

# **City Council Minutes**

## **Regular Meeting**

### **February 12, 2018**

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#### **PRESENT**

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

#### **ABSENT**

Council Member Garry D. Daeke

#### **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, and Recreation and Parks Director Kendrick Vann.

#### **CALL TO ORDER**

The 12 February 2018 Regular Meeting of the Henderson City Council was called to order by Mayor Eddie Ellington at 6:01 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 that Council Member Daeke was unable to attend this meeting due to a death in the family. She also advised 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 extended a welcome and said he was glad to see those in attendance.

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

Mayor Ellington asked if there were any adjustments to the Agenda. The City Clerk asked Council’s permission to add one item, *Resolution 18-08, Providing for Two Jointly Held Properties by the City and County* (full description under New Business) along with two Work

Session items: 1) *Food and Beverage Tax* and 2) *Vance County School Consolidations*. Council Member Elliott moved to accept the Agenda as adjusted. Motion seconded by Council Member Coffey, 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 8 January 2018 Regular Meeting minutes as presented. Motion seconded by Council Member Burnette, and unanimously approved.

## **PRESENTATIONS/RECOGNITIONS**

The Downtown Development Commission (DDC) Director Kaine Riggan distributed a budget sheet and presented a brief status report regarding the Commission. In summary, Mr. Riggan said the DDC has not increased its budget request to the City but it has increased its request to the County from \$1,500 to \$20,000. If approved, it will allow the DDC to hire a full-time director that may expedite Henderson becoming a Main Street city once again. He then reviewed projects that have been completed and the direction downtown is heading.

Council Member Rainey asked what the City is lacking that would cause the DDC to be ineligible to receive certain grant funds. Mr. Riggan said more funds should be available once the Main Street status is awarded, and it is hoped that the timeframe can be shortened to two years as many of the requirements have already been met.

The discussion then turned to the condition of several buildings downtown, and the zoning and fire inspection requirements.

City Manager Frazier mentioned the recent well attended Vision Forum. Part of that discussion centered on the Pavilion and he would like to discuss this further during the Retreat next week. Mr. Riggan said a strong, solid vision statement is being created with the information gleaned during the Forum.

Several Council Members thanked Mr. Riggan for his diligence.

City Manager Frank Frazier introduced the new Human Resources Director Elgin Lane to Council and Staff. He said she comes to the City from Nash County and Ms. Lane's first day with the City will be March 1. Ms. Lane said she is looking forward to becoming part of the "family" and is looking forward to learning the system and maintaining the high standard set by her predecessor.

Mr. Frazier then asked Fire Chief Cordell and Assistant Chief Tyndall to come forward as the City has received a Certificate of Fire District 2 Rating. Photos were taken and sent to the *Daily Dispatch*.

## **PUBLIC HEARING**

### **Amending the Zoning Ordinance Regarding Temporary Homeless Shelters.** (*Reference: CAF 18-11; Ordinance 18-02*)

City Manager Frazier asked Development Services Director Corey Williams to explain this amendment. Mr. Williams said the amendment allows for governmental units, non-profit agencies or houses of worship to provide temporary sleeping accommodations for families or individuals who are displaced by emergency events and unable to occupy their home/residence. He said a shelter may accommodate no more than 20 people and can be no more than 2,000 square feet. A floor plan and drawings by a certified North Carolina Architect or Engineer need to be submitted before becoming a temporary shelter. This type of shelter will operate for 150 calendar days or less within any 365-day timespan, with certain exceptions. In addition, this type of shelter is restricted to certain areas within the City.

Council Member Elliott felt this amendment is much needed.

Council Member Williams asked about the need for certified drawings by and engineer or architect. Mr. Williams said the certification is important for the safety of the occupants relative to fire inspections, etc.

Council Member Rainey asked if this is different from major disasters. Mr. Williams said major disaster shelters in this area are part of Vance County's Hazard Mitigation Plan as determined by E-911 Emergency Services.

Council Member Burnette asked why this amendment came about. Mr. Williams said he had been approached by various organizations/churches, etc.

Council Member Coffey asked if families displaced for reasons such as evictions could utilize these shelters. Mr. Frazier said yes, but noted there is a time limit.

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 Elliott moved the approval of Ordinance 18-02, *Amending the Zoning Ordinance Regarding Temporary Homeless Shelters*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Williams, Coffey, Burnette, Rainey, Elliott, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Daeke. (*See Ordinance Book 9, p 497*)

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

City Clerk McCrackin advised no citizen wished to address Council.

## **OLD BUSINESS**

### **Supporting Funding for the Beckford Drive (SR 1165) Widening Project with High Impact Funds in the Amount of \$400,000. (Reference: CAF 18-05-A; Resolution 18-05)**

City Manager Frazier reminded Council that because this project has been delayed for so long due to various reasons, the project funds are approximately \$600,000 short. Although he has not received anything in writing confirming the availability of funds, a resolution is necessary to support the use of \$400,000 in State High Impact Funds to help construct this project.

Council Member Rainey asked for the expected total cost of the project. Mr. Frazier said the anticipated total cost is \$1.39M but will know the exact cost once the bids are received.

Mayor Ellington asked Council how it wished to proceed.

Council Member Rainey moved the approval of Ordinance 18-04, *Confirming the State's Additional Funding for the Beckford Drive Widening Project*. Motion seconded by Council Member Burnette, and APPROVED by the following vote: YES: Coffey, Burnette, Rainey, Elliott, Simmons, Daye and Williams NO: None. ABSTAIN: None. ABSENT: Daeke. (See *Ordinance Book 9, p 501*)

### **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 said this issue was brought before Council in 2017 and again at the January 2018 meeting. As of today, no payment has been made to the City to restore water and sewer service, nor has there been any follow up calls from Mr. Bullock, the property owner. Therefore, it is the recommendation of staff to proceed with this order to vacate and close the dwelling.

There was discussion about whether Mr. Bullock had paid any amount on this outstanding bill. Mr. Frazier said at the last meeting Mr. Bullock brought in some cash to put toward his bill and although he was advised to bring it to the Water Department the following morning, he has not made any payment on his bill. Overall, Council felt Mr. Bullock had adequate time to pay his bill to avoid this proceeding. When Mr. Frazier was asked who would enforce this action and how would it be enforced, he said the Development Services Department. The department would make the appropriate notification, as well as place notice on the door of the dwelling. Mr. Williams said there is an appeal period of 30 days during which Mr. Bullock can ask for a hearing and if the appeal is denied, can then possibly take further to Superior Court.

There was some discussion about whether the 30 days could be considered part of the delayed action by Council and this will be determined during a discussion with the City Attorney.

Mayor Ellington asked Council how it wished to proceed

Council Member Rainey moved the approval of Ordinance 18-03, *Authorizing the Closing and Vacating of 135 S. Bullock Street Due to Violation of Minimum Housing Standards*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Burnette, Rainey, Elliott, Simmons, Daye, Williams and Coffey. NO: None. ABSTAIN: None. ABSENT: Daeke. (See Ordinance Book 9, p 499)

## **NEW BUSINESS**

### **Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2017.** (Reference: CAF 18-12; Resolution 18-06)

City Manager Frazier said the City has received a good audit report and asked Mr. Curtis Averette, Jr. from William L. Stark and Co., to present the highlights. Mr. Averette thanked Mr. Frazier, Finance Director Fuqua, Assistant Finance Director Lisa Boyd and the rest of the their staff for their assistance during the process. The Audit was completed in a timely manner and was accepted by the Local Government Commission. He said there was a slight decrease in the General Fund Balance (\$206,999) from last year but this unassigned balance represents 50.3% of expenditures for the fiscal year. The Water, Sewer and Regional Water all increased. In anticipation of questions from prior years, Mr. Averette said property tax collections increased from 94.72% last year to 96.38% this fiscal year.

Council Member Rainey asked for information regarding uncollectible funds. Mr. Averette said he did not have a specific amount with him this evening but he would get the information back to staff.

Mr. Frazier thanked Mr. Averette and his staff for completing the audit, as did the Mayor. The Manager also noted that the staff continues to do a good job controlling expenses.

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

Council Member Burnette moved the approval of Resolution 18-06, *Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2017*. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Rainey, Elliott, Simmons, Daye, Williams, Coffey and Burnette. NO: None. ABSTAIN: None. ABSENT: Daeke. (See Resolution Book 6, p 39)

**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 Birth Street and 3) 416 Birch Street.** (*Reference: CAF 18-13; Resolution 18-07*)

City Manager Frazier said in addition to the three annexations mentioned above, there are two City owned lots on Bobbitt Street that he would like to include in this process. He did say he would like to add two city owned lots on Bobbitt Street to this process

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

Council Member Rainey moved the 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 Birth Street and 3) 416 Birch Street.* Motion seconded by Council Member Elliott, and APPROVED by the following vote: YES: Elliott, Simmons, Daye, Williams, Coffey, Burnette and Rainey. NO: None. ABSTAIN: None. ABSENT: Daeke. (*See Resolution Book 6, p 39*)

**Awarding a Contract for the Young Avenue Asbestos Cement Line Replacement Project #WIF-1911.** (*CAF 18-15; Resolution 18-09*)

City Manager Frazier said bids were opened this afternoon and it was hoped that a bid award could be presented this evening. There were three bids with one being non-responsive. The lowest bidder was H.G. Reynolds and the other bidder was Central Builders. Mr. Frazier said the costs are under consideration as they are higher than the amount currently set aside for this project. He then asked Engineering Director Clark Thomas to provide more information.

Mr. Thomas said the Beckford Drive portion of this project is important as it will provide a redundant loop to back-feed the nursing home and other businesses along Beckford Drive. Although air release valves have helped alleviate the problem, more needs to be done. Staff is negotiating with the lowest bidder to ensure no streets are eliminated from this project

Council Member Rainey moved that Resolution 18-09, *Awarding a Contract for the Young Avenue Asbestos Cement Line Replacement Project #WIF-1911* be TABLED. Motion was seconded by Council Member Simmons and APPROVED by the following vote: YES: Simmons, Daye, Williams, Coffey, Burnette, Rainey and Elliott. NO: None. ABSTAIN: None. ABSENT: Daeke.

**Providing for the Disposition of Two Jointly Held Properties by the City and County Identified as 513 Zene Street, Further Identified in Vance County Registry of Deeds Book #1329, Page #738; Tax Parcel #0025 09001; and 613 Farrar Avenue, Further Identified in Vance County Register of Deeds Book #1256, Page #126; Tax Parcel #0079 06002.** (*Reference: CAF 18-14; Resolution 18-08*)

City Manager Frazier explained the County has received offers to purchase both these properties and it is recommended that Council approve the transfer of these properties to the County so the sale can move forward.

There was no discussion so Mayor Ellington asked Council how it would like to proceed.

Council Member Burnette moved the approval of Resolution 18-08, *Providing for the Disposition of Two Jointly Held Properties by the City and County Identified as 513 Zene Street, Further Identified in Vance County Registry of Deeds Book #1329, Page #738; Tax Parcel #0025 09001; and 613 Farrar Avenue, Further Identified in Vance County Register of Deeds Book #1256, Page #126; Tax Parcel #0079 06002.* Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Simmons, Daye, Williams, Coffey, Burnette, Rainey and Elliott. NO: None. ABSTAIN: None. ABSENT: Daeke. (See Resolution Book 6, p 43)

## CONSENT AGENDA

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

**Approving Appointments to the Recreation and Parks Commission and the Community-Wide Advisory Board.** (Reference: CAF 18-16; Resolution 18-10) The Boards and Commissions Committee met on February 1, 2018, and recommended to the Full Council that Mr. Fred Robertson be appointed to the Recreation and Parks Commission for a two year term; Mr. Kevin Buster (Ward 4), along with Ms. Edythe Thompson (Ward 2) be appointed to the Community-Wide Advisory Board for a three year term. (See Resolution Book 6 p 47)

**Tax Releases and Refunds from Vance County for the Month of December 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 December 2017. (CAF 18-10)

December 2017 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
<b>Real &amp; Personal Property Releases</b>			
New Restoration Community	Religious	2017	\$ 177.61
Vass, Donny	Correct Grant Exempt.	2017	\$ 400.50
Kee, Cynthia	Personal Property Billed In Error	2016	\$ 55.53
Thomas, Wesley	Personal Property Billed In Error	2016	\$ 14.01
Wester, Mary	PUV Appeal Grant	2017	\$ 1,043.67
O'Leary, Susan	PUV Appeal Grant	2017	\$ 590.64
Parrish, Jerry	Personal Property Billed In Error	2017	\$ 55.29
Alashmely, Nasher	Personal Property Billed In Error	2017	\$ 53.74
Allen, Jerry	Personal Property Billed In Error	2017	\$ 14.20
Bennerson Auto Carrier	Personal Property Billed In Error	2017	\$ 21.66
Hughes, Thomas	Personal Property Billed In Error	2017	\$ 19.45
Parker, Helen	Personal Property Billed In Error	2017	\$ 150.01
Rebuilding Hope Inc.	Correct Grant Exempt.	2017	\$ 15.41
Roseboro, William	Correct Grant Exempt.	2017	\$ 606.00
Shiloh Family Ministries	Correct Grant Exempt.	2017	\$ 2.80
<b>Real &amp; Personal Property Releases - Total</b>			<b>\$ 3,220.52</b>
<b>Real &amp; Personal Property Refunds</b>			
Covington, Michelle	Correct Grant Exempt.	2017	\$ 448.48
<b>Real &amp; Personal Property Refunds - Total</b>			<b>\$ 448.48</b>
<b>Audit Discoveries</b>			
			\$ -
<b>Audit Discoveries - Total</b>			<b>\$ -</b>
<b>Total Refunds &amp; Releases</b>			<b>\$ 3,669.00</b>

Mayor Ellington asked if anyone wished to remove any item from the Consent Agenda. There was no request to remove any item from 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 Elliott and APPROVED by the following vote: YES: Daye, Williams, Coffey, Burnette, Rainey, Elliott and Simmons. NO: None. ABSTAIN: None. ABSENT: Daeke.

## **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 attended the Chamber of Commerce Banquet and congratulated Vance County Commissioner Tommy Hester for being named Citizen of the Year. He also attended the Downtown Vision meeting, and a meeting concerning the State redistricting of Vance County. The crowning of Ms. Henderson was special as this is the first African American to be crowned in Henderson.
- b) City Manager - Mr. Frazier reported on the following:
  - i. The agreement with T-Mobile is being reviewed for renewal for their wireless facility located at the overhead storage tank on Young Avenue.
  - ii. The Retreat is next Wednesday evening and Thursday.
  - iii. In response to the Sewer spill last week, the lines have been cleaned and a broken drain was found that contributed to a good amount of stormwater entering the system.
  - iv. KLRW received a good report from a recent state inspection.
  - v. The Fire Station #2 renovations should be completed by March 1 and once everything is finished, Council will be invited to see the new space.
  - vi. There will be a Land Planning Meeting scheduled soon to discuss voting privileges for appointees from the ETJ for both the City and ETJ areas.
- c) City Attorney - (No Report)
- d) City Clerk – Reminded Council of the Service Awards Banquet this Thursday.

## **WORK SESSION**

**Small Cell Wireless Communications Infrastructure Deployment and Amending the Annual Fee Schedule to Include Small Cell Wireless Application Fees.** (*Reference: CAF 18-08; Ordinance 18-04, Resolution 18-04*)

City Manager Frazier asked Assistant to the City Manager Paylor Spruill to explain this item. Mr. Spruill shared some of the details of this 2017 legislative action beginning with the requirements that municipalities allow “*small wireless facilities*” within public right-of-ways such as shoulders of streets. The legislation was created to encourage broadband expansion in rural areas. There is a 50 foot height limitation and legislation allows administrative review only



within any zoning district. After reviewing the General Assembly action (Session Law 2017-159), staff feels a permit should be required along with an application fee. If the City Manager or his assignees determine an outside consultant is required, the applicant will be charged a fee for this service that will be included in the City's Schedule of Fees. Staff also suggests when a facility is no longer in use the applicant should remove said facility within 180 days. Mr. Spruill said one application has already been received.

City Attorney Edwards suggested other controls be put in place such as the appearance of the facility.

Mr. Frazier said he and Mr. Spruill will meet with the City Attorney to work out the details and this will be brought back to Council for action at a future meeting.

### **Amending Chapter 23** *(No Reference Material)*

City Manager Frazier asked Development Services Director Corey Williams to come forward to describe this amendment. Mr. Williams gave a PowerPoint presentation (with copies presented to Council) showing the reasons for making changes. The requested changes are as follows: 1) Rename Chapter 23 to Public Nuisances instead of Weeds; 2) Amend condition of high grass from 12" to 10"; 3) Add condition of excessive growth of bushes that block windows/doors; 4) Add condition of storage under carport, open garages, etc.; 5) Add graffiti as a nuisance; 6) Change Serving Notices based on the NCGS160A-200.1B (send regular mail and post property); and 7) Hire a part-time staff person to assist with enforcement during peak season and in process of upgrading enforcement software.

There was a brief discussion and it was suggested that dilapidated fences be included in this amendment.

It was the consensus of Council to move forward with this amendment.

### **Food and Beverage Tax**

Mr. Frazier said this is something he would like to discuss during the upcoming retreat as it could be another revenue source for the City. Correspondence will be sent to Council for review prior to the Retreat.

### **Vance County Schools Consolidation**

Mr. Frazier explained the Board of Education (BOE) is considering the consolidation the two high schools and two middle schools. Mr. Frazier and Mr. Spruill have met with Vance County Superintendent Dr. Jackson regarding concerns if this action is finalized. The city would like to see the empty buildings put to good use and not sit empty. More information will be brought to Council as decisions are made by the BOE.

### **OTHER**

Mayor Ellington mentioned that former Mayor Young has been hospitalized and is currently at Duke Hospital. He also mentioned the passing of his campaign manager. Council Member

Coffey has been hospitalized several times recently with recurring heart issues and she thanked everyone for their prayers and concern.

Council Member Burnette thanked the Manager for allowing the Assistant City Manager Paylor Spruill to attend the Essentials of Municipal Government with Council.

Council Member Simmons said on alternating months, St. James Baptist Church and the First Baptist Church will be providing a food give away.

Council Member Williams mentioned the letter Dr. Noel sent to each Council Member regarding his concern about trash. She especially mentioned trash that needs to be removed in the Norlina Road area. Council Member Coffey said she plans to meet with several realtors who have expressed interest in helping pick up trash. Mr. Frazier said this is an ongoing problem. The City spends a lot of resources on this problem but no sooner is the trash removed than more is thrown out. A question was asked about participants of the Adopt a Street program helping with this issue. Mr. Frazier said although this is a State program, he will follow up with State to see if there are active groups in the area.

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

#### **ADJOURNMENT**

Council Member Elliott moved for adjournment. Motion seconded by Council Member Burnette and unanimously approved. The meeting adjourned at 7:58 p.m.

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Eddie Ellington  
Mayor

***ATTEST:***

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Esther J. McCrackin, City Clerk