



AGENDA

**Henderson City Council Regular Virtual Meeting
Monday 12 October 2020, 6:00 p.m.
R. G. (Chick) Young, Jr. Council Chambers, Municipal Building
134 Rose Avenue
Henderson, North Carolina**

Mayor and City Council Members

Mayor Eddie Ellington, Presiding

Councilmember Marion B. Williams
Councilmember Sara M. Coffey
Councilmember William Burnette
Councilmember D. Michael Rainey
Councilmember-Elect Ola Thorpe-Cooper

Councilmember Melissa Elliott
Councilmember Garry D. Daeke
Councilmember Jason A. Spriggs

City Officials

E. Terrell Blackmon, City Manager
D. Rix Edwards, City Attorney
Esther J. McCrackin, City Clerk

CALL TO ORDER

ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

OPENING REMARKS

In order to provide for the highest standards of ethical behavior and Transparency in Governance as well as provide for good and open government, the City Council has approved Core Values regarding Ethical Behavior¹ and Transparency in Governance². The Mayor now inquires as to whether any Council Member knows of any conflict of interest, or appearance of conflict, with respect to matters before the City Council. If any Council Members knows of a conflict of interest, or appearance of conflict, please state so at this time.

¹ **Core Value 4: Ethical Behavior:** We value the public trust and will perform our duties and responsibilities with the highest levels of integrity, honesty, trustworthiness and professionalism.

² **Core Value 10: Transparency in Governance:** We value transparency in the governance and operations of the City.

ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA

APPROVAL OF MINUTES

14 September 2020 Regular Meeting
23 September 2020 Special Called Meeting

SWEARING-IN OF COUNCIL MEMBER-ELECT OLA THORPE-COOPER

PUBLIC HEARING

CAF: 20-94 Amending the Zoning Ordinance Table of Uses by Adding Boat Storage in the B-4 District,(Neighborhood Commercial) District as a Permitted Use

Requested by: Development Services Director Corey Williams

Explanation: Boyd Taylor and Cliff Rogers, on behalf of Creedmoor Holding Co. LLC, are requesting to amend the zoning ordinance table uses by adding Boat Storage in a B4 (Neighborhood Commercial) district as a permitted use. Boat Storage is currently allowed in the I2 (Industrial Non Park), B2 (Highway Commercial), & B2A (Highway Commercial “A”) districts.

Fiscal Note: There is no direct financial impact. However, boat storage may allow an additional use within the B4 district that typically has a low burden to all city services.

Recommendation: The Planning Board met on September 21, 2020, and unanimously approved the text amendment to go before City Council; therefore, staff recommends allowing Boat Storage in a B4 Neighborhood Commercial District as a permitted use.

Attachments: Ordinance 20-31
Planning Board Minutes
Text Amendment Application
Consistency Regulation

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

Citizens may only speak on Agenda items at this time. Citizens wishing to address the Council must sign-in on a form provided by the City Clerk prior to the beginning of the meeting. The sign-in form is located on the podium. When recognized by the Mayor, come forward to the podium, state your name, address and if you are a city resident. Please review the Citizen Comment Guidelines that are provided below.³

³ Citizen Comment Guidelines for Agenda Items

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NEW BUSINESS

CAF: 20-97 Adoption of the City of Henderson’s Water and Sewer Capital Improvement Plan (CIP) and Financial Analysis

Requested By: City Engineer Clark Thomas

Explanation: The City of Henderson approved its last CIP in 2014. It is important that the ten year plan be reviewed at a minimum of every five years. WithersRavenel developed this plan with input from staff (Administration, Engineering, Public Works and KLRWS), and it also considered inclusion of the Kerr Lake Regional Water System Stantec Financial Analysis. This is a comprehensive Capital Improvement Plan that is a roadmap for future infrastructure projects coupled with revenues and expenditures from these enterprise funds.

Infrastructure is critical to the economic development of our City and the process of maintaining, assessing and replacing this infrastructure ensures our future viability. The CIP allocates funds for high, medium and low priority projects and informs our funding sources that we are actively involved in the upkeep of the infrastructure and also identifies rate increases to fund these projects. Our typical funding sources elevate or rank systems higher that have adopted, implemented and set rates based upon a Capital Improvement Plan.

Fiscal Note: WithersRavenel has worked closely with the City and incorporated many important documents into this plan to provide a solid path forward. The study was paid for in the last Fiscal year so there is no additional cost for this plan but, it is recommended that this plan be updated annually.

Recommendation: Staff recommends the adoption of the CIP and Financial Analysis.

Attachments: Resolution 20- 67

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The Mayor and City Council welcome and encourage citizens to attend City Council meetings and to offer comments on matters of concern to them. Citizens are requested to review the following public comment guidelines prior to addressing the City Council.

- 1) Citizens are requested to limit their comments to five minutes; however, the Mayor, at his discretion, may limit comments to three minutes should there appear to be a large number of people wishing to address the Council;
- 2) Comments should be presented in a civil manner and be non-personal in nature, fact-based and issue oriented. Except for the public hearing comment period, citizens must speak for themselves during the public comment periods;
- 3) Citizens may not yield their time to another person;
- 4) Topics requiring further investigation will be referred to the appropriate city official, Council Committee or agency and may, if in order, be scheduled for a future meeting agenda;
- 5) Individual personnel issues are confidential by law and will not be discussed. Complaints relative to specific individuals are to be directed to the City Manager;
- 6) Comments involving matters related to an on-going police investigative matter and/or the court system will not be permitted; and
- 7) Citizens should not expect specific Council action, deliberation and/or comment on subject matter brought up during the public comment section unless and until it has been scheduled as a business item on a future meeting agenda.

CAF: 20-102 Award a Contract to Synagro for Sludge Removal from the Henderson Water Reclamation Facility via a Capital Improvement Plan (CIP) Project and Approve Budget Amendment #4 to Establish the CIP Project

Requested By: City Engineer Clark Thomas

Explanation: The Henderson Water Reclamation Facility (HWRF) has developed an excess of biosolids within the plant. The HWRF staff has been forced to manipulate operations due to previous practices and failing equipment but through this transition the staff has met effluent standards with very few exceptions. As you are aware, Christy Lipscomb is temporarily filling the leadership role at HWRF and has systematically identified issues, set priorities and scheduled work that had to be performed. Many of the problems have been addressed within the operational budget, but the sludge issue will need to be addressed with CIP funds.

Please note that while the sludge issue is a serious issue that needs to be addressed right now it is not the only CIP issue that will be brought back to council in the future. The finance director, administrative staff and HWRF staff have proposed removing funds from current HWRF CIP projects to fund the Sludge Removal CIP project. The HWRF CIP projects that are not being performed in the current fiscal year will be budgeted for the next fiscal year.

Fiscal Note: The Synagro Sludge removal is projected to cost \$245,984.14 and will take approximately thirty (30) days to complete. The current HWRF CIP projects that will fund the sludge removal project will provide a revenue source of \$272,682.41 which will cover the construction costs and provide a contingency line item of \$26,698.27.

Recommendation: Staff recommends awarding the sludge removal contract to Synagro in the amount of \$245,984.14 and the adoption of the CIP budget ordinance.

Attachments: Resolution 20- 72
Ordinance 20-32

CAF 20-99 Establishing a Use of Funds Schedule for the Coronavirus Aid Relief and Economic Security Act (CARES) Funding Grant

Requested By: City Manager Terrell Blackmon

Explanation: The North Carolina General Assembly passed State Law 2020-4 CARES Act which is the Coronavirus Aid Relief and Economic Security act providing \$150,000,000 of emergency funds to be distributed to North Carolina Counties from Federal funding via the United States Department of State Treasury. The City has been earmarked \$459,733 from Vance County's share of these funds to be used for COVID-19 related expenses including the cost of retrofitting various buildings and facilities with safety updates that reduce personal exposure to potential virus contaminations. At the August 10, 2020, City Council approved an ordinance for establishing a budget for the CARES Funding Grant. Staff is now requesting that Council approve the recommended Use of Funds Schedule

Fiscal Note: Appropriated funds have been targeted to complete City-wide safety improvements to combat the Coronavirus as well as to offset allowable public safety payroll expenses and other permitted uses deemed appropriate under the program.

Recommendation: Staff recommends approving the Use of Funds Schedule for CARES Act

Attachments: Resolution 20-69
Use of Funds Schedule

CAF 20-98 Memorandum of Understanding between the City of Henderson and Dominion Energy North Carolina

Requested By: City Manager Terrell Blackmon

Explanation: The City of Henderson is responsible for protecting the public health and safety of its residents, which includes facilitating access to clean air, dependable and affordable energy, clean water and a livable environment. Dominion Energy is a public natural gas utility regulated by the North Carolina Utilities Commission (NCUC) with a responsibility for providing safe, affordable and reliable natural gas service to its customers by means and at rates that are fair, just and reasonable as determined by the NCUC and in accordance with its North Carolina Tariff and applicable rules and regulations.

The City of Henderson and Dominion Energy desire to work cooperatively to accomplish mutual goals through the use of programs and innovative technologies associated with natural gas development, transportation and energy efficiency. The City and Dominion Energy will strive to develop a variety of energy efficiency options for all natural gas customers within the City, including residential, commercial, industrial, governmental and non-profit customers to assist building owners in achieving these initiatives through energy use reports, benchmarking and evaluation of energy efficiency programs.

The City and Dominion Energy agree that this Memorandum of Understanding provides a non-binding framework for developing more formal cooperative plans and programs for natural gas customers.

Fiscal Note: There is no fiscal obligation required of the City of Henderson. This non-binding Memorandum of Understanding is effective upon signing by both the City and Dominion Energy and shall inform cooperation for a five-year period, or until updated by both parties.

Recommendation: Authorize the Mayor to sign the non-binding Memorandum of Understanding with Dominion Energy.

Attachments: Resolution 20-68
Memorandum of Understanding
Informational Fact Sheet

CAF 20-96 Approval to Purchase of 204 Mulberry Street for the Urban Redevelopment Area

Requested By: Development Services Director Corey Williams

Explanation: The structure located at 204 Mulberry Street is in a serious state of dilapidation due to fire damage and weather exposure. The compliance team started enforcement against the property in June 2018 and after several attempts of trying to contact the owner, George Davis, we finally spoke with him October 2019. Shortly thereafter, he died. Mr. Davis' sole heir is his wife Verona Davis. Mrs. Davis does not desire to own property in the area and would like to sell the property.

The property features the abandoned dwelling, parcel 0103 07005 (0.27 acres) and a vacant lot, parcel 0103 07006 (0.19 acres). The tax value of 204 Mulberry Street is \$10,950 (land value \$5,896) and the vacant lot tax value is \$3,603. The estimated cost of demolition should be under \$12,000 which includes asbestos removal and landfill.

It is recommended that the City purchase and demolish the structure due to the potential redevelopment efforts within the area. This is an opportunity to land bank the property without going through eminent domain. The Land Planning Committee met in August and agreed to bring this item before Council.

Fiscal Note: Mrs. Davis is willing to sell the property for \$7,500 plus attorney fees and the cost of demolition (\$12,000).

Recommendation: To purchase and demolish the structure(s)

Attachments: Resolution 20-66

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine or have been previously discussed, and can be approved in one motion, unless a Council Member asks for separate consideration of an item.

CAF 20-92 Accepting an Award for U. S. Department of Justice's 2020 BJA Justice Assistance Grant to Fund the Purchase of Two Watchguard In-Car Video Camera Systems.

Requested By: Police Chief Marcus Barrow

Explanation: City Council approved the application for BJA Justice Assistance Grant to fund the purchase of two Watchguard In-Car Video Camera systems to be installed in vehicles being purchased for the Henderson Police Department's Patrol Unit at the August 2020 Council Meeting.

The grant, which does not require a cash grant match, will be divided with the Vance County Sheriff's Office as a "disparate jurisdiction" per Department of Justice guidelines. The full amount allocated by the Department of Justice is \$17,538. Per the application, the allocation with the Sheriff's Office will be dispersed in the same manner as past US Department of Justice BJA JAG Grants with 60% being allocated to the City of Henderson and 40% allocated to Vance County. Under this dispersion the City of Henderson would receive \$10,523 and Vance County \$7,015. A Memorandum of Understanding (MOU) was established between the City of Henderson and Vance County to provide for this sharing of funding. The grant terms are the same as the Federal Budget Year for 2020-2022: October 1, 2020 to September 30, 2022.

Fiscal Note: A Grant Project Budget Ordinance will be required per BJA JAG instructions to maintain funding in an account separate from the agency's regular budget.

Recommendation: Staff recommends approval of acceptance of this grant award.

Attachments: Resolution 20-64
Ordinance 20-30
Grant Award Letter with Conditions

CAF 20-100 Accepting Transfer of Ownership of K-9 Deli to Sgt. Jonathan Thomas, Handler, through a Contractual Hold Harmless Agreement

Requested By: Police Chief Marcus Barrow

Explanation: On August 10 2020, the Henderson Police Department received notification that K-9 Deli was diagnosed with an eye disorder affecting her sight. Deli has since started to decline and was recently removed from her active role with the agency.

Deli is a nine-year-old German Shepard and is currently assigned to Sgt. Jonathan Thomas. Deli has had a tremendous career with the Henderson Police Department assisting in criminal investigations and providing countless memories for young school children through class demonstrations.

Fiscal Note: With the retirement of Deli, the Henderson Police Department's K-9 program is depleted. We are looking at our current budget to see if K-9s are fiscally plausible.

Recommendation: It is the recommendation of Chief Barrow and Retiree Lt. Williams (Henderson Police Department's K-9 Coordinator) that K-9 Deli retires from the Henderson Police Department. Lt. Williams has been K-9 Coordinator for many years, and his experience in this field is valued

Attachments: Resolution 20-70
Hold Harmless Agreement for K-9 Transfer

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CAF 20-101 Board Appointments

Requested By: City Manager Terrell Blackmon

Explanation: The Boards and Commissions Committee (Committee) met on Tuesday, October 6, 2020 to review various applications for both re-appointment and appointment. By consensus, the Committee recommends the following appointments:

Zollie Perry III – Appointment to the Economic Development Commission (EDC) to fill a vacant position as a Full Member with a three-year term expiring 30 June 2023.

Freddie Harris – Appointment to the Board of Adjustment to move from an Alternate position to fill a vacant position as a Full Member with a three-year term expiring 30 June 2023.

Sharon Owens – Appointment to the Board of Adjustment to fill a vacant position as an Alternate Member with a three-year term expiring 30 June 2023.

Clementine Hunter – Appointment to the Board of Adjustment to fill a vacant position as an Alternate Member with a three-year term expiring 30 June 2023.

Tiffany Branch – Appointment to the Henderson Vance Recreation and Parks Commission to serve as a Full Member with a three-year term expiring 30 June 2023.

Jerry Delbridge – Appointment to the Henderson Vance Recreation and Parks Commission to serve as a Full Member with a three-year term expiring 30 June 2023.

Jason Feingold – Re-appointment to the E-911 Advisory Board to serve as a Full Member with a three-year term expiring 30 June 2023.

Fiscal Note: None.

Recommendation: For Council to approved these appointments.

Attachments: Resolution 20-71

CAF: 20-95 Tax Releases and Refunds for the Month of August 2020

Requested By: Finance Director Joey Fuqua

Explanation: The Vance County Tax office submitted the following tax releases and refunds to the Finance Department for the month of August 2020. These records are found to be in order and are being recommended for approval.

Fiscal Note:

August 2020 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property Releases			
Fulton, Lusus	Vehicle Billed In Error	2016-2020	\$ 107.30
Faulkner, Cole	Real Property Billed In Error	2019	\$ 7,759.41
Harris, Jason	Personal Property Billed In Error	2019-2020	\$ 103.59
Pattar Logistics	Corrected Value	2020	\$ 3,800.28
Appel, Steve	Personal Property Billed In Error	2020	\$ 52.87
Boswell, Ted	Personal Property Billed In Error	2020	\$ 110.70
Boylorn, Sherri	Remove Late List	2020	\$ 12.86
Bullock, Ray	Corrected Value	2020	\$ 2,087.90
Carolina Cooling & Heating	Corrected Value	2020	\$ 27.80
Carroll, Pamela	Grant Exempt	2020	\$ 136.47
Cawthorne, Robert	Personal Property Billed In Error	2020	\$ 52.12
Chilton, Richard	Personal Property Billed In Error	2020	\$ 159.57
Cooper, Bobby	Grant Exempt	2020	\$ 440.55
Cox, Keith	Personal Property Billed In Error	2020	\$ 42.79
Diruscio, Michael	Personal Property Billed In Error	2020	\$ 178.90
DLP Cardiac Partners	Personal Property Billed In Error	2020	\$ 2,593.40
Ferguson, Jake	Corrected Value	2020	\$ 241.81
First Baptist Church	Grant Exempt	2020	\$ 410.04
Frueler, Todd	Remove Late List	2020	\$ 99.13
Green, Thurston	Real Property Billed In Error	2020	\$ 120.13
Harris, Jacquelin	Personal Property Billed In Error	2020	\$ 48.94
Harris, Robert	Corrected Value	2020	\$ 1.57
Harris, Wesley	Corrected Value	2020	\$ 149.75
Henderson Newspapers, Inc.	Corrected Value	2020	\$ 55.93
Hobgood, Michael	Corrected Value	2020	\$ 1,204.17
Hunt, Coy	Personal Property Billed In Error	2020	\$ 29.72
J Patterson Enterprises	Corrected Value	2020	\$ 402.34
Jones, Peggy	Grant Exempt	2020	\$ 487.51
Kearney, John	Corrected Value	2020	\$ 2.32
Lemar, Tony	Personal Property Billed In Error	2020	\$ 28.67
Lemay, Bryant	Grant Exempt	2020	\$ 413.31
Mitchell, Robert	Remove Late List	2020	\$ 10.66
Newhouse, James	Personal Property Billed In Error	2020	\$ 81.46
Populorum, James	Grant Exempt	2020	\$ 1,144.94
Rebuild Durham	Corrected Value	2020	\$ 250.40
Reid, Alan	Personal Property Billed In Error	2020	\$ 3.24
Reynolds, Jason	Grant Exempt	2020	\$ 5.29
Robertson, David	Remove Late List	2020	\$ 58.11
Scott, Nita	Grant Exempt	2020	\$ 254.52
Sodexo Management	Corrected Value	2020	\$ 4.32
Stanton, Charles	Grant Exempt	2020	\$ 387.44
Talley, James	Personal Property Billed In Error	2020	\$ 21.83
Tippett, James	Personal Property Billed In Error	2020	\$ 33.17
Todd, Aron	Personal Property Billed In Error	2020	\$ 49.64
Wheeler, Troy	Personal Property Billed In Error	2020	\$ 410.32
Wiekierak, Bruce	Personal Property Billed In Error	2020	\$ 64.61
Real & Personal Property Releases - Total			\$ 24,141.80
Real & Personal Property Refunds			
			\$ -
Real & Personal Property Refunds - Total			\$ -
Audit Discoveries			
Miscellaneous	Real & Personal Discoveries	2020	\$ 2,827.09
Audit Discoveries - Total			\$ 2,827.09
Total Refunds, Releases, & Discoveries			\$ 26,968.89

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REPORTS

- a) Mayor/Mayor Pro-Tem (No Report)
 - b) City Manager (No Report)
 - c) City Attorney (No Report)
 - d) City Clerk
 - i. Meeting and Events Calendar
 - ii. E-911 Monthly Report
 - iii. Fire Department Monthly Report
 - iv. Public Services Monthly Report
 - v. Recreation and Parks Monthly Report
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ADJOURNMENT

⁴ Citizen Comment Guidelines for Non-Agenda Items

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