

City Council Minutes

Special Called Meeting

January 17, 2019

PRESENT

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

ABSENT

Council Members Sara M. Coffey, D. Michael Rainey, Melissa Elliott and 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 January 2019 Special Called 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. Although Council Members Coffey and Simmons were unable to attend due to health reasons and Council Member Rainey had a prior commitment, 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

At this time, Mayor Ellington asked the City Clerk to proceed.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Ellington asked if there were any adjustments to the Agenda. City Manager Frazier requested the addition of a Work Session item to discuss the Pavilion project. Council Member Daeke 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. City Clerk McCrackin stated an error in the draft minutes was found after sending out the minutes and that the correction has been made. Council Member Williams moved the approval of the 17 December 2018 minutes, as adjusted. Motion seconded by Council Member Burnette and unanimously approved.

PRESENTATIONS/RECOGNITIONS

Amanda and Christopher Welsh introduced themselves as the new managers of the Henderson-Oxford Airport. They are excited about being here and are already seeing more traffic. The FBO (Fixed Based Operations) has re-opened with hospitality and they will be sponsoring a Young Eagles event in the near future.

Council Member asked if the airport is manned daily and Council Member Williams asked for more details about the Young Eagles program. Ms. Welsh said part of this program is offering free first flights to youth between the ages of 8 and 17 with its mission being to introduce and inspire kids into the aviation industry. The airport is manned daily and the Young Eagles is part of the Experimental Aircraft Association that is a nationwide program to introduce youth to aviation.

Mayor Ellington welcomed them and thanked them for coming out this evening.

PUBLIC HEARINGS

Adoption of the Public Hearing Minutes to Close-Out the CDBG Project and Amending the Budget for the CDBG Infrastructure Project 14-I-2658 (Newton Dairy Road/Birch and Bobbitt Street Sewer Extension Project) to Move Funds from Rate Stabilization Back into the Project Budget to Cover Wetland Mitigation. (*Reference: CAF 19-08; Resolution 19-05, Ordinance 19-04, Budget Amendment #25*)

City Manager Frazier explained the purpose of this public hearing is to review the expenditures, activities and accomplishments of the 2014 CDBG-Infrastructure Water Loss Reduction Project (14-I-2658). He then asked City Engineer Clark Thomas to explain further. Mr. Thomas explained that a Community Development Block Grant for Infrastructure (CDBG-I) was awarded to the City of Henderson in 2014. The City received a grant award amount of \$1,532,400 in Community Development Block Grant Funds (CDBG) to install approximately 6,100 linear feet of gravity sewer line that would allow the removal of one existing pump station and provide sanitary sewer in a much-needed area

The purpose of this public hearing is to review the expenditures and activities that have been accomplished through the 2014 CDBG-Infrastructure Water Loss Reduction Project (14-*-2658).

The project served approximately 2,325 people who benefitted from the project. The LMI% for the project is approximately 74.62%.

All grant activities are complete, and the City is closing out the 2014 grant. Total CDBG-I expenditures for the Birch/Bobbitt Street Project are approximately as follows: Administration: \$111,336.88 and Sewer Improvements: \$1,377,546.12 and Housing Rehabilitation/Sewer Connection: \$43,517. The project primarily benefited low-moderate income people.

With no 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 explained that the CDBG requests that approve an individual set of minutes specific to this Public Hearing. These minutes will also be included in the full meeting minutes.

At this time, Mayor Ellington asked Council for a motion to approve the minutes for this Public Hearing as read by the City Clerk and are incorporated by reference and hereby made part of these minutes.

Council Member Burnette moved to approved the minutes for the Public Hearing regarding *Adoption of the Public Hearing Minutes to Close-Out the CDBG Project and Amending the Budget for the CDBG Infrastructure Project 14-I-2658 (Newton Dairy Road/Birch and Bobbitt Street Sewer Extension Project) to Move Funds from Rate Stabilization Back into the Project Budget to Cover Wetland Mitigation.* Motion seconded by Council Member Williams, and approved by the following vote: YES: Williams, Burnette, Daeke and Daye. NO: None. ABSTAIN: None. ABSENT: Coffey, Rainey, Elliott and Simmons.

Mayor Ellington asked Council how it wished to proceed regarding this adoption and amendment to close-out CDBG Infrastructure Project 14-I-2658.

Council Member Daeke moved the approval of Resolution 19-05, *Adoption of the Public Hearing Minutes to Close-Out the CDBG Project*; Resolution 19-05-A, *Approving Revised Final Project Budget for the Community Development Block Grant for Project 14-*-2658 Newton Dairy Birch Bobbitt Sewer Project*; and Ordinance 19-04, *Amending the Budget for the CDBG Infrastructure Project 14-I-2658 (Newton Dairy Road/Birch and Bobbitt Street Sewer Extension Project) to Move Funds from Rate Stabilization Back into the Project Budget to Cover Wetland Mitigation.* Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Williams, Burnette, Daeke and Daye. NO: None. ABSTAIN: None. ABSENT: Coffey, Rainey, Elliott and Simmons (*See Resolution Book 6, p 201; Ordinance Book 10, p 625*)

(*Clerk's Note: Mr. Thomas brought Resolution 19-05-A to the meeting for Council to consider in addition to Resolution 19-05. Council approved both resolutions and Resolution 19-05-A will be recorded in Resolution Book 6, p 202.*)

Amending the Zoning Map to Rezone 1337 Dabney Drive (Parcel 0013 03052; 1343 Dabney Drive (Parcel 0013 03001) and 1511 Lynne Avenue (Parcel 0013 03002) from OIA (Office Institutional “A”) District and R-8 (Moderate to High Density Residential) District to B-4 (Neighborhood Commercial) District. (Reference: CAF 19-05; Ordinance 19-01)

City Manager Frazier said the Planning Board received this request and held a Public Hearing in December regarding this matter. He then asked Development Services Director Corey Williams to explain the request in more detail. Mr. Williams began by showing the area and explaining how this area, along with the surrounding areas are currently zoned. Rezoning to B-4 would allow for multiple commercial uses.

Mayor Ellington asked if B4 was the best recommendation for this area. Mr. Williams said yes.

Council Member Burnette asked if both Dabney and Lynne were currently zoned OIA and if they were zoned residential previously. Mr. Williams said yes.

Council Member Williams expressed concern about the traffic. She asked if a traffic analysis has been done. Both Mr. Williams and Manager Frazier said several studies have been done and the DOT will be conducting one in conjunction with the proposed work on Dabney. Mr. Frazier stated the DOT is currently surveying the corridor and a preliminary design/schematic should be available soon that may further reveal the proposed alignments. Ms. Williams said she would like to see the design to which Mr. Frazier noted it is a lengthy process that could take some time to receive.

Council Member Daeke would like to see the preliminary design also. He felt Council would be remiss to make a change at this time if it conflicts with the DOT plans. The Chief was referring primarily to the Beckford/Dabney intersection.

Council then asked the Police Chief for traffic information. Chief Barrow said that area accounts for most of the traffic incidents within the City.

The Development Services Director said that during the December Planning Board Public Hearing they heard from residents who expressed concerns about the traffic. He noted this is certainly a potential growth area and that the B4 zoning is compliant with the 2030 Comprehensive Plan.

At this time, Mayor Ellington opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment.

Harold Frazier, Frazco Realty – Mr. Frazier represents the Edwards heirs estate along with the proposed buyer of these properties. He respects and understands the objections to this request but said he is working with the perspective buyer to find a reasonable way to alleviate the traffic concerns. He asked Council to consider approving the zoning amendment.

One suggestion was to possibly direct traffic through a neighboring “mall” parking lot and Council Member Burnette asked Mr. Harold Frazier if the owners of the mall, which is one way to relieve the traffic concerns, had been contacted.

Mr. Harold Frazier said as far as he knows no one has contacted the owners. He then added that Henderson is situated in an excellent location - being within 65-70% of the East Coast population. He hopes Council will be open to new growth but only if it is best for the citizens and the City overall. He then quoted from an article by the managing editor of the *Daily Dispatch* regarding the growth in Durham and Raleigh and how it is going to reach Henderson. Lastly, he encouraged Council to approve this zoning amendment.

Mayor Ellington asked if anyone else would like to speak in favor of this amendment. No one came forward so Mayor Ellington asked if anyone was present who wished to speak in opposition to the amendment.

Linnova Williams – Royster, 1536 Lynne Avenue Ms. Williams-Royster attended the Public Hearing held by the Planning Board in December and is here to say she is not against redevelopment. She just does not want it in her front door. Her concern was traffic and felt the congestion on Lynne Avenue would be dangerous to both the children and the elderly that live on the street. She asked Council to deny this request

Mayor Ellington then closed the Public Hearing and asked for Council’s pleasure.

Council Member Daeke said he sees both sides of the issue and commented that Council is only being asked to approve the rezoning tonight. He suggested postponing a decision until a traffic study is completed. However, after further discussion he felt that the potential buyer should be encouraged to talk with the mall owners to determine the feasibility of directing traffic through the mall rather than directly back out onto Dabney Drive.

City Attorney Rix Edwards suggested any tabling of this issue should be done with a date certain for further consideration. He also reminded Council that the decision must be based on all the aspects of the B4 zoning and cannot be site specific.

Council Member Burnette moved to TABLE Ordinance 19-01, *Amending the Zoning Map to Rezone 1337 Dabney Drive (Parcel 0013 03052; 1343 Dabney Drive (Parcel 0013 03001) and 1511 Lynne Avenue (Parcel 0013 03002) from OIA (Office Institutional “A”) District and R-8 (Moderate to High Density Residential) District to B-4 (Neighborhood Commercial) District* until the February 11, 2019 meeting. Motion seconded by Council Member Daye until the February 2019 Council Meeting and APPROVED by the following vote: YES: Burnette, Daeke, Daye and Williams. NO: None. ABSTAIN: None. ABSENT: Coffey, Rainey, Elliott and Simmons.

Amending Zoning Ordinance Article 310A Permitted Use to Remove Section 5.17, Night Clubs, Taverns and Lounges in RA (Residential Agricultural) District to Correct an Error. (Reference: CAF 19-05; Ordinance 19-02)

City Manager Frazier said this amendment is self-explanatory but asked Development Services Director Corey Williams to explain further. Mr. Williams said while researching the code, this

ordinance was found to be inappropriate and therefore needs to be removed from the Zoning Code.

With no 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 Daeke moved the approval of Ordinance 19-02, *Amending Zoning Ordinance Article 310A Permitted Use to Remove Section 5.17, Night Clubs, Taverns and Lounges in RA (Residential Agricultural) District to Correct an Error*. Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Burnette, Daeke, Daye and Williams. NO: None. ABSTAIN: None. ABSENT: Coffey, Rainey, Elliott and Simmons. *(See Ordinance Book 10, p 621)*

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address Council.

NEW BUSINESS

Authorizing a Request for Funding Assistance from Golden LEAF Foundation for a Water and Sewer Main Extension for Mast Operations, LLC. *(Reference: CAF 19-07; Resolution 19-02)*

City Manager Frazier said at this time it does not appear that the City will receive funding from the NC Department of Commerce's Industrial Development Fund and so staff would like to complete an application to the Golden LEAF Foundation for possible assistance in extending water and sewer to serve this facility.

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

Council Member Williams moved the approval of Resolution 19-02, *Authorizing a Request for Funding Assistance from Golden LEAF Foundation for a Water and Sewer Main Extension for Mast Operations, LLC*. Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Daeke, Daye, Williams and Burnette. NO: None. ABSTAIN: None. ABSENT: Coffey, Rainey, Elliott and Simmons. *(See Resolution Book 6, p 195)*

Issuance of Certificate of Sufficiency; and Establishing the Date of a Public Hearing on Question of Annexation of Property Owned by Kerr Area Transportation Authority (KARTS), Pursuant to NCGS §160A-31. *(Reference: CAF 19-03; Resolution 19-03)*

City Manager Frazier explained this is the next step in the annexation process. During the Public Hearing in February Council will have the option to approving or denying this annexation. He said both the police and fire departments expressed concerns in the *Annexation Report*. He also said if annexed, KARTS would not be required to pay taxes, as it is a non-profit organization.

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

Council Member Daeke moved the approval of Resolution 19-03, *Issuance of Certificate of Sufficiency; and Establishing the Date of a Public Hearing on the Question of Annexation of Property Owned by the Kerr Area Transportation Authority (KARTS) Pursuant to NCGS §160A-31*. Motion seconded by Council Member Burnette, and APPROVED by the following vote: YES: Daeke, Daye, Williams and Burnette. NO: None. ABSTAIN: None. ABSENT: Coffey, Rainey, Elliott and Simmons. (See Resolution Book 6, p 197)

Authorizing the Sale of a City Owned Property Located at 412 Thomas Street and Identified in the Vance County Registry at Book 126 Page 0007, Assigned PIN #0021 01021 and to Advertise for Upset Bids Per North Carolina General Statute 160A-269. (Reference: CAF 19-04, Resolution 19-04)

City Manager Frazier said the City Clerk received an offer to purchase this property and the offer has been discussed by the Land Planning Committee. It is a vacant lot and there are no liens on the property. The Land Planning Committee did ask that a covenant be placed in the deed indicating that only a single family home may be built on the property.

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

Council Member Williams moved the approval of Resolution 19-04, *Authorizing the Sale of a City Owned Property Located at 412 Thomas Street and Identified in the Vance County Registry at Book 126 Page 0007, Assigned PIN #0021 01021 and to Advertise for Upset Bids Per North Carolina General Statute 160A-269*. Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Daeke, Daye, Williams and Burnette. NO: None. ABSTAIN: None. ABSENT: Coffey, Rainey, Elliott and Simmons (See Resolution Book 6, p 199)

Temporarily Suspending the Leaf Collection Fee Through February 2, 2019. (Reference: CAF 19-09, Resolution 19-06)

City Manager Frazier suggested the leaf collection period be extended through February 2, 2019 due to all the wet weather. This will allow staff an additional two weeks for collecting loose leaf pick up with no additional costs to citizens. He asked Council for latitude to extend this date, if deemed necessary and there was no opposition.

It was the consensus of Council to allow the City Manager the ability to extend the leaf collection date as deemed necessary.

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

Council Member Burnette moved the approval of Resolution 19-06, *Temporarily Suspending the Leaf Collection Fee Through February 2, 2019 with Additional Time if Necessary*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Daye, Williams, Burnette and Daeke. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 6, p 203)

Tax Releases and Refunds from Vance County for the Month of November 2018.
(Reference: CAF 19-01) The Finance Director has reviewed the following releases/refunds and found them to be in order. This action approves the tax releases and refunds for November 2018.

November 2018 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property Releases			
Clopton, Michael	Correct Ownership	2017	\$ 508.62
Eaton, George	Personal Property Billed in Error	2018	\$ 27.55
Faulkner, James	Corrected Value	2018	\$ 38.16
Quality Leasing	Full Refund Paid	2018	\$ 760.35
Tillinghast, Dan	Personal Property Billed in Error	2018	\$ 252.39
Zecca, Zeke	Personal Property Billed in Error	2018	\$ 65.69
Real & Personal Property Releases - Total			\$ 1,652.76
Real & Personal Property Refunds			
Johnson, James	Real Property Billed in Error	2018	\$ 693.91
Real & Personal Property Refunds - Total			\$ 693.91
Audit Discoveries			
Dezarraga, Ortiz	Discovery	2018	\$ 8.54
Los Grillos Mexican Grill	Discovery	2018	\$ 15.52
Sowell, Randy	Discovery	2018	\$ 2.14
Restaurant 39	Discovery	2018	\$ 181.34
Audit Discoveries - Total			\$ 207.54
Total Refunds & Releases			\$ 2,542.21

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

Council Member Burnette moved the approval of the *Tax Releases and Refunds from Vance County for the Month of November 2018*. Motion seconded by Council Member Williams, and APPROVED by the following vote: YES: Daye, Williams, Burnette and Daeke. NO: None. ABSTAIN: None. ABSENT: Coffey, Rainey, Elliott and 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 Pro-Tem Daeke commented on the Regional Water upgrade meetings and said he hopes a resolution will found between the partners very soon.
- b) City Manager - Mr. Frazier reported on the following:
 - i. Staff is aggressively working to locate the cause of these overflows. The flow meters have arrived and are being utilized, along with a rented pump being used at the Red Bud pump station. Data will continue to be collected; however, there may be a need to replace a portion of the force main at Sandy Creek.

- ii. Staff is doing smoke testing which helps find cracks in the system. Sometimes the cracks are on private property in cleanouts and this has created the need for strengthening the I&I ordinance that Mr. Frazier plans to bring before Council in February.
 - iii. The Fire inspections agreement with Brycer is going well. There have been 42 reports with about 39% compliant.
 - iv. On January 22, 2019, street signs will change to implement the one-way traffic flow on both Young and Court streets.
 - v. Mr. Frazier discussed Council's concerns regarding the two city/county owned properties that came before Council at the last meeting. He said the County does require demolition within 12 months of a sale and they are also looking at changing the minimum deposit.
- c) City Attorney - (No Report)
- d) City Clerk – Reminded Council that Monday City Hall will be closed for the Martin Luther King Jr. holiday; the Chamber Banquet is January 31; please return the yearly benefits form and the Retreat Survey. Several educational opportunities were distributed and if anyone wishes to attend, please let the Clerk know.

OTHER

Council Member Burnette commented on the *Tar Heel Traveler* segment on the Clock Tower. He commended the Fire Chief, Mayor and City Managers by saying it was so tastefully done.

At this time, Mayor Ellington asked Council if they were prepared to go into Closed Session. He stated there would be no announcement following the Closed Session.

CLOSED SESSION

Council Member Burnette moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3) for a Client-Attorney Matter. Motion seconded by Council Member Williams, and unanimously approved.

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

WORK SESSION

Consideration of Ordinance 19-03, FY19 Budget Amendment #26, Authorizing the Use of General Fund Balance to Construct the Outdoor Pavilion and Approving a Contract with H.G. Reynolds Company to Perform Grading, Concrete and Other Construction Work Associated with the Outdoor Pavilion in the Amount of \$184,516.

City Manager Frazier reminded Council that \$30,000 was originally approved for this project. Then Dewberry was asked to prepare a conceptual landscape plan for site placement, as well as a separate grading plan and construction costs. The proposed estimate was \$138,784. A PowerPoint slide was used to show the proposed design. Mr. Frazier said ROBCO plans to donate an aluminum structure and said he recently received a \$1,500 check from PSNC for the pavilion. Also, an oral commitment has been made from the State allowing more time for the

\$3,500 landscaping/tree planting grant to be utilized. Overall, Mr. Frazier said General Fund revenues look good and he felt Fund Balance funds could be used to complete this project as the percentage of fund balance projected in the FY19 budget remains good. He said the Land Planning Committee discussed this matter and that the Committee asked for full Council input.

Council Member Burnette asked if the pavilion would include electric/lights. He also inquired about how the City plans to recognize a donor. Mr. Frazier said electric will be included but a price had not been yet obtained. He added legal documents will need to be created once a method of recognition is agreed upon.

Council Member Williams asked if the request from ROBCO to call the pavilion Alumadock is set in stone. She also asked for more information regarding the budget. Mr. Frazier said that the naming of the pavilion is one that will need to be determined and Council Member Daeke suggested a meeting with the ROBCO staff to discuss this further.

Council Member Daeke asked if the structure is not donated what it would cost. Mr. Frazier said he had not looked into that cost and did not know the value.

In conclusion, it was the consensus of Council to move forward with this project. After more due diligence, Mr. Frazier will plan to bring this before Council in February.

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

ADJOURNMENT

Council Member Daeke moved for adjournment. Motion seconded by Council Member Williams, and unanimously approved. The meeting adjourned at 8:05 p.m.

Eddie Ellington
Mayor

ATTEST:

Esther J. McCrackin, City Clerk

**City of Henderson Community Development Block Grant-Infrastructure
(14-I-2658)
Closeout Public Hearing Minutes**

The following board members were present: WILLIAMS, BURVETTE, DAKE
DAYE & Mayor ELLINGTON

The following board members were absent: COFFEY, RAINEY, SIMMONS &
ELLIOTT

City Engineer, Clark Thomas explained that a Community Development Block Grant for Infrastructure (CDBG-I) was awarded to the City of Henderson in 2014. The City received a grant award amount of \$1,532,400 in Community Development Block Grant Funds (CDBG) to replace approximately 6,100 linear feet of gravity sewer line, removal of one pump station, and repair of one pump station.

The purpose of this public hearing is to review the expenditures and activities that have been accomplished through the 2014 CDBG-Infrastructure Water Loss Reduction Project (14-I-2658).

The project served approximately 2,325 people who benefitted from the project. The LMI% for the project is approximately 74.62%.

All grant activities are complete, and the City is of closing out the 2014 grant. Total CDBG-I expenditures for the Birch/Bobbit Street Project are approximately as follows: Administration: \$111,336.88 and Sewer Improvements: \$1,377,546.12, and Housing Rehabilitation/Sewer Connections: \$43,517. The project primarily benefited low-moderate income people.

Comments: NONE

Motion to Close Public Hearing: BURVETTE

Second to Close Public Hearing: WILLIAMS

Ayes: WILLIAMS, BURVETTE, DAKE, DAYE

Opposed: NONE

I certify these minutes were adopted this day 17th of JANUARY, 2019.

Esther J. McClain
City Clerk