

City Council Minutes

Regular Meeting

March 11, 2019

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 Member Elliott and 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, Human Resources Director Elgin Lane, Development Services Director Corey Williams, Recreation and Parks Director Kendrick Vann, Customer Service Manager Shay Bennett and Henderson Water Reclamation Facility Director Lamont Allen

CALL TO ORDER

The 11 March 2019 Special Called Meeting of the Henderson City Council was called to order by Mayor Eddie Ellington at 6:02 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 stated a quorum was. Council Member Simmons was unable to attend due to health reasons and Council Member Elliott had a prior commitment.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Burnette led those present in a prayer and the Pledge of Allegiance.

OPENING COMMENTS

Mayor Ellington specifically welcomed the Leadership Vance Class of 2019.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Ellington asked if there were any adjustments to the Agenda. 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. Council Member Daeke moved the approval of both the 11 February Regular Meeting, and the 12 and 21 February Strategic Planning Meeting minutes as presented. Motion seconded by Council Member Rainey and unanimously approved.

PRESENTATIONS/RECOGNITIONS

Mayor Ellington asked the Leadership Vance Class to stand and introduce themselves to Council. He then thanked them for coming and said we look forward to seeing the class in the morning for City Day.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address Council.

NEW BUSINESS

Directing the Clerk for the City of Henderson, North Carolina (City) to Investigate the Sufficiency of an Annexation Petition for 429 Birch Street and 432 Bobbitt Street. (Reference: CAF 19-16; Resolution 19-09)

City Manager Frazier said a voluntary annexation petition was received by the City Clerk for two more properties in the Birch and Bobbitt Street area. With this request, there are only two or three parcels remaining that could be annexed within the Birch/Bobbitt block.

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

Council Member Rainey moved the approval of Resolution 19-09, *Directing the Clerk for the City of Henderson, North Carolina (City) to Investigate the Sufficiency of an Annexation Petition for 429 Birch Street and 432 Bobbitt Street*. 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 209)

Authorizing the Closing and Vacating of 607 Young Street Failure to Comply with Minimum Housing Standards. (Reference: CAF 19-21; Ordinance 19-10)

City Manager Frazier asked Development Services Director Corey Williams to provide details on this request. Mr. Williams said the property is owned by DSV SPV2 LLC of Columbia, South Carolina. He said it appears the tenants have moved out as many of the windows are

broken. At this point, no order for demolition is needed; however, there is still the issue with gray water, undisposed rubbish and trash on the property. Mr. Williams also noted that when he observed the property, the house was not secured.

Council Member Rainey asked if the water had been turned off and if the structure will be condemned. Mr. Williams said condemnation is not necessary at this time and he said he would be following up with the Customer Service Manager to make sure the water is off. Mr. Rainey also asked if there was a time limit before the windows could be boarded up. Mr. Williams said they could be boarded up at this time. City Attorney Rix Edwards concurred by saying there is a 30 day appeal process but he felt once passed, this order could be enforced immediately.

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

Council Member Rainey moved the approval of Ordinance 19-10, *Authorizing the Closing and Vacating of 607 Young Street Failure to Comply with Minimum Housing Standards*. Motion seconded by Council Member Coffey 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 10, p 637)*

City Manager Frazier mentioned that the new code inspector started today.

Approving a Bid Award to Jacobs Construction and Development, LLC, in the Amount of \$35,371.40 for the Dabney Drive Extension Water Main Project. *(Reference: CAF 19-18, Resolution 19-10)*

City Manager Frazier explained that this small project would have a huge impact on the area. This 300-foot project will eliminate the dead end water main on Dabney Drive Extension and create more reliability of service in case there is a water main break on Raleigh Road. Five bids were submitted for the project and staff is recommending the low bidder, Jacobs Construction be awarded this project, contingent on the Public Water supply's permit approval.

Council Member Coffey asked where Jacobs Construction is located and Mr. Frazier responded they are in Raleigh. He added that they have good experience and he believes they will do a good job.

Council Member Burnette asked if CIP funds would be used to pay for this project. Mr. Frazier confirmed CIP funds are already budgeted for this project.

Council Member Daeke asked if the valves would be installed prior to the Raleigh Road resurfacing project by the DOT. The Manager said the valves would be installed before the resurfacing begins.

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

Council Member Burnette moved the approval of Resolution 19-10, *Approving a Bid Award to Jacobs Construction and Development, LLC, in the Amount of \$35,371.40 for the Dabney Drive Extension Water Main Project*. 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 211*)

Approving the Agreement Setting Forth Mayor, City Council and City Manager Roles, Responsibilities and Expectations, and Approving the 2019-2020 Strategic Plan. (*Reference: CAF 19-20; Resolution 19-12*)

City Manager Frazier expressed his appreciation of Council taking time to meet at Ribeye's for an initial planning meeting and then again for the all-day meeting at Satterwhite Point. Mr. Frazier said he thought the atmosphere and openness of Council, along with staff, made for an excellent discussion regarding both the budget and laying plans for the future.

Council Member Coffey said this was one of the best retreats she has attended. She felt it went smoothly and she liked having Mr. Frazier and Mr. Spruill as facilitators.

Mayor Ellington thanked everyone involved for their time and effort to make this a good day of planning. The Mayor then asked Council how it wished to proceed.

Council Member Williams moved the approval of Resolution 19-12, *Approving the Agreement Setting Forth Mayor, City Council and City Manager Roles, Responsibilities and Expectations, and Approving the 2019-2020 Strategic Plan*. Motion seconded by Council Member Coffey, 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 215*)

Authorizing an Application to the North Carolina Parks and Recreation Trust Fund (PARTF) Grant in the Amount of \$500,000 for the Construction and Development of a Diverse Multi-Use Park at the Corner of William Street and Montgomery Street. (*Reference: CAF 19-24; Resolution 19-15*)

City Manager Frazier said this project was discussed in the Land Planning Committee meeting and then asked Recreation and Parks Director Kendrick Vann to elaborate on this request. Mr. Vann said this is a matching grant; however, part of the match can be with in-kind services. The plan is for a multi-use park that will include a water splash pad, bike/skateboard park, outside fitness equipment/track and an open-air market. This area will be available for rental and will be monitored by Recreation and Park staff – including a lifeguard when the splash pad is available. This project will be centrally located and should bring more awareness to downtown. Mr. Vann said an engineer has already reviewed the site and felt it had good visibility. The existing surface will minimize cost; however, the restrooms were not included in the original plan and will add to the cost. Mr. Vann is working with the Ferguson Group and it is believed the City has a good chance of obtaining this grant. The cost for the Ferguson Group is \$4,000 and the Manager noted that in-kind work could be work performed by City staff, as well as the cost or proper acquisition which the City purchased years ago.

Mayor Ellington asked if anything would be done to with the surrounding properties. Mr. Vann said he thought those properties would have a vested interest in the project. Mr. Frazier noted that this should help attract additional investment around this area which is consistent with the redevelopment plan.

Council Member Burnette asked is the shelters would have grills and if they could be reserved. Mr. Vann responded by saying there will be grills and yes, the shelters could be reserved just like the other parks throughout the city.

Council Member Williams asked Mr. Vann to explain the difference between "nozzle only" and "elements" as they relate to the splash pad. Mr. Vann said the nozzle only is just vertical spray where the elements would have shapes.

Overall, Council felt this was an exceptional project and at this time, Mayor Ellington asked Council how it wished to proceed.

Council Member Coffey moved the approval of Resolution 19-15, *Authorizing an Application to the North Carolina Parks and Recreation Trust Fund (PARTF) Grant in the Amount of \$500,000 for the Construction and Development of a Diverse Multi-Use Park at the Corner of William Street and Montgomery Street.* Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Daeke, Daye, Williams, Coffey, Burnette and Rainey. NO: None. ABSTAIN: None. ABSENT: Elliott and Simmons. *(See Resolution Book 6, p 221)*

Authorizing the Purchase of Six Portable Radios, Five Mobile Data Terminals and Seventeen Surface Pro Computers in the Police Department and Approving Ordinance 19-09, FY19 BA#28, Authorizing the Transfer of \$38,000 from the State Asset Forfeiture Fund to the Police Department Capital Outlay. *(Reference: CAF 19-19; Resolution 19-11, Ordinance 19-09; Budget Amendment #28)*

City Manager Frazier said he felt these items need to be purchased and asked Police Chief Marcus Barrow to explain the need in detail. Chief Barrow said rather than ask for funds to replace all the radios at one time, he wanted to begin the replacement process with these six. He said the purchase of the 17 computers will finalize the replacement process so all the city computers will work with the new 911 program that allows for voiceless dispatch.

Council Member Daeke asked for the Asset Forfeiture balance. Chief Barrow said with this purchase, there will be approximately \$32,000 remaining in the Asset Forfeiture Fund. Mr. Frazier confirmed this as noted in the Executive Summary section of the CAF. The Chief also noted that this was a fund that receives additional revenue throughout the year.

Council Member Burnette asked if there were any hidden costs. Chief Barrow said no.

Mayor Ellington asked Council how it wished to proceed.

Council Member Coffey moved the approval of Resolution 19-15, *Authorizing the Purchase of Six Portable Radios, Five Mobile Data Terminals and Seventeen Surface Pro Computers in the Police Department*; and Ordinance 19-09, *Authorizing the Transfer of \$38,000 from the State Asset Forfeiture Fund to the Police Department Capital Outlay*. Motion seconded by Council Member Williams, and APPROVED by the following vote: YES: Daeke, Daye, Williams, Coffey, Burnette and Rainey. NO: None. ABSTAIN: None. ABSENT: Elliott and Simmons. (See Resolution Book 6, p 213; Ordinance Book 10, p 635)

Amending Section 15-82.1, Inflow or Infiltration. (Reference: CAF 19-25; Ordinance 19-11)

City Manager Frazier explained that the city is aggressively trying to reduce the I&I problems. He said some have been located by smoke testing and some are on private property where they system is not maintained by the City. However, the existing ordinance for correction problems on private property is lengthy and this amendment will reduce the timeframe. He added there is flexibility in the amendment so if more time is needed to remedy the problem, it can be given.

There was not discussion so Mayor Ellington asked Council how it wished to proceed.

Council Member Daye moved the approval of Ordinance 19-11, *Amending Section 15-82.1, Inflow or Infiltration*. Motion seconded by Council Member Williams, and APPROVED by the following vote: YES: Daye, Williams, Coffey, Burnette, Rainey and Daeke. NO: None. ABSTAIN: None. ABSENT: Elliott and Simmons. (See Ordinance Book 10, p 639)

CONSENT AGENDA

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

Authorizing the Mayor and City Clerk to Sign Amendments to the State Archives Records Retention Schedule. (Reference: CAF 19-22; Resolution 19-13) Periodically the North Carolina Department of Natural and Cultural Resources amends the Retention Schedule and the governing body is required to adopt the revisions. (See Resolution Book 6, p 217)

Authorizing a Primary and Secondary Agent in Conjunction with a Disaster Assistance Agreement for Cost Incurred with Hurricane Michael. (Reference: CAF 19-23; Resolution 19-14) Prior to receiving reimbursement from FEMA, documentation must be provided designating both primary and secondary contacts. Mr. Brian Short, Vance County Emergency Management Director has been designated Primary Agent and Finance Director Joey Fuqua has been designated as the Secondary Agent. (See Resolution Book 6, p 219)

(Note: Before a vote was taken on the Consent Agenda, Mr. Frazier said a good amount of overtime was accumulated during the storm and reimbursement is being sought through this agreement. He felt he should be included as a primary contact and asked for approval to add his name as a primary contact. It was the consensus of Council to add his name to the agreement.)

Tax Releases and Refunds from Vance County for the Month of January 2019. (Reference: CAF 19-17) 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 2019.

January 2019 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property Releases			
Various (See Attached)	Personal Property Billed In Error	2013-2018	\$ 7,765.59
Real & Personal Property Releases - Total			\$ 7,765.59
Real & Personal Property Refunds			
Various (See Attached)	Correct Situs	2013-2018	\$ 4,275.79
Real & Personal Property Refunds - Total			\$ 4,275.79
Audit Discoveries			
Carolina Independent		2019	\$ 5,353.20
Cooper, Sam		2019	\$ 2.14
Coventry Senior Living		2019	\$ 5,353.20
Higi SH, LLC		2019	\$ 24.95
Terry, Willie		2019	\$ 21.36
Wolgemuth, Cheryl		2019	\$ 43.80
Audit Discoveries - Total			\$ 10,798.65
Total Discoveries, Refunds & Releases			\$ 23,177.54

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 Burnette moved the approval of the Consent Agenda as presented. 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.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised one citizen wished to address Council.

John Noel, 166 Jack Daniel Road, Manson Mr. Noel's family owns property in downtown Henderson. He was told by the then DDC Director that he would receive grant funds for façade improvements on their downtown building. However, since the Director is no longer with the DDC, Mr. Noel is having a problem receiving reimbursement for his expenses.

Mayor Ellington suggested that he attend the next DDC meeting and asked Assistant City Manager Paylor Spruill to let Mr. Noel the location and time of the next meeting.

REPORTS

- a) Mayor/Mayor Pro-Tem – Mayor Ellington reported that he, along with the City Manager, Assistant City Manager and City Clerk attended the Vescom Grand Opening. He also attended the Service Awards Banquet and he mentioned the effort Joyce Howard-Fritz put into the event and he moderated the NAACP banquet. Mayor Ellington and other community leaders have met with two realty companies as a result of Commissioner Tommy Hester aggressively pursuing EDC opportunities.

Mayor Pro-Tem Daeke said he was proud to be able to attend the Service Awards Banquet. He found the Retreat rewarding and said negotiations are close to being finalized with the KLRW partners.

b) City Manager - Mr. Frazier reported on the following:

- i. Police Chief Barrow has requested permission to add the City's name to a wait list for an armored vehicle from Brinks. These trucks are surplus and provided to the City at no cost other than having a truck delivered to Henderson and placing the City's logo on the side. These costs will be covered by Asset Forfeiture funds. There was a short discussion about how the truck would be used with the consensus of Council being that the Chief should add Henderson to the waiting list.
- ii. The budget is being worked on diligently.
- iii. Litter Sweep is in April, and he plans to make this a day city staff to volunteer as well. Council Member Coffey asked if business owners have been contacted about their contribution to litter. Mr. Frazier said this is in the process and noted that this would be a great opportunity for citizens to donate their time to help combat this problem.
- iv. The valve replacement dates on Raleigh Road have been changed to March 19 and 20. This work will be completed before the State repaves the road.
- v. Only one bid was received for the Beckford Drive project. The City is in the process of resetting the bid date and at that time, even if only one bid is received, can open the bid.
- vi. The City was unsuccessful in obtaining grant funds for the Weybosset water main project and Skenes Avenue project. More information will be forthcoming.
- vii. A press release has been prepared for the meals tax that has been sent to the General Assembly for consideration. Mr. Frazier said this will help citizens understand the purpose if it is approved.

c) City Attorney - (No Report)

d) City Clerk – (No Report)

OTHER

Council Member Burnette asked the status of the Pavilion. Mr. Frazier said the contract is being finalized and H.G. Reynolds should begin work within the next couple of weeks.

Council Member Coffey encouraged everyone to participate in the Veteran's Dog Walk April 13. She also thanked everyone for the calls, cards and thoughts she received while she was unwell.

With no other comments, Mayor Ellington asked if Council was prepared to go into 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 and G.S. §143-318.11(a)(5) for a Property Matter. Motion seconded by Council Member Coffey, and unanimously approved.

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

Before beginning the Work Session, Mr. Frazier advised Council that during the Land Planning Committee meeting, it was recommended that the current Jaycee Park be renamed Rollins Avenue Park. The Jaycees are no longer active and this new name not only falls in line with other parks but it will help people know the location of the park.

WORK SESSION

Sandy Creek Pump Station Infiltration/Inflow Update

City Manager Frazier gave an update on the Sandy Creek Pump Station problems. He said a large rock was found in one pump and a small block of wood was found in another. He said these created part of the problem with the pumps, but more work still needs to be done to stop the overflows. Flyers are being prepared to go out to residents concerning cleanouts on their property. Mr. Frazier mentioned an equalization basin at Sandy Creek may be needed and if so determined, Council and/or the appropriate committee(s) will meet to discuss options. He said the Red Bud Pump Station is functioning much better.

With no other business, Mayor Ellington asked Council if they were prepared to adjourn.

ADJOURNMENT

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

Eddie Ellington
Mayor

ATTEST:

Esther J. McCrackin, City Clerk