

City Council Minutes
Regular Meeting of March 12, 2018
(postponed due to weather until
March 19, 2018)

PRESENT

Mayor Eddie Ellington, Presiding; and Council Members Marion B. Williams, Sara M. Coffey, William Burnette, D. Michael Rainey, Melissa Elliott, Garry D. Daeke, Fearldine 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 Fire Chief Curtis Tyndall, Assistant to City Manager Paylor Spruill, Engineering Director Clark Thomas, Human Resources Director Elgin Lane, 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 19 March 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 by saying this is your city and he was glad to see so many in attendance this evening.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Ellington asked if there were any adjustments to the Agenda. The City Clerk said there would be one New Business item added to the agenda: *Consideration of Approval of Resolution 18-15, Acceptance of NC Department of Agriculture's Ash Protection Program Funding*. Council Member Coffey moved to accept the Agenda as adjusted. Motion seconded by Council Member Burnette and unanimously approved.

APPROVAL OF MINUTES

Mayor Ellington asked for any corrections to and/or approval of the minutes. The Mayor asked that his comments regarding the opioid crisis be added to the February 22nd minutes. Council Member Elliott moved the approval of the 12 February 2018 Regular Meeting minutes and the 21-22 February Strategic Planning Retreat minutes as adjusted. Motion seconded by Council Member Williams, and unanimously approved.

At this time, Mayor Ellington asked for Council's approval to move the Public Comment Period on Non-Agenda Items to the beginning of this meeting as several citizens wished to address Council. A motion was made by Council Member Coffey and was seconded by Council Member Daye to allow this change. By consensus, this motion was approved.

Mayor Ellington asked each citizen to state his or her name, address and whether they resided in the city. He asked the citizens to limit their comments to three (3) minutes and asked the Clerk to use the timer.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Andrea Harris – Ms. Harris stated the culture of this community needs to change. She felt a state of emergency exists and encouraged Council to contact the Governor's office to request immediate assistance with any resources possible.

Janice Ward – Ms. Ward said although she loves this city, she is fearful for her life. She feels where there is a police presence, people tend to be on their best behavior and she thought the police department needed help.

S. Fields – Mr. Fields is a student at Northern Vance and his question was what activities are available for the youth to keep them out of trouble.

J. Williams - Mr. Williams is an educator at L. B. Yancey school and expressed concern about young African American males shooting each other. He said one child lost is too many.

John Miles – Mr. Miles said it is time to stop pointing fingers and time for the community to take a stand. He said the police, council, commissioners and sheriff cannot do this alone. Mr. Miles said if you see a crime tell someone, and he concluded by thanking the elected officials for what they do.

Kevin Smith- Mr. Smith is new to the community. He said the shootings are senseless. He felt either you do something to help or you shouldn't say anything.

Jacqueline Evans - Ms. Evans is a mother who said neighbors have to help neighbors. She felt no one specifically is to blame but said community can make the streets safer by supporting others (i.e., families, youth, children) and correcting them as needed.

Dorothy Hayes- Ms. Hayes is a county resident with grandchildren. She expressed her fear and asked Council to please help keep her grandkids safe.

Brian Hargrove – Mr. Hargrove said last week was a hard week with the loss of so many lives. He asked Council, and said he is going to the Commissioners, to get out in front of the situation by letting the community see/hear what is being done to combat this problem. He said jobs are important along with respect and building relationships with the community.

Mayor asked if anyone else would like to speak and no one came forward.

Council Member Coffey commented that three Council Members were at the scene last week and were heartbroken. Ms. Coffey said she has faced similar problems recently.

Mayor Ellington thanked everyone for their comments and said the City Manager and several staff are reviewing a 9-step program that High Point has in place to see if it can be instituted in Henderson.

Council Member Burnette thanked everyone for their comments and strongly emphasized that reducing crime will take the entire community and citizens need to take back their neighborhoods.

Council Member Simmons also thanked the citizens and spoke boldly about how each household needs to become involved, children need to be in Sunday School classes to learn now to live with each other with respect and asked that individuals consider fasting. She then shared 2 Chronicles 7:14.

Council Member Elliott said the Council is elected by the people for the people and she agreed with Ms. Harris that Henderson needs help.

At this time, Mayor Ellington said this meeting would now move on to the agenda items. He invited citizens to stay if they would like, or said now would be the time to leave.

(Clerk's Note: Council Member Rainey arrived at 6:40 p.m.)

PUBLIC HEARING

Amending the Zoning Ordinance Article 400 Signs. (*Reference: CAF 18-24; Ordinance 18-07*)

City Manager Frazier asked Development Services Director Corey Williams to explain this action. Mr. Williams said the current ordinance does not allow for multiple buildings on a single parcel of land. This amendment would allow each building 75 square feet of signage per building divided among a maximum of three (3) signs per building as listed in Section 406.2 of the existing code. He said the parcel must meet a minimum size and permitted requirements.

Council Member Daeke asked who and how this amendment will be enforced. Mr. Williams said it would fall on his department. Mr. Daeke expressed concern about existing ordinances that the department is unable to enforce because of staffing.

Mr. Daeke then mentioned signs that he has removed because they are inappropriately placed without permit. Council Member Coffey asked if this can be done legally which led to a discussion about signage overall including yard sale signs that are never removed. Council Member Williams asked if this amendment allows for any grandfathering. Mr. Williams said possibly.

At this time, 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.

Member Simmons asked for confirmation that Mr. Williams mentioned earlier that the entire sign ordinance needs to be rewritten. Mr. Williams said the existing ordinance is obsolete and does need to be updated.

Council Member Coffey suggested this amendment be tabled until the entire ordinance can be revised. Mr. Williams said the revisions have not even started and City Manager Frazier added this will be a lengthy process; therefore, this will not be brought back at the next council meeting.

Council Member Daeke asked Ms. Coffey if her suggestion was a motion. Ms. Coffey said yes and Mr. Daeke seconded the motion to table this amendment.

Council Member Coffey moved to TABLE Ordinance 18-07, *Amending the Zoning Ordinance Article 400 Signs*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Williams, Coffey, Elliott, Daeke, Simmons and Daye. NO: Burnette and Rainey. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address Council.

OLD BUSINESS

Encouraging the Vance County Board of Education to Properly Preserve and Protect the Historical Significance of Facilities that May be Closed Due to School Consolidation.

(Reference: CAF 18-22; Resolution 18-13)

City Manager Frazier said he and staff has met with the Superintendent of Schools, Dr. Jackson, regarding the possibility of consolidating two middle schools and two high schools due to a reduction in students and for financial considerations. Although no action is required by the City, it is felt that the historical significance of the two middle schools should be preserved. Therefore, Mr. Frazier is asking Council to approve this resolution to express these concerns to the school board and Vance County.

Mayor Ellington asked Council how it wished to proceed.

Council Member Rainey moved the approval of Resolution 18-13, *Encouraging the Vance County Board of Education to Properly Preserve and Protect the Historical Significance of Facilities that May be Closed Due to School Consolidation*. Motion seconded by Council Member Burnette, and APPROVED by the following vote: YES: Coffey, Burnette, Rainey, Elliott, Daeke, Simmons, Daye and Williams. NO: None. ABSTAIN: None. ABSENT: None. *(See Resolution Book 6, p 53)*

Mr. Frazier said he will forward a finalized copy of the resolution to Dr. Jackson as well as the County Manager.

NEW BUSINESS

Approving Transfer of Real Estate Under NCGS §160A-457.2 Urban Homesteading Program. *(Reference: CAF 18-18; Resolution 18-11)*

City Manager Frazier said Mr. Delmar Vondell Jackson was the first applicant received into this program. He has been selected to renovate and obtain ownership of 709 Arch Street. There are specific guidelines he must meet such as residing at the address for 36 months after the agreed upon renovations are completed.

Council Member Williams asked if there is a packet of information to give out. Assistant to the City Manager Paylor Spruill said yes, and following a brief discussion, he was asked to send a copy of the packet to each Council Member.

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

Council Member Elliott moved the approval of Resolution 18-11, *Approving Transfer of Real Estate Under NCGS §160A-457.2 Urban Homesteading Program*. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Burnette, Rainey, Elliott, Daeke, Simmons, Daye, Williams and Coffey. NO: None. ABSTAIN: None. ABSENT: None. *(See Resolution Book 6, p 49)*

Awarding a Contract with HG Reynolds Co. Inc. in the Amount of \$1,438,804.00 for the Young Avenue Asbestos Cement Line Replacement Project #WIF-1911, Awarding a Contract with HG Reynolds Co. Inc. in the Amount of \$247,415.00 for the Beckford Drive Waterline Extension, Amending the Young Avenue CIP Account, and Amending the Beckford Drive Waterline Extension CIP Account. (Reference: CAF 18-15; Resolution 18-09, Resolution 18-14, Ordinance 18-10, Ordinance 18-11 and Budget Amendments 14 and 15.)

City Manager Frazier said this is a major water line replacement project with two parts. He said Council approved a Drinking Water State Revolving Loan in 2016 to replace a water line along Young Avenue, Roanoke Avenue, Nelson Street and Coble Boulevard, and in the same year, Council approved establishing a CIP budget to extend a water main along Beckford Drive to Radio Lane. The State allowed the City to combine these two projects so the City could hopefully receive better pricing. Only two bids were received at the bid opening in January; therefore, they were not opened. At the second bid opening in February. Two bids were opened and were higher than the funding received. After negotiations with the contractor and with the City performing some of the work, project could be completed with \$116,318 of additional funds. Ultimately, the project bid was \$1,407,228. The Engineering Director Clark Thomas then explained there are two options to consider. Alternate One, will increase the project costs by \$16,576. This will replace a 6" and 8" PVC water line with a ductile iron water line which staff recommends as it is felt the cost outweighs potential problems that could occur with a PVC line. Alternate Two, is to add a dry bore and jack under Beckford Drive from Roanoke Avenue to Radio Lane in the event the 8" dry DIP line cannot be located that was installed prior to the Beckford Drive portion of the road being built.

Council Member Coffey asked for an explanation of a dry DIP line. Council Member Simmons asked about environmental issues and Council Member Daeke asked why the line cannot be located. Mr. Thomas said staff has spent three (3) unsuccessful days searching for the line but he is hopeful it can be located by the contractor and/or staff. Manager Frazier stated the Beckford Drive project looped on existing main which served many businesses and the other main had experienced a number of breaks.

Before concluding this discussion, Mr. Thomas introduced two representatives from Dewberry Engineers, Mr. Larry Mitchell and Mr. Tim Rittaco.

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

Council Member Rainey moved the approval of Resolution 18-09, *Awarding a Contract with HG Reynolds Co. Inc. in the Amount of \$1,438,804.00 for the Young Avenue Asbestos Cement Line Replacement Project #WIF-1911*, and Resolution 18-14, *Awarding a Contract with HG Reynolds Co. Inc. in the Amount of \$247,415.00 for the Beckford Drive Waterline Extension*, and Ordinance 18-10, *Amending the Young Avenue CIP Account*, and Ordinance 18-11, *Amending the Beckford Drive Waterline Extension CIP Account*. Motion seconded by Council Member Elliott, and APPROVED by the following vote: YES: Rainey, Elliott, Daeke, Simmons, Daye, Williams, Coffey and Burnette. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 6, p 45 and 55; Ordinance Book 9, p 513 and 515)

Authorizing the Demolition of Several Jointly Owned Properties. (Reference: CAF 18-21, Resolution 18-12)

City Manager Frazier said this is a routine matter with the County sharing in the cost of these demolitions. He said he has spoken to the County Manager and they are in agreement with this action.

Council Member Elliott asked if any of these properties could be part of the Urban Homesteading program. Mr. Frazier said they are beyond repair.

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

Council Member Daeke moved the approval of Resolution 18-12, *Authorizing the Demolition of Several Jointly Owned Properties*. Motion seconded by Council Member Williams, and APPROVED by the following vote: YES: Elliott, Daeke, Simmons, Daye, Williams, Coffey, Burnette and Rainey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 6, p 51)

Issuance of Certificate of Sufficiency; and 2) Fixing Date of Public Hearing on Question of Seven Annexations Pursuant to NC G. S. §160A-31 for 1) Salvation Army, 2) 409 Birch Street, 3) 416 Birch Street, 4) 1008 David Street, 5) 1006 David Street, 6) State Employees Credit Union (SECU), and 7) 419 Birch Street. (Reference: CAF 18-13-A; Resolution 18-07-A)

City Manager Frazier explained this annexation includes more parcels in the Birch/Bobbitt area. He said a portion of the Salvation Army is already within city limits and this request is to include the remaining portion of that property and that the SECU is adjacent to their existing property on Graham Avenue.

Council Member Daeke expressed concern about annexing the Salvation Army property as they do not pay taxes but will tax our existing public safety and public works departments. Mr. Frazier said it is his understanding that the Salvation Army plans to develop baseball fields on this property proposed for annexation. There was discussion about the benefits, both good and bad, of proceeding with this annexation and ultimately, Council asked for financial information to be considered during the Public Hearing. The Manager stated that our ordinance calls for a voluntary petition for annexation when services are extended to contiguous areas of the city. Therefore, there will be times a non-profit will be annexed even though no tax revenue will be generated and outside water rates will be lost.

Mayor Ellington asked Council how it would like to proceed.

Council Member Elliott moved the approval of Resolution 18-07-A, *Issuance of Certificate of Sufficiency; and 2) Fixing Date of Public Hearing on Question of Seven Annexations Pursuant to NC G. S. §160A-31 for 1) Salvation Army, 2) 409 Birch Street, 3) 416 Birch Street, 4) 1008 David Street, 5) 1006 David Street, 6) State Employees Credit Union (SECU), and 7) 419 Birch Street*. Motion seconded by Council Member Williams, and APPROVED by the following vote: YES: Daeke, Simmons, Daye, Williams, Coffey, Burnette, Rainey and Elliott NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 6, p 13-A)

Amending Section 7-64 of the City Code Regarding Stop Signs to Create a Four Way Stop at the Intersection of E. Rockspring Street and Rowland Street. (*Reference: CAF 18-25, Ordinance 18-08*)

City Manager Frazier said this intersection is misaligned and it is recommended by both the Police Department and Engineering that it become a 4-way stop to provide for a safer intersection. It was mentioned that there had been several accidents at or near this intersection.

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

Council Member Williams moved the approval of Ordinance 18-08, *Amending Section 7-64 of the City Code Regarding Stop Signs to Create a Four Way Stop at the Intersection of E. Rockspring Street and Rowland Street*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Simmons, Daye, Williams, Coffey, Burnette, Rainey, Elliott and Daeke. NO: None. ABSTAIN: None. ABSENT: None. (*See Ordinance Book 9, p 509*)

Transferring Funds for the Old Municipal Building CIP Project from Contingency to Legal/Admin and Construction. (*Reference: CAF 18-23, Ordinance 18-06*)

City Manager Frazier asked Assistant to the City Manager Paylor Spruill to explain the need for this fund transfer. Mr. Spruill began by saying the Fire Station portion of this project is very near completion. He said there have been unexpected challenges such as having to relocate a bat colony. There also was a request for window treatments and a need for a fire escape sign in the DDC section of the station that have added to the cost. Lastly, the communication system needs to be upgraded.

Council Member Daeke asked for the current contingency fund amount. Mr. Spruill said \$31,000 and he anticipates approximately half that amount will be needed for the above expenses.

With no other questions, Mayor Ellington asked Council how it wished to proceed.

Council Member Coffey moved the approval of Ordinance 18-06, *Transferring Funds for the Old Municipal Building CIP Project from Contingency to Legal/Admin and Construction*. Motion seconded by Council Member Williams, and APPROVED by the following vote: YES: Daye, Williams, Coffey, Burnette, Rainey, Elliott, Daeke and Simmons. NO: None. ABSTAIN: None. ABSENT: None. (*See Ordinance Book 9, p 505*)

Acceptance of NC Department of Agriculture's Ash Protection Program Funding. (*Reference: CAF 18-28; Resolution 18-15*)

City Manager Frazier asked Assistant to the City Manager Paylor Spruill to explain this request. Mr. Spruill said the ash trees on Montgomery Street are infested with a non-native invasive insect called Emerald Ash Borer (EAB). Without treatment, the trees will die. The State program offers assistance with eradicating the EAB with funding up to \$5,000 but the City is expected to pay to have the chemical applied by trained labor utilizing existing city funds.

Council Member Coffey asked if the treatment is a guarantee. Mr. Spruill said it is good for several years but may need to be repeated as the insect migrates quickly.

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

Council Member Rainey moved the approval of Resolution 18-15, *Acceptance of NC Department of Agriculture's Ash Protection Program Funding*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Williams, Coffey, Burnette, Rainey, Elliott, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 6, p 57)

CONSENT AGENDA

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

Amending Chapter 23 Public Nuisance (*Reference: CAF 18-20; Ordinance 18-05*) This was brought before Council during the February meeting and the purpose of these changes is to assist with enforcement and expediency in correcting violations. (*See Ordinance Book 9 p 503*)

Tax Releases and Refunds from Vance County for the Month of January 2018. 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 January 2018.

January 2018 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property Releases			
Clayton, James	Personal Property Billed In Error	2017	\$ 15.41
Garcia, Eric	Personal Property Billed In Error	2017	\$ 55.53
Greenway, Thomas	Personal Property Billed In Error	2017	\$ 1.02
Hunt, Garry	Personal Property Billed In Error	2017	\$ 61.42
Jones, Clarence	Personal Property Billed In Error	2017	\$ 15.41
Oxford Sporting Goods	Personal Property Billed In Error	2017	\$ 281.50
Phan, Tuan	Real Property Billed In Error	2017	\$ 168.12
Phan, Tuan	Personal Property Billed In Error	2017	\$ 67.25
Quality Investments	Personal Property Billed In Error	2017	\$ 137.36
Wiggins, Barbara	Personal Property Billed In Error	2017	\$ 40.72
Real & Personal Property Releases - Total			\$ 843.74
Real & Personal Property Refunds			
			\$ -
Real & Personal Property Refunds - Total			\$ -
Audit Discoveries			
			\$ -
Audit Discoveries - Total			\$ -
Total Refunds & Releases			\$ 843.74

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

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

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

(Moved to the beginning of the meeting.)

REPORTS

- a) Mayor/Mayor Pro-Tem - (No Report)
- b) City Manager - Mr. Frazier reported on the following:
 - i. KLRW Loan of \$12M with \$3M in grant funds has been approved by the State. Will be brought to Council for acceptance
 - ii. The wooden building at the entrance to Elmwood Cemetery is scheduled for demolition.
 - iii. Recently there was an article in the newspaper about the Recreation and Park's Adopt-A-Park Program highlighting Jaycee Park for both renaming and being taken over by a specific group or business.
 - iv. If Council agrees, staff would like to do something at the Outdoor Pavilion to honor former Mayor Robert Young.
 - v. Regional Water, Water and Sewer budgets are looking good. If Council is agreeable, would like to set up some meetings to discuss before getting it to the full budget work sessions. Please let Mr. Frazier know your feelings about this.
 - vi. Engineering is working with a landscape architect to obtain a proposal for the pavilion to be brought back for consideration at the next council meeting.
- c) City Attorney - (No Report)
- d) City Clerk – Reminder that Leadership Vance City Day this Thursday; City Hall is Closed for Good Friday and Happy Easter.

OTHER

Council Member Coffey said she has been approached by a property owner near Kings Daughter Park about the City purchasing the property. Mr. Frazier said to have the owner contact him. She also mentioned the Easter cantata that her church is presenting.

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 Rainey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(6) for an Personnel Matter. Motion seconded by Council Member Burnette, and unanimously approved.

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

(Council Member Rainey left the meeting at 8:20 p.m.)

WORK SESSION

Approving a Minimum Charge for Any Habitable Structure or Commercial Establishment in the City for Failure to Connect to Available Water and Sewer. *(Reference: CAF 18-27; Ordinance 18-12)*

City Manager Frazier said 21 applications have been received to connect and the connections are being made. There are still some that have not responded and it has been suggested to make this requirement fair that those that have not responded/connected be charged the minimum monthly fee. There was discussion about whether the property owner should pay this fee or if the customer should pay the fee. Mr. Frazier said he would look into this and get back to Council.

Outdoor Pavilion Discussion. *(No Materials)*

This matter was mentioned during the City Manager's Report and there was no further discussion.

ADJOURNMENT

Council Member Elliott moved for adjournment. Motion seconded by Council Member Coffey, and unanimously approved. The meeting adjourned at 8:27 p.m.

Eddie Ellington
Mayor

ATTEST:

Esther J. McCrackin, City Clerk