

City Council Minutes

Regular Meeting

December 17, 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 and George Daye

ABSENT

Council Member Fearldine Simmons

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 City Manager Paylor Spruill, Engineering Director Clark Thomas, Human Resources Director Elgin Lane, Development Services Director Corey Williams, Kerr Lake Regional Water Director Christy Lipscomb, Recreation and Parks Director Kendrick Vann, Customer Service Manager Shay Bennett and Henderson Water Reclamation Facility Director Lamont Allen

CALL TO ORDER

The 17 December 2018 Regular Meeting of the Henderson City Council was called to order by Mayor Eddie Ellington at 6:05 p.m. in the R. G. “Chick” Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

The City Clerk shared Council Member Simmons called earlier today to say she would not be able to attend this evening due to her health. The Clerk then called the roll and advised 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 to the last meeting of the year and then asked the Clerk to proceed.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Ellington asked if there were any adjustments to the Agenda. With Council's permission, one item was added to New Business: *Amending Article VII, Section 16 of the Administrative Policy on Bereavement Leave* and minutes for the 10 December 2018 Cancelled Regular Meeting minutes. 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. Council Member Daeke moved the approval of the 19 November 2018 Regular Meeting minutes, the 27 November 2018 Joint Meeting of Kerr Lake Regional Water Partners minutes and the 10 December 2018 Cancelled Regular Meeting minutes as presented. Motion seconded by Council Member Burnette and unanimously approved.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address Council.

NEW BUSINESS

Authorizing a Contract Amendment with Stantec Consulting Services, Inc., for Additional Expenses Related to the Attendance of a Joint Meeting and Transferring Funds Necessary for the Stantec Contract CIP Budget. (*Reference: CAF 18-125; Resolution 18-76, Ordinance 18-59, Budget Amendment #20*)

City Manager Frazier explained that Stantec was contracted to perform work on the KLRW renovations. An additional meeting was requested by the partners to understand better the cost allocations and this led to additional travel and labor costs for Stantec staff that were not included in the original contract. Mr. Frazier said there might be more unexpected costs as the partners consider their options and asked Council if they would like to add additional funds or wait until additional costs are incurred.

Council Member Daeke asked if staff knew how many more meetings might create additional costs. Mr. Frazier said there will be an additional meeting in January but the plan is to hold that meeting via a video chat.

Council Member Coffey asked if there was a problem with the Partners and said that at the meeting she attended they seemed to think they were being asked to contribute an unfair amount.

Council Member Williams asked if these meetings will keep the project from meeting deadlines. The response was so far all deadlines have been met and it is expected there will be no delays in meeting future deadlines since Phase I and Phase II were being combined.

As Chairperson of the Kerr Lake Regional Advisory Board, Mr. Daeke explained the process going forward and said he expects the differences to be resolved by the end of January. He said as managing partner, Henderson has three votes and Warren County and Oxford have one each. Ms. Coffey commended Mr. Daeke for his on-point responses during the joint meeting. Mr. Daeke said he is still learning and thanked both management and staff for helping him to understand the project.

Mr. Frazier pointed out there has been some leadership changes for Warren County and Oxford so some of the questions are for a better understanding of the project.

After this discussion, Council opted to approve only the expended cost for the joint meeting that was held on November 27, 2018. Mr. Frazier stated this expense would be paid with unexpended dollars from the new SCADA system for KLRW.

Mayor Ellington asked Council how it wished to proceed.

Council Member Rainey moved the approval of Resolution 18-76, *Authorizing a Contract Amendment with Stantec Consulting Services, Inc. for Additional Expenses Related to the Attendance of a Joint Meeting* and Ordinance 18-59, *Transferring Funds Necessary for the Stantec Contract CIP Budget*. Motion seconded by Council Member Burnette, and APPROVED by the following vote: YES: Williams, Coffey, Burnette, Rainey, Elliott, Daeke and Daye. NO: None. ABSTAIN: None. ABSENT: Simmons (*See Resolution Book 6, p 179; Ordinance Book 9, p 611*)

Providing for the Disposition of Jointly Held Properties by the City and County Identified as 423 Chestnut Street; Further Identified in Vance County Register of Deeds Book #0763, Page #0072, Tax Parcel 0098-07016; 710 Marshall Street; Further Identified in Vance County Register of Deeds Book #1334, Page #0846, Tax Parcel 0091-03008; and 210 N. Chestnut Street; Further Identified in Vance County Register of Deeds Book #0717, Page #0294, Tax Parcel 0098-07015. (Reference: CAF 18-127; Resolution 18-77)

City Manager Frazier said Vance County has received offers to purchase these three properties for \$750 each. He said the City has no problem with the sale but staff would like to see conditions placed on the properties and he then asked Development Services Director Corey Williams to explain further. Mr. Williams said 710 Marshall Street is a vacant lot so there is no problem with this property. However, both parcels on Chestnut Street have structures that do not meet minimum code. The structure on 210 N. Chestnut Street recently burned and is beyond repair and should be demolished. The structure on 423 Chestnut Street has a large hole in the roof with a tree growing through it and the floor has rotted to the extent that Mr. Williams fell through the floorboards. He suggested that covenants be placed on these properties for demolition prior to completing the sale.

Council Member Coffey expressed concern about individuals from out of town making these offers and felt the parcels were worth more than \$750. Council Member Daeke agreed and suggested this action be tabled until it can be discussed further with the County.

Council Member Elliott asked if enforcement steps have been taken and Mr. Williams said yes.

Following this discussion Mayor Ellington asked Council how it wished to proceed.

Council Member Coffey moved to **TABLE** Resolution 18-77, pending further discussion. Motion seconded by Council Member Daeke and was **TABLED** by the following vote: YES: Coffey, Burnette, Rainey, Elliott, Daeke, Daye and Williams. NO: None. ABSTAIN: None. ABSENT: Simmons (*See Resolution Book 6, p 181*)

Final Adjusting Change Order with H.G. Reynolds and a Contract Amendment with McGill Associates; Adoption of an Analysis of Impediments to Fair Housing; and Amending the Budget to Reflect Final Adjustment to the Project Funds and Moving the Remaining Funds Back in to Rate Stabilization. (*Reference: CAF 18-128; Resolution 18-78, Resolution 18-82, Ordinance 18-60, Budget Amendment #22*)

City Manager Frazier began by saying he is pleased to say this project is complete and the pump station on Newton Dairy Road no longer exists. He then asked Engineering Director Clark Thomas to summarize this request. Mr. Thomas said this was a good project and he is glad to see it completed. To meet guidelines, this project needs to be closed out by the end of December so a public hearing can be held at the January Regular meeting. Both projects came in under budget creating a credit of approximately \$70,322 that would be moved back to Rate Stabilization. However, Mr. Thomas said there are still some small items to be paid and after final calculations it was \$100 less that would be returned to the Rate Stabilization account. The Manager stated that this change would be reflected in the budget amendment.

Council thanked Mr. Thomas for completing this project and then Mayor Ellington asked Council how it wished to proceed.

Council Member Elliott moved the approval of Resolution 18-78, *Final Adjusting Change Order with H.G. Reynolds and a Contract Amendment with McGill*; Resolution 18-82, *Adoption of an Analysis of Impediments to Fair Housing*; and Ordinance 18-60, *Amending the Budget to Reflect Final Adjustment to the Project Funds and Moving the Remaining Funds Back in to Rate Stabilization*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Burnette, Rainey, Elliott, Daeke, Daye, Williams and Coffey. NO: None. ABSTAIN: None. ABSENT: Simmons (*See Resolution Book 6, p 183 and 191, Ordinance Book 9, p 613*)

Directing the Clerk for the City of Henderson, North Carolina (City) to Investigate the Sufficiency of a Voluntary Contiguous Annexation Petition for Kerr Area Transportation Authority (KARTS). (*Reference: CAF 18-131, Resolution 18-81*)

City Manager Frazier said the new KARTS facility is under construction and as part of that project, Karts extended water to the facility. Mr. Frazier said when this happens outside city limits, annexation is required by ordinance. This action will allow the Clerk to do a proper investigation and for staff to provide input.

Council Member Coffey asked how annexation would benefit the City. Mr. Frazier said that is something that will be reviewed and brought back to Council in the Annexation Report. Council

Member Daeke asked if it was taxable or a nonprofit and the Manager stated that it would not be taxable and if annexed, their water and sewer bill would be less. He also stated that once the investigation of sufficiency has been completed it will be brought back to Council for further consideration and ultimately Council has the final decision as to whether to approve this annexation.

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

Council Member Elliott moved the approval of Resolution 18-81, *Directing the Clerk for the City of Henderson, North Carolina (City) to Investigate the Sufficiency of a Voluntary Contiguous Annexation Petition for Kerr Area Transportation Authority (KARTS)*. Motion seconded by Council Member Williams and APPROVED by the following vote: YES: Rainey, Daeke, Simmons, Daye, Williams, Coffey and Burnette. NO: Elliott. ABSTAIN: None. ABSENT: Simmons. (See Resolution Book 6, p 189)

Authorizing an Engineering Contract with AECOM for Municipal Separate Storm Sewer System (MS4) Compliance and Self-Monitoring Assessment and Establishing a CIP Project for the (MS4) Stormwater Program Assessment. (Reference: CAF 18-129; Resolution 18-79, Ordinance 18-62, Budget Amendment #23)

City Manager Frazier said things are changing regarding EPA regulations and a good amount of work needs to be done. He then asked Engineering Director Clark Thomas to explain further. Mr. Thomas began by saying many smaller cities are not compliant with these new regulations which now requires the City to update its Stormwater Pollution Prevention Plan. He said these new regulations require smaller cities to maintain levels similar to larger Phase I cities such as Raleigh and Charlotte. It is necessary to initiate a self-assessment prior to the 2019 audit that will take place to avoid penalties. The Manager stated that this work is different from what is being performed by Dewberry Engineers relative to the Stormwater Utility.

Council Member Coffey summarized this project by saying this is something that must be done.

With no questions, Mayor Ellington asked Council how it would like to proceed.

Council Member Rainey moved the approval of Resolution 18-79, *Authorizing an Engineering Contract with AECOM for Municipal Separate Storm Sewer System (MS4) Compliance and Self-Monitoring Assessment*; and Ordinance 18-62, *Establishing a CIP Project for the 90MS4 Stormwater Program Assessment*. Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Elliott, Daeke, Daye, Williams, Coffey, Burnette and Rainey. NO: None. ABSTAIN: None. ABSENT: Simmons.

Authorizing Areas of the City to be Researched for Designation as Local and/or Registered Historic Areas, as Part of the City Master Redevelopment Plan. (Reference: CAF 18-115; Resolution 18-68)

City Manager Frazier stated that this was discussed at the last Work Session. He then asked Assistant City Manager Paylor Spruill to provide the details of this request. Mr. Spruill presented a map of the areas that may be eligible to become local and/or registered historic areas. Mr. Frazier said action this evening does not designate these areas but will allow the areas to be researched for the possibility of becoming historic areas. Mr. Spruill said there are four areas included in this research: the area around the old Henderson Middle School, the Gholson/Mistletoe area, the industrial area in the southern part of the city and an area previously included in the High Speed Rail section of the city.

Council Member Elliott asked that the map be made available to Council. Mr. Spruill said he would make it available following the meeting.

Council Member Coffey asked if the Little Motel is included as she said it had historic value because it was a military barracks for women at one time. Mr. Spruill said he will do some research into this also but did not have any details for this meeting.

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

Council Member Elliott moved the approval of Resolution 18-68, *Authorizing Areas of the City to be Researched for Designation as Local and/or Registered Historic Areas, as Part of the City Master Redevelopment Plan*. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Daeke, Daye, Williams, Coffey, Burnette, Rainey and Elliott. NO: None. ABSTAIN: None. ABSENT: Simmons. (See Resolution Book 6, p 171)

Amending Article VII, Section 16 of the Administrative Policy on Bereavement Leave. (Reference: CAF 18-132; Resolution 18-72)

City Manager Frazier said two issues came before the Human Resources Committee. One was the hiring policy which prohibits the hiring of immediate family member of those holding the following positions: Mayor, City Council member, City Manager, Finance Director, Human Resource Director, City Clerk or City Attorney. The Committee did not feel any changes needed to be made at this time. However, Mr. Frazier said he thought the Assistant City Manager should be included in the above list.

The second issue considered by the Human Resources Committee was the bereavement policy. Mr. Frazier said that up until 2015 the City did not have a bereavement policy. At that time a one-day policy was approved, along with the revised 2015 Administrative Policy Manual. After review by staff and consideration by the Human Resources Committee, everyone felt the one-day policy should be changed to a three-day policy. If approved, this change will become effective January 2019.

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

Council Member Rainey moved the approval of Resolution 18-72, *Amending Article VII, Section 16 of the Administrative Policy on Bereavement Leave*. Motion seconded by Council Member Burnette and APPROVED by the following vote: YES: Daye, Williams, Coffey, Burnette, Rainey Elliott and Daeke. NO: None. ABSTAIN: None. ABSENT: Simmons. (*See Resolution Book 6, p 171*)

CONSENT AGENDA

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

Transferring Funds for Surveying and Upkeep of Elmwood Cemetery. (*Reference: CAF 18-120; Ordinance 18-61, Budget Amendment #24*) Improvements to Elmwood Cemetery, such as surveying and plot identification, tree replacement are included in this request. There was a question about where the funds would come from to pay for this work and why the money in the cemetery fund is unusable for projects such as these. Mr. Frazier explained that the City Attorney has reviewed the statute, which is very restrictive, and suggested that perhaps this is an issue that can be brought before the State Legislative body during its long session next year. (*See Ordinance Book 9, 615*)

Tax Releases and Refunds from Vance County for the Month of October 2018. (*Reference: CAF 18-126*) 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 October 2018.

October 2018 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property Releases			
Henderson, James	Taxes Lost to Foreclosure	2015-2017	\$ 590.67
Allen, Shavonda	Billed in NCVTS	2018	\$ 10.17
Briggs, Thomas	Personal Property Billed in Error	2018	\$ 14.31
Cheek, Davis	Corrected Value	2018	\$ 720.90
Hoyle, Annie	Corrected Value	2018	\$ 1,357.05
Lerew, Scott	SITUS Not Vance County	2018	\$ 20.84
Owen, Francis	Personal Property Billed in Error	2018	\$ 57.98
Plummer, Michael	Real Property Billed in Error	2018	\$ 31.05
Richards, Columbus	Corrected Value	2018	\$ 157.14
Schaard, Pamela	Corrected Value	2018	\$ 1,655.96
Vaughan, Leon	Corrected Value	2018	\$ 86.21
Real & Personal Property Releases - Total			\$ 4,702.28
Real & Personal Property Refunds			
			\$ -
Real & Personal Property Refunds - Total			\$ -
Audit Discoveries			
Mathews, John	Discovery	2018	\$ 23.50
Peoples, Henry	Discovery	2018	\$ 12.10
Satterwhite, David	Discovery	2018	\$ 14.09
Audit Discoveries - Total			\$ 49.69
Total Refunds & Releases			\$ 4,751.97

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

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 reported on the Christmas Parade/Tree Lighting, the Vance County Farm Bureau Breakfast, Cops on Top, Employee Appreciation Luncheon, along with a meeting he attended with Vance County Emergency Management.

Mayor Pro-Tem Daeke attended the Employee Appreciation Luncheon. He also attended the first Student Council event at the Middle School. Mr. Daeke said this is the first Student Council and he was very impressed with the students and the process they have established. He was able to provide a few words about how the City Council functions and overall thought the school has a well thought out program.

- b) City Manager - Mr. Frazier reported on the following:
- i. He thanked the Public Works department for its efficiency during the snow event, along with other departments.
 - ii. Due to melting snow and the rain in recent days, there were more sewer spills. The spills were at Pinkston and Farrar and Neathery Street, as well as Sandy Creek and Red Bud Pump Station. Several of the Council Member asked if this could lead to fines and Mr. Frazier stated that it could. He also stated that staff is working hard to stop the spills. He said the meters have been ordered that should help locate areas that are causing these spills and hopes to have this resolved soon.
 - iii. There will be a Roundtable Discussion this Wednesday to discuss homelessness and housing issues.
 - iv. Merry Christmas
- c) City Attorney - (No Report)
- d) City Clerk – The Clerk asked for a consensus regarding a date for the 2019 Strategic Planning meeting. She also reminded Council of the Chamber Banquet that will be held January 31, 2019. Happy Holidays!

WORK SESSION

Amending Peddlers Ordinance

Manager Frazier asked Police Chief Barrow to update Council on this amendment. Chief Barrow said the Public Safety Committee has reviewed this amendment. Changes were

suggested and it is now going to the City Attorney for further review. One thing the Chief said he is working to address is vendors within parks. This will be brought to Council as soon as it is finalized.

Redevelopment Plan Update

Manager Frazier asked Assistant City Manager Spruill to update Council on this plan. Mr. Spruill, is working with Dewberry Engineering on developing this plan and Mr. Bentley Ruggles from Dewberry was present this evening. Together they presented 16 zones of interest. Mr. Ruggles said visual cues such as signage at all the gateways is important. They also mentioned a pedestrian mall downtown, a visitor rail and an exercise pathway. Concepts and images are being created and a storyboard will be forthcoming and will be presented to the public as well.

Council shared their thoughts and Council Member Elliott emphasized the need to consider human development along with this plan saying people are necessary to make this successful. Overall, Council was impressed and looks forward to seeing the plan develop.

As part of the next steps, Mr. Spruill said he would like to include developers in the process to for their input. Staff will also work with the School of Government to help educate people, and holding public comment sessions. He said there are a lot of moving parts that will need to be put in place before this master plan can be completed. Lastly, he said the focus of the plan is to create a City of Water.

At this time Mayor Ellington asked Council if there was any further business. There was no response so he asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Daye, and unanimously approved. The meeting adjourned at 7:19 p.m.

Eddie Ellington
Mayor

ATTEST:

Esther J. McCrackin, City Clerk