ORDER

The 11 December 2017 Regular Meeting of the Henderson City Council was called to order by Mayor Eddie Ellington at 6:00 p.m. in the R. G. “Chick” Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

OPENING COMMENTS

Mayor Ellington welcomed all those in attendance to this special meeting where Council says farewell to members no longer serving and welcomes members beginning their term of office.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Ellington asked if there were any adjustments to the Agenda. City Clerk McCrackin asked for Council's approval to move item "d" from New Business (*Rejecting Existing Offers to Purchase 213 S. Garnett Street, Better Known as the First National Bank Building*) to Old Business, and also there is a need for a Closed Session, pursuant to NCGS 143-318.11(3) for an Attorney Client matter. Council Member Coffey moved to accept the Agenda as adjusted. Motion seconded by Council Member Rainey, 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 13 November Regular meeting and the 28 November Special Called meeting, as presented. Motion seconded by Council Member Simmons, and unanimously approved.

PRESENTATION

At this time, Mayor Ellington called on Council Member Elliott to make a special presentation to Clifford Kweli High for his voluntary services. Ms. Elliott asked Mr. High and his parents to come forward where Dr. Jeanette Floyd, education director at GangFree presented a \$400 scholarship to Mr. High in recognition of his willingness to contribute over 150 hours of community service.

Due to unforeseen circumstances, Human Resources Director Cathy Brown was unable to attend this evening. Her last day at City Hall is December 22, 2017.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address Council.

OLD BUSINESS

Regarding the Donation of Two Parcels of Land: One Located on High Street (PIN #0020 04015) and One Located on Booth Street (PIN #0091 04010). (*Reference: CAF 17-93, Resolution 17-93*)

City Manager Frazier explained two parcels of land have been offered to the City as a donation. He said the Booth Street property is located on an unopened street and both are wooded lots. He suggested the donation be accepted as conservation areas or perhaps for stormwater or other uses. This donation has been considered by the Land Planning Committee and came to no specific conclusion; therefore, Council is being asked to make a decision as to whether the donation should be accepted. Staff recommends acceptance of the parcels as part of the city's redevelopment effort and land banking of various properties that could lead to future uses for the properties.

Council Member Inscoe clarified that these lots are non-conforming and a special use permit would be required for use. He also said, personally, he did not feel the city should be in the real

estate business and he was not in favor of accepting this donation. Council Member Coffey commented that the lots had to be less than 50 feet if they were non-conforming.

Council Member Daeke asked about the possibility of these lots being combined with adjacent property. Mr. Frazier said that would be a possibility.

There were no other comments so Mayor Ellington asked Council how it would like to proceed.

Council Member Inscoe moved the approval of Resolution 17-93, *Regarding the Donation of Two Parcels of Land: One Located on High Street (PIN #0020 04015) and One Located on Booth Street (PIN #0091 04010)* to reject the offer. Motion seconded by Council Member Rainey, and the rejection was APPROVED by the following vote: YES: Williams, Coffey, Inscoe, Rainey, Elliott, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

Rejecting Existing Offers to Purchase 213 S. Garnett Street, Better Known as the First National Bank Building. (*Reference: CAF 17-120 Resolution 17-94*)

City Manager Frazier said this was discussed during the December 6, 2017, Land Planning Committee meeting. Currently the City Clerk is holding deposits from three bidders for this property with offers of \$750, \$2,000 and \$2,500. The committee strongly recommended that these bids be rejected and that certain guidelines and restrictive covenants be imposed on the property before accepting any further bids on the property. Once these guidelines are in place, the three individuals, along with anyone else will know the restrictions and may submit a bid. If approved, the City Clerk will contact the three individuals and return their deposits.

There was no discussion. Mr. Frazier shared a copy of a \$5.00 bill from the First National Bank of Henderson that has been incorporated by reference and hereby made part of these minutes. Mayor Ellington asked Council how it wished to proceed. The Manager stated that the staff and City Attorney were working on these guidelines/covenants and should be able to bring this back for approval at the next council meeting.

Council Member Coffey moved the Approval of Resolution 17-94, *Rejecting Existing Offers to Purchase 213 S. Garnett Street, Better Known as the First National Bank Building.* Motion seconded by Council Member Williams, and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Elliott, Daeke, Daye and Williams. NO: Simmons. ABSTAIN: None. ABSENT: None.

REORGANIZATION OF COUNCIL

Presentations to and Remarks by Outgoing Council Members

Mayor Ellington asked North Carolina Representative Terry Garrison to step forward to present Council Member Inscoe with the Old North State Award. Representative Garrison brought greetings from Senator Angela Bryant by saying she greatly appreciated the opportunity to work with Mr. Inscoe and felt their most memorial accomplishment together was obtaining the IBT Permit. Mr. Garrison said as a long-time friend, he knows Mr. Inscoe will be missed not only by the City but also by the County and the citizens of Henderson.

Next, the City Manager presented Mr. Inscoe with recognition from the North Carolina League of Municipalities and lastly the Mayor presented a Resolution from Council along with a key to the City. The Mayor said this is a bittersweet time for him as he has worked with Mr. Inscoe for many years and reminded Mr. Inscoe that he is only a phone call away.

Mr. Inscoe was overwhelmed but managed to say he was overwhelmed. He first thanked the citizens for allowing him to serve as a Council Member for 10 years. He recognized the privilege and honor it has been to serve the citizens during this time. He recognized the staff by saying he has worked with three managers and two city attorneys during his tenure. Mr. Inscoe closed by quoting his mother who always told him we all have problems but we should look at them as opportunities. Mr. Inscoe said the city and this council will face many opportunities and he encouraged council to make the right decisions for the entire community. He appreciated the professionalism of the councils he has served on and said he has been very fortunate to have this experience.

Council Member Rainey addressed Mr. Inscoe saying it has been a pleasure serving with him on the council. He has learned a lot from Mike and appreciated Mike's professionalism in everything he has done. Mr. Rainey said Mr. Inscoe will be missed and wished him the very best.

Mayor Ellington also wished Mr. Inscoe well by saying "*well done good and faithful servant.*"

Swearing in of New Council Members

At this time, Mayor Ellington asked Judge Caroline Burnette to come forward to begin the swearing in portion of this meeting.

Judge Burnette thanked Council for this honor and began with swearing in the returning Council Members Sara M. Coffey, Garry D. Daeke and Fearldine A. Simmons. Judge Burnette then swore in the one new Council Member, Mr. William Burnette. Each member had family and/or friends join them as they took their Oath of Office.

Council Member Burnette said that Mr. Inscoe is leaving big shoes to fill and thanked him for his service.

At this time, Mayor Ellington requested a short recess.

Council Member Coffey moved to recess and the motion was seconded by Council Member Rainey, and unanimously approved.

RECESS

Council recessed for approximately 20 minutes so family, friends and citizens could greet the outgoing and incoming Council.

Once Council returned to Council Chambers, Mayor Ellington asked for a motion to reconvene.

Council Member Rainey moved to reconvene this meeting. Motion was seconded by Council Member Coffey, and was unanimously approved.

(Clerk's Note: Council Member Elliott asked to be excused from the meeting at 7:05 p.m.)

At this time, Mayor Ellington asked the City Clerk to call the roll.

ROLL CALL

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

PUBLIC HEARING

Amending the Zoning Ordinance Article 310A: Permitted Uses, to Allow Administrative Approval for B3 (Shopping Center District) and B4 (Neighborhood Commercial District) to Amend Article 1000: Section 1002 to Define Veterinarian Hospital, Veterinarian Clinic and Kennels. *(Reference: CAF 17-117, Ordinance 17-43)*

City Manager Frazier asked Development Services Director Corey Williams to explain this amendment more fully.

Mr. Williams said Mr. Timothy Jordan (176 Lakewood Drive, Aberdeen NC), submitted a petition to open a satellite clinic next door to Petsense on Dabney Drive. This amendment would allow administrative approval of veterinary clinics in the B3 and B4 districts. Mr. Williams added that the amended ordinance incorporates the North Carolina Department of Agriculture regulations that govern animal services regarding kennels, veterinary clinics and veterinary hospitals.

Council Member Williams asked that the B4 district be described in detail. Mr. Williams said it is typically in an area with no single-family homes but where you would find multi-dwellings and small businesses.

With no other questions, 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 Ordinance 17-43, *Amending the Zoning Ordinance Article 310A; Permitted Uses, to Allow Administrative Approval for B3 (Shopping Center District) and B4 (Neighborhood Commercial District) to Amend Article 1000; Section 1002 to Define Veterinarian Hospital, Veterinarian Clinic and Kennels.* Motion seconded by Council Member Burnette, and APPROVED by the following vote: YES: Daeke, Simmons, Daye, Williams, Coffey, Burnette and Rainey. NO: None. ABSTAIN: None. ABSENT: Elliott.

NEW BUSINESS

Appointment of Mayor Pro Tempore

Mayor Ellington called for nominations for the appointment of Mayor Pro Tempore. Council Member Rainey said he has served as Mayor Pro-Tem for several years but felt it was time to step aside and nominated Council Member Daeke. Council Member Williams nominated Council Member Coffey. Mayor Ellington asked Council if they preferred to vote by voice, show of hands or written ballot. Council chose to use a written ballot. The City Clerk distributed cards for Council to write their choice on for Mayor Pro-Tem and each council member signed the card. The Clerk then collected the card, tallied the vote and announced that Council Member Daeke received four (4) votes and Council Member Coffey received three (3) votes as follows: Votes for Council Member Daeke were as follows: Simmons, Rainey, Burnette, and Daeke. Votes for Council Member Coffey were as follows: Daye, Coffey and Williams.

Appointment of City Manager Frank Frazier, City Attorney D. Rix Edwards and City Clerk Esther J. McCrackin

Council Member Rainey moved for the appointment of Frank Frazier as City Manager, D. Rix Edwards as City Attorney and Esther J. McCrackin as City Clerk. Motion was seconded by Council Member Daeke, and APPROVED by the following vote: YES: Daye, Williams, Coffey, Burnette, Rainey, Daeke and Simmons. NO: None. ABSTAIN: None. ABSENT: Elliott.

Amending Division 4: Speed Limits Section 7-48(d) Thirty-Five (35) Miles Per Hour, Along Ross Mill Road (SR 1310) From Industry Drive (SR 1422) to Approximately 350 Feet Southwest of Comfort Drive. (Reference: CAF 17-118; Ordinance 17-44)

City Manager Frazier stated Staff has been working with the North Carolina Department of Transportation (DOT) and Vance Charter School to improve traffic flow during the drop-off and pickup hours at the school. The DOT recommended imposing a 35 mph school zone that would be in effect from 30 minutes before school begins until 30 minutes after school ends. Mr. Frazier said the ordinance before Council recommends a 35 mph school zone; however, the DOT has already installed signs that say the speed limit is 25 mph. He has contacted the DOT for verification as to whether the speed limit should be 25 or 35 and anticipates a response by the end of the week.

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

Council Member Williams moved the approval of Ordinance 17-44, *Amending Division 4: Speed Limits Section 7-48(d) Thirty-Five (35) Miles Per Hour, Along Ross Mill Road (SR 1310) From Industry Drive (SR 1422) to Approximately 350 Feet Southwest of Comfort Drive*. Motion seconded by Council Member Simmons, and APPROVED by the following vote: YES: Williams, Coffey, Burnette, Rainey, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Elliott.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address Council.

REPORTS

- a) Mayor/Mayor Pro-Tem - The Mayor reported on several events, including the announcement of MAKO opening a facility in Henderson, Jobs/No Guns at Shiloh Baptist Church, Rebuilding Communities and the Christmas parade. Mayor Pro-Tem gave kudos to the city for supporting the new industry and said it presents a positive outlook. He said he has attempted to serve the community well as Mayor Pro-Tem and wished everyone a Merry Christmas.
- b) City Manager – Mr. Frazier reported on the following:
1. Mr. Frazier read part of the letter sent to Council by Clementine Hunter who expressed concerns specifically about the condition of both Beckford and Dabney Drive. Both of these roads are State roads but he said Beckford Drive is scheduled to be repaved. He said that we are nearing the end of the season when weather conditions are conducive for paving so he could not say for sure when the resurfacing will be done. Regarding Dabney Drive, the State is looking at making major changes to the road but no timeframe has been provided. This could affect whether or not the road gets resurfaced prior to the upgrade and/or major changes to the Dabney Drive corridor.
 2. Mr. Frazier asked Engineering Director Clark Thomas to give an update on the city's paving projects. Mr. Thomas said there is approximately \$30,000 remaining of the \$399,000 budgeted for this project. These funds could pave one or two more streets or there are shoulder drops that could be raised. Mr. Daeke felt the priority should be shoulder work. Council Member Daeke asked if the funds could be used for sidewalks. Mr. Frazier said yes, but that the funds are limited. Council Member Williams asked about using the funds to fill potholes. Mr. Frazier felt these funds should be used for the major work whereas the city can fill potholes year round with the operating budget. Ms. Williams asked about curb work. Mr. Frazier said Council should contact him with any curb or pothole problems as they become aware of them.
 3. Bids have been received for repairing the roof at Abagayles Books Store with the lowest being \$18,000. Mr. Frazier has talked with the County Manager, and said the County plans to discuss this at its next meeting that will be in January. Council Member Coffey asked if the County has requested any bids for this project. Mr. Frazier said as the City has the lead on this project that they would not have requested any bids and passed on to the City for handling.
 4. The Recreation Department is looking into the cost of replacing signage for various parks and other areas referencing the department. Information will be forthcoming in January.
 5. The Kerr Lake Advisory Board met this morning. There are some important issues coming up the first part of January that may require Council to meet during a special called meeting.

6. Council is invited to the employee appreciation luncheon this Thursday at the Operations Center.
 7. Mr. Frazier will be off for the Christmas Holiday December 28 and 29, 2017.
- c) City Attorney - (No Report)
- d) City Clerk – The Clerk reminded Council of the following upcoming events: Cops on Top, JCPC Breakfast, and she mentioned the Annual Awards Banquet that will be held in February. She wished everyone Happy Holidays and said she will be out of the office from December 20 through the 27th.

OTHER

Council Member Williams said the Christmas on the Farm event will be held December 17 at 5:00 p.m. on Lone Street between Hamilton and Pearl streets. Any vegetables left over from the growing season are used to make a huge pot of soup for citizens to partake of and it is also a time of singing Christmas carols.

Council Member Coffey said although the City was not in charge of the Christmas parade, she has received several calls about the suggestive nature of some of the participants and the dance routines. She asked if something could be done to avoid this problem in the future. Council Member Daeke said at one time that there was a clause in the application about inappropriate behavior. The Mayor suggested contacting Ms. Alice Sallins who has been in charge of the parade for the last several years.

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

CLOSED SESSION

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

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

Mayor Ellington asked if there was any further business or if Council was prepared to adjourn.

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Daye, and unanimously approved. The meeting adjourned at 8:08 p.m.

Eddie Ellington
Mayor

ATTEST:

Esther J. McCrackin, City Clerk

