

City Council Minutes

Regular Meeting

September 10, 2018

PRESENT

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

ABSENT

Council Members Melissa Elliott (due to a prior commitment) and Fearldine Simmons (health reasons)

STAFF PRESENT

City Manager Frank Frazier, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Assistant City Manager Paylor Spruill, Finance Director Joseph Fuqua, Police Chief Marcus Barrow, Fire Chief Steve Cordell, Assistant Fire Chief Curtis Tyndall, Engineering Director Clark Thomas, Human Resources Director Elgin Lane, Development Services Director Corey Williams, Customer Service Manager Shay Bennett and Henderson Water Reclamation Facility Director Lamont Allen.

CALL TO ORDER

The 10 September 2018 Regular Meeting of the Henderson City Council was called to order by Mayor Eddie Ellington at 6:06 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 Council Member Elliott was unable to attend due to a prior commitment and Council Member Simmons due to health reasons. 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 extended a warm welcome to those present and asked the City Clerk to proceed.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Ellington asked if there were any adjustments to the Agenda. The City Clerk explained the renewal of the PSNC franchise was included in the agenda package as a resolution; however, it should have been an ordinance and the corrected copy has been distributed. Council Member Rainey moved to accept the Agenda as adjusted. Motion seconded by Council Member Williams, and unanimously approved.

APPROVAL OF MINUTES

Mayor Ellington asked for any corrections to and/or approval of the minutes. Council Member Williams moved the approval of the 13 August 2018 Regular Meeting minutes and the August 23, 2018 Mid-Year Retreat minutes, as presented. Motion seconded by Council Member Burnette, and unanimously approved.

PRESENTATIONS/RECOGNITIONS

Council Member Coffey presented the City Manager with two large books on the Presidents of the United States for the museum, along with issues for the *Warren Record* from 1956 and 1957. The newspaper articles highlighted Edward Hunter who served as Clerk in Warrenton, and Ms. Coffey specifically pointed out he made \$250 a month.

Economic Development Commission Director Mr. Dennis Jarvis gave Council a brief update on the Commission's activities. He highlighted a new marketing campaign focused on attracting a craft brewery or taproom for the community. He also said the Commission's website is being upgraded to utilize more videos to feature this area.

Council Member Rainey thanked Mr. Jarvis for keeping Council informed. Council Member Williams asked if the Commission would be focusing on other markets. Mr. Jarvis said other initiatives would highlight segments such as food, and the biotech industry.

Before closing, Mr. Jarvis commended Council Member Daeke for his contributions as a member of the Commission. Mr. Daeke thanked Council for appointing him to this commission and expressed his thanks to Mr. Jarvis who "hit the ground running" when he accepted this position.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

City Clerk McCrackin advised two citizens wished to address Council.

Gene Ayscue, 84 Weybosset Road Mr. Ayscue said the majority of residents in this subdivision have "bad" water. He said many of the residents have attended the water meetings held at City Hall to discuss this matter and understand what is involved. He gave an example of one resident who has not had enough water in their well for years. Mr. Ayscue gave other examples and said the majority of residents would like to receive city water. He felt there was a health problem and encouraged Council to do what they can to provide city water to this subdivision.

Council Member Daeke asked if all the residents were interested in receiving city water. Mr. Ayscue said he did not have an exact number but he felt ½ to 2/3 were interested.

Patti Lenehan, 103 Eileen Court Ms. Lenehan came before Council to also request city water for Eileen Court. She presented Council with a certified environmental analysis of her water, along with a photo of how the iron is discoloring her water. Ms. Lenehan said she knows ten of the thirteen residents on Eileen Court would like to have city water and implored Council to do what they can to make this happen.

Council Member Burnette asked how long Ms. Lenehan has had this problem. She said at least 15 years. She added the water filter that she had installed several years ago at an expense of about \$500 has not helped the problem.

Council Member Coffey stated citizens should be able to have good water and said the City should do all it can to help this situation.

Mayor Ellington thanked both Mr. Ayscue and Ms. Lenehan for sharing.

NEW BUSINESS

Amending the Customer Service Policy to Rename the Reconnect Fee to Non Payment Fee and Other Administrative Changes. (Reference: CAF 18-95; Resolution 18-57)

City Manager Frazier explained staff would like to change the reconnection fee to a non-payment fee to clarify that this fee sometimes needs to be paid prior to establishing service in a customer's name at another location. Other minor revisions have been made to this policy so it conforms with the current utility collections practices. Lastly, the Customer Service Supervisor title was recently changed to Customer Service Manager so that was also changed in the policy.

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

Council Member Coffey moved the approval of Resolution 18-57, *Amending the Customer Service Policy to Rename the Reconnect Fee to Non Payment Fee and Other Administrative Changes*. Motion seconded by Council Member Burnette, and APPROVED by the following vote: YES: Williams, Coffey, Burnette, Rainey, Daeke and Daye. NO: None. ABSTAIN: None. ABSENT: Elliott and Simmons. (See Resolution Book 6, p 141)

Approving the Renewal of the Franchise Agreement with Public Service Company of North Carolina (PSNC) for a Period of Thirty Years. (Reference: CAF 18-100; Ordinance 18-50)

City Manager Frazier said the existing agreement with PSNC will expire December 21, 2018, and it is recommended that this agreement be renewed until the year 2048. The City Attorney has reviewed this agreement and there has been discussion with PSNC regarding issues such as mapping issues, cuts, etc. To conform to NCGS 160-76, this is the first reading of this ordinance

Council Member Daeke asked if the existing agreement was for thirty years also. Mr. Frazier said yes.

Council Member Williams expressed concern about dips left in the road after a cut has been made. Mr. Frazier asked Council to let him know when they see problems such as this.

Mayor Ellington now asked Council how it wished to proceed.

Council Member Rainey moved the approval of Ordinance 18-50, Motion seconded by Council Member Burnette, and APPROVED by the following vote: YES: Coffey, Burnette, Rainey, Daeke, Daye and Williams. NO: None. ABSTAIN: None. ABSENT: Elliott and Simmons. (*See Ordinance Book 9, p 593*)

Authorizing a Grant/Loan Application to Drinking Water State Revolving Fund (DWSRF) for Various Water Main Extensions and Replacement Within the City of Henderson Water Distribution System. (*Reference: CAF 18-98, Resolution 18-59*)

City Manager Frazier said he has met with residents from Weybosset Subdivision and Eileen Court, along with Engineering Director Clark Thomas, Assistant City Manager Paylor Spruill several times to discuss the possibility of extending water into these two areas. Mr. Frazier said Skenes Avenue has been included in this project because of the contamination of wells that has been documented by the State and could lead to better points for application approval. The expected cost for water main extensions is \$1,468,100 (\$866,400 for Weybosset; \$128,300 for Eileen Court; and \$473,400 for Skenes Avenue). The existing water line on Skenes Avenue needs to be extended and Mr. Frazier asked Mr. Thomas to explain further.

Mr. Thomas said by lumping all three projects together, the City has a better chance of receiving funding.

Council Member Daeke asked if the residents understand there will probably be an assessment fee and asked if they have an idea of what that fee might be. Mr. Ayscue spoke up and said this has been discussed during the meetings with City staff. This led to a discussion about the assessment procedure which Mr. Spruill addressed.

Mr. Spruill said there are two possibilities. One is to the amortization of the grant/loan cost over 10 years. The other is to amortize the cost over 30 years and a petition by residents in neighborhoods much be submitted with two thirds of the economic value being considered. He said depending on whether the grant/loan is awarded, the County might need to contract with the City for the assessment process. The Manager stated that he had talked with the County Manager and did not think that would be a problem.

Council Member Coffey asked who would do the application/petition. Mr. Frazier said a representative of the residents with the help of City staff.

Council Member Daeke asked if there would be an assessment fee for residents on Skenes Avenue. Mr. Frazier said no and Mr. Thomas explained how the existing 2” line needs to be connected and since it was a replacement that they would not be assessed. It was noted that a majority of the houses in this area were already on city water. The extension of the larger main would provide a loop to Henderson Collegiate.

Mayor Ellington asked if this would increase the possibility of future annexations and Mr. Frazier said it could definitely increase the possibility.

Council Member Burnette asked if this extension would reach Poplar Creek. Mr. Frazier said this project would not extend to Poplar Creek and added other subdivisions are now starting to express interest in receiving city water. Mr. Burnette verbally verified that this is all contingent on the city being awarded this grant/loan. Mr. Frazier said yes and that the residents understand this. Mr. Frazier stated that there were more details to be worked out but the City must get the application submitted before the end of September deadline.

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

Council Member Daeke moved the approval of Resolution 18-59, *Authorizing a Grant/Loan Application to Drinking Water State Revolving Fund (DWSRF) for Various Water Main Extensions and Replacement Within the city of Henderson Water Distribution System.* Motion seconded by Council Member Williams, and APPROVED by the following vote: YES: Burnette, Rainey, Daeke, Daye, Williams and Coffey. NO: None. ABSTAIN: None. ABSENT: Elliott and Simmons. *(See Resolution Book 6, p 145)*

Approving Change Order #1 and the Final Adjusting Change Order to North State Water and Sewer Inc. for ROBCO Manufacturing and Sewer Line Extension Project and Transferring \$2,000 from the ROBCO CIP Contingency Line to the Construction Line Item. *(Reference: CAF 18-99; Resolution 18-51, Ordinance 18-48, Budget Amendment #11)*

City Manager Frazier explained ROBCO changed the location of its building and that changed the alignment slightly along Martin Creek Road. Mr. Frazier said the funding agency has verbally approved the realignment of the sanitary sewer line and the new design has increased the contract price by \$30,910.80. However, with credits in the final changeover for the sewer main not installed, the new design is only \$1,112.80 over budget and staff recommends moving \$2,000 from contingency to the construction line item. The Manager stated it was appropriate to approve Change Order #1 and the final adjustment.

Council Member Daeke asked whether the realignment would help with future development. Mr. Frazier said it will help.

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

Council Member Rainey moved the approval of Resolution 18-51, *Approving Change Order #1 and the Final Adjusting Change Order to North State Water and Sewer Inc. for ROBCO Manufacturing and Ordinance 18-48, Sewer Line Extension Project and Transferring \$2,000 from the ROBCO CIP Contingency Line to the Construction Line Item.* Motion seconded by

Council Member Burnette, and APPROVED by the following vote: YES: Rainey, Daeke, Daye, Williams, Coffey and Burnette. NO: None. ABSTAIN: None. ABSENT: Elliott and Simmons. (See Resolution Book 6, p 129, Ordinance Book 9, p 589)

Amending Section 10-20 of the City Code Relative to Noise Violations. (Reference: CAF 18-97; Ordinance 18-47)

City Manager Frazier said this issue has been discussed at prior Council meetings. The Police Chief has taken the lead on amending the noise ordinance and Mr. Frazier said he has prepared a good proposal for Council's consideration. He then asked Chief Marcus Barrow to explain the amendments to Council.

Chief Barrow said the existing ordinance was very vague and currently more specific details are necessary for good court reviews. He said violations will be complaint driven and his officers will be giving out warnings until the changes are well publicized. There will be press releases and notifications posted via various social media sites.

Council Member Daeke asked how many decibel meters will be required. The Chief said he plans to purchase four along with a calibrator. He plans to stay within the \$100 range and staff training will be in-house. Mr. Daeke asked if Council had any problems with the 7 am to 7 pm. time for lawn mowing. No other Council Members expressed concern with this timeframe.

Council Member Rainey asked who regulates muffler sounds. The Chief said this is regulated by the DMV.

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

Council Member Rainey moved the approval of Ordinance 18-47, *Amending Section 10-20 of the City Code Relative to Noise Violations*. Motion seconded by Council Member Burnette, and APPROVED by the following vote: YES: Daeke, Daye, Williams, Coffey, Burnette and Rainey. NO: None. ABSTAIN: None. ABSENT: Elliott and Simmons (See Ordinance Book 9, p 587)

Authorizing the Use of Reserve Funds for Replacement of a 20 Ton HVAC Unit at the Operations Center. (Reference: CAF 18-101; Ordinance 18-49, Budget Amendment #13)

City Manager Frazer said shortly after finalizing the FY19 budget a 20 Ton HVAC unit at the Operations Center stopped working. Fortunately, the \$29,000 cost of replacing this unit will be split between Water, Sewer and the General Fund.

Council Member Rainey asked how old the unit was to which Mr. Frazier said it was in place when the City purchased the building.

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

Council Member Daeke moved the approval of Ordinance 18-49, *Authorizing the Use of Reserve Funds for Replacement of a 20 Ton HVAC Unit at the Operations Center*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Daeke, Daye, Williams, Coffey, Burnette and Rainey. NO: None. ABSTAIN: None. ABSENT: Elliott and Simmons. (See Ordinance Book 9, p 591)

Approving an Agreement with Duke Energy Progress to Allow the Installation of Banners and Necessary Hardware on the Power Poles Within the City. (Reference: CAF 18-96, Resolution 18-58)

City Manager Frazier said Duke Energy Progress has asked the City to sign an agreement before allowing the installation of the necessary hardware to hang banners on the power poles.

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

Council Member Daeke moved to approve Resolution 18-58, *Approving an Agreement with Duke Energy Progress to Allow the Installation of Banners and Necessary Hardware on the Power Poles Within the City*. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Daye, Williams, Coffey, Burnette, Rainey and Daeke. NO: None. ABSTAIN: None. ABSENT: Elliott and Simmons. (See Resolution Book 6, p 143)

CONSENT AGENDA

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

Authorizing the Closeout of the Sandy Creek Pump Station CIP Project Budget. (Reference: CAF 18-94, Ordinance 18-46, Budget Amendment #12) The improvement to the Sandy Creek Pump Station have been completed and all reimbursements have been received. Therefore, this CIP line item can be closed. (See Ordinance Book 9, p 585)

Ratifying the Submission of an Application to the Bureau of Justice for the FY18 Edward Byrnes Justice Assistance Grant (JAG) and Approving the Memorandum of Understanding Between the City of Henderson and Vance County for Dispersion of the Grant Funds. (Reference: CAF 18-93; Resolution 18-30) If approved, this grant application in the total amount of \$17,752 must be divided with the Vance County Sheriff's office with 60% (\$10,615.20) going to the City and 40% (\$7,100.80) going to the County. (See Resolution Book 6, p 87)

Tax Releases and Refunds from Vance County for the Month of July 2018. (Reference: CAF 18-92) 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 July 2018.

July 2018 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property Releases			
Wiegiersma, Frank	Corrected Value	2016	\$ 610.82
Jones, Rebecca	Corrected Value	2018	\$ 19.22
Bochnovic, David	Corrected Value	2018	\$ 4.77
Champion, Charlie	Corrected Value	2018	\$ 412.56
Currin, George	Personal Property Billed in Error	2018	\$ 2.86
Davis, Linda	Corrected Value	2018	\$ 314.82
Freuler, Jeffery	Corrected Value	2018	\$ 5.72
Jackson, Mary	Corrected Value	2018	\$ 337.04
Riggsbee, Patrick	Value Adjustment	2018	\$ 337.92
Turner, Rowland	Personal Property Billed in Error	2018	\$ 38.18
Blalock, Ralph	Corrected Value	2018	\$ 662.69
Williams, Henry	Value Adjustment	2018	\$ 278.99
Real & Personal Property Releases - Total			\$ 3,025.59
Real & Personal Property Refunds			
			\$ -
Real & Personal Property Refunds - Total			\$ -
Audit Discoveries			
Daniel, Hendly	Discovery	2018	\$ 69.25
Equity Trust Co.	Discovery	2018	\$ 3,525.00
Hanks, Derrick	Discovery	2018	\$ 4.28
Jackson, Bobby	Discovery	2018	\$ 96.12
Kustom Kolor	Discovery	2018	\$ 295.05
Mazatlan	Discovery	2018	\$ 124.74
Sullivan, Donnie	Discovery	2018	\$ 7.69
Tellez, Dani	Discovery	2018	\$ 24.35
Wyatt, William	Discovery	2018	\$ 35.74
Audit Discoveries - Total			\$ 4,182.22
Total Refunds & Releases			\$ 7,207.81

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

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

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised one citizen wished to address Council.

Kaine Riggins, Downtown Development Director Mr. Riggan expressed concern regarding vacant buildings downtown becoming storage units. He shared a Craig's list advertisement and asked Council to clarify its policy and to do so as quickly as possible. It was also stated that this was of concern relative to fire protection.

Mayor Ellington thanked Mr. Riggins and Mr. Frazier said he would discuss this with the Development Services Director as there may already be regulations in place regarding this issue.

REPORTS

- a) Mayor/Mayor Pro-Tem – Mayor Pro-Tem Daeke said he, along with several other Council Members attended the ribbon cutting at Henderson Collegiate School. He said the school is incredible and was proud to represent the City at this event.
- b) City Manager - Mr. Frazier’s report focused on Hurricane Florence that is moving toward the Carolinas. Significant rainfall of perhaps 7-10” or more is expected from this storm. The Public Works crews are out cleaning storm drains and the generators are being filled with fuel. Trucks are being outfitted with chain saws staff will respond as quickly as possible during and after the storm passes. Mr. Frazier said main thoroughfares will be cleared first and then crews will work the smaller streets, just as they do during winter storms.

Mr. Frazier asked for a consensus of Council to formally adopt a State of Emergency for Local Government.

Council Member Rainey moved to approve the filing of a State of Emergency Declaration for the City of Henderson. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Williams, Coffey, Burnette, Rainey, Daeke and Daye. NO: None. ABSTAIN: None. ABSENT: Elliott and Simmons.

Council Member Rainey commented on an email from Duke Energy Progress that said nursing homes, assisted living facilities and long-term care businesses need to prepare their own individual emergency plans. Mr. Rainey felt anyone with family in any of these facilities should make plans to ensure they are properly cared for.

There was a short discussion about emergency shelters and Council Member Coffey said volunteers are always needed at shelters.

Council Member Daeke said the Ducky Derby has been postponed from this weekend.

City Manager Frazier said the work on Granite Street is complete and the City will complete the curb and gutter, and pavement replacement.

- c) City Attorney – Attorney Rix Edwards stated the opioid litigation paperwork has been submitted.
- d) City Clerk – Reminded Council of the upcoming Crime Stoppers Banquet, the COG Banquet and said the Rules, Procedures and Guidelines that was shared at a previous meeting will be brought before Council at the October meeting since no changes have been requested.

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Coffey, and unanimously approved. The meeting adjourned at 7:40 p.m.

Eddie Ellington
Mayor

ATTEST:

Esther J. McCrackin, City Clerk