



AGENDA

Henderson City Council Regular Meeting

Monday 12 February 2018, 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 William Burnette
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 January 2018 Regular Meeting. [See Notebook Tab 1]*

VII. PRESENTATIONS/RECOGNITIONS

- a) DDC Update (Kaine Riggan)*
b) Introduction of New Human Resource Director

VIII. PUBLIC HEARING

- a) Consideration of Approval of Ordinance 18-02, Amending the Zoning Ordinance Regarding Temporary Homeless Shelters. (CAF 18-11) [See Notebook Tab 2]*

- Ordinance 18-02

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. OLD BUSINESS

- a) Consideration of Approval of Resolution 18-05, Supporting Funding for the Beckford Drive (SR 1165) Widening Project with High Impact Funds in the Amount of \$400,000. (CAF 18-05-A) [See Notebook Tab 3]*

- Resolution 18-45

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.

b) Consideration of Approval of Ordinance 18-03, Authorizing the Closing and Vacating of 135 S. Bullock Street Due to Violation of Minimum Housing Standards. (CAF 18-07) [See Notebook Tab 4]

- Ordinance 18-03

XI. NEW BUSINESS

a) Consideration of Approval of Resolution 18-06, Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2017. (CAF 18-12) [See Notebook Tab 5]

- Resolution 18-06

b) Consideration of Approval of Resolution 18-07, Consideration of Approval of Resolution 18-07, Directing the Clerk for the City of Henderson, North Carolina (City) to Investigate the Sufficiency of Three Annexation Petitions: 1) The Salvation Army (Ross Mill Road); 2) 409 Birch Street; and 3) 416 Birch Street; (CAF 18-13) [See Notebook Tab 6]

- Resolution 18-07

c) Consideration of Approval of Resolution 18-09, Awarding a Contract for the Young Avenue Asbestos Cement Line Replacement Project #WIF-1911. (CAF 18-15) (Materials to be Distributed Monday Evening)

- Resolution 18-09

XII. 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 18-10, Approving Appointments to the Recreation and Parks Commission and the Community-Wide Advisory Board. (CAF 18-16) [See Notebook Tab 7]

- Resolution 18-10

b) Tax Releases and Refunds from Vance County for the Month of December 2017. (CAF 18-10) [See Notebook Tab 8]

XIII. 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

XIV. 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. Public Utilities Monthly Report
 - iv. Fire Department Monthly Report

XV. WORK SESSION

- a)** Consideration of 1) Ordinance 18-04, Small Wireless Communications Infrastructure Deployment, and 2) Resolution 18-04, Amending the Annual Fee Schedule to Include Small Cell Wireless Application Fees. (CAF 18-08) [See Notebook Tab 10]
 - Ordinance 18-04
 - Resolution 18-04
- b)** Consideration of Amending Text for Chapter 23 Regarding Violations and Process to Post Properties in Violation. (Materials to be Distributed Monday Evening)

XVI. ADJOURNMENT

⁴ 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;
- 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
January 8, 2018

PRESENT

Mayor Eddie Ellington, Presiding; and Council Members Marion B. Williams, Sara M. Coffey, William Burnette, D. Michael Rainey, Garry D. Daeke, Fearldine Simmons, and George M. Daye

ABSENT

Council Member Melissa Elliott

STAFF PRESENT

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

CALL TO ORDER

The 8 January 2018 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 Burnette led those present in a prayer and the Pledge of Allegiance.

OPENING COMMENTS

Mayor Ellington welcomed everyone and said his hope is for 2018 to be a good year for the City.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Ellington asked if there were any adjustments to the Agenda. Council Member Williams moved to accept the Agenda as presented. 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 Coffey moved the approval of the 11 December 2017 Regular Meeting minutes as presented. Motion seconded by Council Member Williams, and unanimously approved.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address Council.

OLD BUSINESS

Authorizing the Closing and Vacating of 135 S. Bullock Street Due to Violation of Minimum Housing Standards. (Reference: CAF 18-07; Ordinance 18-03)

City Manager Frazier summarized this request by saying this was brought before Council originally in November 2017, and then an extension was given to the owner, Mr. Frank Bullock. Currently the dwelling has no water/sewer or electrical service. The expectation of Mr. Bullock was that he would meet the minimum housing code requirements. As of today, he has failed to meet those requirements. However, he is here this evening and he brought a partial payment which Mr. Frazier advised him needed to bring to the Collections Department in the morning.

Council Member Rainey asked Development Services Director Corey Williams if anything has changed since November. Mr. Williams said the status is the same.

Council then asked Mr. Bullock to come forward to answer a few questions. Mr. Bullock said he brought \$150 with him this evening and needs another pay period and help from family to be able to pay the \$530 in full.

Council Member Coffey asked if he was working. Mr. Bullock said he has a construction job with Mr. Towns.

Mayor Ellington asked if he is living in the house. Mr. Bullock said he is and mentioned a problem with the pipes due to the cold weather. Ms. Coffey then asked how long he had been living in the house. Mr. Bullock said since last January. Council Member Williams expressed concern for Mr. Bullock's safety and wellbeing by asking if he is able to stay elsewhere if he is unable to have the utilities turned back on.

Council Member Daeke expressed concern because the existing ordinance is a law and a complaint has been brought to council regarding this situation. Mr. Bullock said it is important for him to be able to enter his house because that is where he stores his belongings.

Council Member Williams asked how much he owes on both his utilities. The water/sewer bill is \$530 and he said he owes \$600 for electric.

Like all the Council Members, Ms. Coffey said she does not like the idea of displacing someone but mentioned this could set a precedent for other violations. She then asked if Mr. Bullock had set up any type of agreement for payment. Mr. Frazier said an agreement cannot be entered into until a payment is made.

Council Member Rainey asked if there would be any ramifications if Mr. Bullock was given until the next Council meeting to pay in full. City Attorney Edwards suggested a continuance based on a certain number of days with a certain payment and proof of that payment. Mr. Rainey then suggested Mr. Bullock be given until the next regular Council Meeting (February 12, 2018) to meet the minimum housing standards and that he must bring proof of payment for water/sewer and electric.

Council Member Rainey made a motion to allow Mr. Frank Bullock until February 12, 2018 to comply with the minimum housing standards and to bring Council proof that water/sewer and electric are paid in full and properly functioning. Motion seconded by Council Member Burnette and APPROVED by the following vote: YES: Williams, Coffey, Burnette, Rainey, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Elliott. (*See Ordinance Book 9, p 497*)

NEW BUSINESS

First National Bank Building Preservation Easement. (*Reference: CAF 18-02; Resolution 18-02*)

City Manager Frazier said at the December meeting Council approved the creation of guidelines and restrictions to protect the historical character of the structure prior to accepting any further bids to purchase. He then asked Assistant to the City Manager Paylor Spruill to provide the highlights of this agreement. Mr. Spruill said he reviewed the Conservation and Historic Preservation Agreements Act. Based on this agreement, a municipality can forbid or limit alterations of a property, changes to its appearance and uses not historically appropriate. He highlighted the desire to have the roof and skylight to its original condition, and retaining the exterior consistent with the character of the building. He also said the front doors should portray what they would have looked like in the 1920's and said the First National Bank sign at the rear of the building should be retained. Lastly, he mentioned a small portion of the interior of the building should become a vestibule to exhibit what the interior would have looked like originally.

Council Member Rainey asked about the structural engineering costs. Mr. Frazier said that cost would be the responsibility of the buyer. He said the only cost the City will incur is the recording of the preservation easement at the Vance County Registry of Deeds.

Council Member Daeke expressed concern about the vestibule requirement as he felt it would prohibit the sale of the building. He asked Mr. Spruill for an estimate of the cost. Mr. Spruill said he would guess \$30,000 to \$40,000.

Council Member Simmons mentioned one of the previous offers mentioned a desire to take the building to “pristine” condition. She said she did not know what that meant but felt the bidder must have realized what it would take to bring the building to that condition.

City Attorney Edwards reminded Council that the restrictions created by this easement can be changed by Council if the need arose.

Council Member Williams asked if there are any grants available to individuals for this type or renovation. Mr. Spruill said he did not know.

Following a discussion about the existing signage on the building, it was the decision of Council that a section be added to the easement saying signage must meet the approval of Council.

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

Council Member Rainey moved the approval of Resolution 18-02, *First National Bank Building Preservation Easement* with the addition of a clause added to the agreement regarding Council’s approval of signage. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Coffey, Burnette, Rainey, Daeke, Simmons, Daye and Williams. NO: None. ABSTAIN: None. ABSENT: Elliott. (*See Resolution Book 6, p 31*)

Authorizing the Demolition of 405 S. Garnett Street Jointly Owned Property and the Execution of a Contract with Buffalo Creek Clearing & Demolishing. (*Reference: CAF 18-01; Resolution 18-01*)

City Manager Frazier said this matter has been discussed extensively over the past several months. The City and County now own the building and the City has received three bids for the demolition of the structure. The Land Planning Committee reviewed the bids during its December 6, 2017, meeting and recommended that the City and County share equally the demolition costs of the building. Buffalo Creek Clearing and Demolishing was the lowest bidder at \$18,500, which includes a \$2 million certificate of liability.

Council Members Coffey and Daeke asked why the costs are being split equally since the County owns a larger portion of the building. The Manager stated that he was not exactly sure how the 50/50 split came about but would be glad to research this matter. Council Member Rainey was thankful the County is willing to pay half the costs.

Council Member Rainey asked who is responsible for any damage to the adjoining building. City Attorney Edwards said the City/County will be removing the wall of the building that is being demolished and any damage to the other wall (the adjoining building) will be the responsibility of that owner. Mr. Frazier said that Buffalo Creek Clearing and Demolishing will carry a liability insurance of \$2M for this project.

Mayor Ellington asked Council how it would like to proceed.

Council Member Rainey moved the approval of Resolution 18-01, *Authorizing the Demolition of 405 S. Garnett Street Jointly Owned Property and the Execution of a Contract with Buffalo Creek Clearing & Demolishing*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Burnette, Rainey, Daeke, Simmons, Daye, Williams and Coffey. NO: None. ABSTAIN: None. ABSENT: Elliott. (See Resolution Book 6, p 29)

CONSENT AGENDA

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

Authorizing the Use of a Portion of the General Recreation Donated Funds in the Amount of \$20,000 for the Replacement of Various Entranceway Signs at Existing Parks/Facilities. (This item was removed from the Consent Agenda and was discussed after action was taken on the two remaining Consent Agenda items.)

Establishing Council Committee Appointments. (Reference: CAF 18-06; Resolution 18-03) The Mayor, Mayor Pro-Tem and staff met to develop a recommended appointment list for various Council committees. (See Resolution Book 6, p 33)

Tax Releases and Refunds from Vance County for the Month of November 2017. The Finance Director has reviewed the following releases/refunds and found them to be in order. This action approves the tax releases and refunds for November 2017.

November 2017 Tax Releases & Refunds

Name	Reason	Tax Year	Amount
Real & Personal Property Releases			
Hargrove, Robert	Lost To Foreclosure	2013	\$ 144.95
Quality Plus	Lost To Foreclosure	2014	\$ 172.22
Hargrove, Robert	Lost To Foreclosure	2016	\$ 32.37
Quality Plus	Lost To Foreclosure	2016	\$ 48.68
First Citizens Bank	Correct Value	2017	\$ 63.12
Moore, William	Correct Grant Exempt.	2017	\$ 274.31
Real & Personal Property Releases - Total			\$ 735.65
Real & Personal Property Refunds			
			\$ -
Real & Personal Property Refunds - Total			\$ -
Audit Discoveries			
			\$ -
Audit Discoveries - Total			\$ -
Total Refunds & Releases			\$ 735.65

Mayor Ellington asked if anyone wished to remove any item from the Consent Agenda. There was a request to remove the first item under the Consent Agenda. Mayor Ellington asked how Council wished to proceed regarding the remaining Consent Agenda items.

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

Authorizing the Use of a Portion of the General Recreation Donated Funds in the Amount of \$20,000 for the Replacement of Various Entranceway Signs at Existing Parks/Facilities.
(Reference: CAF 18-03; Ordinance 18-01; Budget Amendment #12)

Council Member Daeke asked how much would be left in this fund if this action is approved and wondered if it would be better to use \$10,000 now and the other \$10,000 later. City Manager Frazier said approximately \$3,208. Mr. Frazier asked Recreation and Parks Director Kendrick Vann to explain this project further. Mr. Vann said some of the parks are having graffiti problems with signage and others are not properly marked with the appropriate service address that is required by E-911.

After a short discussion, it was decided it would best to do all the signs at one time and the thought was trying to get all of this done prior to spring when usage increases.

Mr. Vann was careful to explain these funds can only be used for parks and Mr. Frazier said this fund does not include any of the Rec Players donation funding.

Mayor Ellington asked how Council would like to proceed.

Council Member Coffey moved the approval of Ordinance 18-01, *Authorizing the Use of a Portion of the General Recreation Donated Funds in the Amount of \$20,000 for the Replacement of Various Entranceway Signs at Existing Parks/Facilities*. 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. (See Ordinance Book 9, p 495)

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 commended staff on the Christmas luncheon, He thanked staff for putting up and decorating the Christmas tree and mentioned the letters to Santa box at the Police Department. Events the Mayor attended included the announcement that Mako was coming to town. Lastly, he said he plans on doing a State of the City sometime in January or February and plans on making the rounds to various civic groups to keep them updated on what is happening within the City.

Mayor Pro-Tem Daeke mentioned the Regional Water Advisory Board Meeting tomorrow morning and an EDC meeting on Wednesday.

- b) City Manager - Mr. Frazier reported on the following:
- Rebuild Communities has asked for a Memorandum of Understanding (MOU) from the City. The City Clerk distributed *The Synergy*, a quarterly newsletter regarding this initiative. The Manager said no funding has been requested. He said Ms. Edythe

Thompson, Executive Director is present if Council would like her to make a brief presentation. Council asked Ms. Thompson to come forward.

Ms. Thompson said that in looking for solutions to the local housing issues, a meeting was held to bring stakeholders together to discuss resources and to identify leaders of the community. She said the initiative will include offering financing literary programs, along with counseling.

Mr. Frazier said a MOU will be brought back to Council at the February meeting.

- Sanitation has been running behind due to the weather but they should be caught up by the end of the week.
- January 15 is the deadline for loose-leaf collect by the vacuum truck. Council Member Daeke asked if leaves put out on the 15th would be picked up. Mr. Frazier said yes.
- Monday, January 15, City Hall will be closed for Martin Luther King day.
- Water/Sewer staff has been very busy with water leaks caused by the weather.
- Bids on the water main replacement project for the Coble/Young Street area are being accepted at the end of the month.
- Not all the demolition at the Henderson Water Reclamation Facility has been completed. Mr. Frazier said there may be funding available to complete the demolition and he will be bringing information back at the February meeting.

c) Staff Reports

- i. Outreach Coordinator Position Update (Recreation & Parks) Mr. Vann said the City has received two applications for the Community-Wide Advisory Committee and the County has received one application. Presently, three grant writer resumes are being reviewed. Events in December included a Tunnel Vision Program, along with a Peace event. Upcoming events include a corn hole contest, virtual tax preparation and learning about bank accounts. Mr. Vann said he has been working with the Police Chief and DA and there has been some door-to-door contact with parents of problem kids.
- ii. Kerr Lake Regional Water Update Director Christy Lipscomb said the lake levels are very low. The lake dropped to 292.4, which is just barely above voluntary conservation levels. However, as of today, the level has risen to 293.9 and the anticipated rain at the end of the week will definitely help increase the level. Mr. Frazier added the Advisory Board will be meeting to discuss future funding for the second phase of the KLRW project.

d) City Attorney (No Report)

- e) City Clerk - There are several upcoming events: The Chamber Banquet February 1; the Service Awards Banquet February 15 and the Retreat February 21 and 22.

At this time, 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 Coffey 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 Daye, and unanimously approved.

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

WORK SESSION

Amending the Budget for the Beckford Drive Widening Project. *(Reference: CAF 18-05; Resolution 18-02)*

City Manager Frazier said this project has been going on for years. All eight right-of-ways have been obtained and the City should have received the authorization from the State to go to bid soon; however, there is a shortfall of approximately \$600,000 based on the previous estimate. The State feels it can cover \$400,000 of this amount, which leaves the City responsible for \$200,000.

There was discussion about how the project started, where the funding would come from, the distance involved, along with whether removing the sidewalk portion would be acceptable. Mr. Frazier said the City’s portion could come from either the Powell Bill or Fund Balance or both. Council felt the project should move forward and since the City needs to respond to the State by the end of the week, asked the Manager to move the project forward by letting the State know the City is ready to take bids on the project and would approve additional funding.

The consensus of Council to move forward with the widening project was as follows: YES: Williams, Coffey, Burnette, Rainey, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Elliott.

ADJOURNMENT

Council Member Coffey moved for adjournment. Motion seconded by Council Member Rainey, and unanimously approved. The meeting adjourned at 7:55 p.m.

Eddie Ellington
Mayor

ATTEST:

Esther J. McCrackin, City Clerk