

**MINUTES**  
**King City Council**  
**Regular Meeting**  
**February 2, 2015**

The King City Council met in regular session at King City Hall on Monday, February 2, 2015, at 7:00 p.m. Present were: Councilman Charles Allen, Mayor Pro Tempore Dillard Burnette, Councilman Brian Carico, Councilman Wesley Carter, Mayor Jack Warren, City Manger Homer Dearmin, City Clerk Tammy Hatley, Director of Finance and Personnel Susan O'Brien, Director of Planning and Inspections Todd Cox, City Engineer Scott Barrow, Chief of Police Paula May, Lieutenant Junior Palmer, Lt. Jordan Boyette, Fire Chief Steven Roberson, Assistant Fire Chief/Fire Marshal Brad Cheek, Public Utilities Superintendent Robert Pettitt, Public Works Superintendent Ricky Lewis, Water Treatment Plant Superintendent Kenneth Gentry, Sergeant Kevin Crane, Senior Center Director Suzan Garner, Water Treatment Plant ORC Ben Marion, and Water Treatment Plant Operator Ronnie Gallimore.

Mayor Warren called the meeting to order and led the Pledge of Allegiance.

Councilman Allen offered the invocation.

**ANNOUNCEMENTS**

Mayor Warren noted that the following announcements were listed on the agenda:

- Annual Chicken Stew Fundraiser for King Senior Center: Saturday, February 7, 2015, 5:00 – 8:00 p.m., King Senior Center, Advance ticket purchase required, \$7 per person
- Parks & Recreation Advisory Board, Regular Meeting: Thursday, February 12, 2015, 7:00 p.m., King Recreation Acres Community Building
- King Planning Board, Regular Meeting: Monday, February 23, 2015, 7:00 p.m., King City Hall

**ADJUSTMENTS TO AGENDA**

There were no adjustments to the agenda.

**PUBLIC COMMENT**

Mayor Warren opened the floor to receive public comment.

Pastor Kevin Broyhill, representing Calvary Baptist Church, 536 South Main Street King, NC spoke in opposition of the settlement of Hewett vs. City of King.

Pastor Carl Goodman, representing Mount Olive Baptist Church, 113 Oakmont Court, King, NC spoke in opposition of the settlement of Hewett vs. City of King.

Pastor Ron Baity, representing Return America, 4135 Thomasville Road, Winston-Salem, NC spoke in opposition of the settlement of Hewett vs. City of King.

Pastor David Keaton, representing Missions Baptist Church, 211 Winchester Drive, King, NC spoke in opposition of the settlement of Hewett vs. City of King.

Ms. Mary Hughart of 106 Cypress Street, King, NC spoke in opposition of the settlement of Hewett vs. City of King.

Mr. Fred Adams of 233 Starview Drive, King, NC spoke in opposition of the settlement of Hewett vs. City of King.

Pastor Mark Smith, representing Baux Mountain Baptist Church, 4334 Lake Woussicket Road, Germanton, NC spoke in opposition of the settlement of Hewett vs. City of King.

Pastor Randy Cook, representing Shining Light Baptist Church, 4593 Flat Shoals Road, Germanton, NC spoke in opposition of the settlement of Hewett vs. City of King.

Pastor Tommy Holder, representing Old Time Baptist Church, 2610 Warner Road, Pfafftown, NC spoke in opposition of the settlement of Hewett vs. City of King

Mr. Stephen James of 102 Kellystone Drive, King, NC spoke in opposition of the settlement of Hewett vs. City of King.

Mr. E. A. "Buddy" Timms of P.O. Box 573, Walnut Cove, NC spoke in opposition of the settlement of Hewett vs. City of King.

Mrs. Carolyn Byerly, 237 West Dalton Road, King, NC spoke in favor of the settlement of Hewett vs. City of King.

Mr. Don Holland, 110 Timmy's Lane, King, NC spoke in favor of the settlement of Hewett vs. City of King.

Mr. Jon White of 196 Tickle Road, Rural Hall, NC spoke in opposition of the settlement of Hewett vs. City of King.

Being no one else present wishing to speak, Mayor Warren closed the Public Comment portion of the meeting.

## **CONSENT AGENDA**

### Action

Mayor Pro Tempore Burnette moved to approve the Consent Agenda as presented. Councilman Allen seconded the motion which carried by a unanimous vote of 4-0. Items approved were: 1) January 6, 2015, regular meeting minutes; 2) January 20, 2015, called meeting minutes; 3) Set public hearing date for revision of fire ordinance on March 2, 2015, 7:00 p.m. at King City Hall; and 4) Approval of Resolution 2015-02, a resolution to donate the kneeling soldier silhouette used in previous years at King Central Park, and declared as surplus property on January 20, 2015, to the Carl Calloway American Legion Post #290-King.

Mayor Warren called for a 5-minute recess.  
Mayor Warren reconvened the meeting.

## **EMPLOYEE OF THE QUARTER PRESENTATION – Mr. Ronnie Gallimore, Water Treatment Plant Operator**

City Manager Dearmin recognized Mr. Ronnie Gallimore, Water Treatment Plant Operator as *Employee of the Quarter* for the 4<sup>th</sup> Quarter of 2014. Manager Dearmin presented Mr. Gallimore with a plaque, windbreaker and check.

**PUBLIC HEARING ON FINANCING OF FIRE RESCUE TRUCK AND CONSIDERATION OF RESOLUTION 2015-04**

Mayor Warren opened the floor for a public hearing on financing of a fire/rescue truck and consideration of approval of Resolution 2015-04.

Finance Director O'Brien informed the Mayor and Council that this is a request to approve financing for a fire/rescue truck with BB&T at a rate of 1.72% and annual payments of \$33,340.88 approved as well as adding the FY 2014-15 loan payment to the down payment. This will result in a 2-year payment plan of \$33,341 annually to pay the truck in full in FY 2016-17 and leave approximately \$13,659 of the one-cent fire tax in the Fire Department Committed Fund Balance each year, giving an approximate total of \$77,000 in that account by June 30, 2017 and thereby adding back to Fund Balance while making loan payments.

Being no one else present wishing to speak, Mayor Warren closed the public hearing on financing of a fire/rescue truck and consideration of approval of Resolution 2015-04.

Action

Mayor Pro Tempore Burnette moved to approve financing for a fire/rescue truck with BB&T at a rate of 1.72% and Resolution 2015-04 as presented and incorporated within the body of the minutes below. Councilman Carter seconded the motion which carried unanimously with a vote of 4-0.

<b>Bidder</b>	<b>Interest rate</b>	<b>Annual Payment</b>	<b>Total Cost (principal and interest)</b>
BB&T	1.72%	\$33,340.88	\$66,681.76
NewBridge Bank	2.95%	\$33,916.64	\$67,833.28
Wells Fargo	No quote received		
First Citizens Bank	No quote received		
SunTrust Bank	No quote received		

**CITY OF KING  
RESOLUTION 2015-04**

**A Resolution Approving Financing Terms for Fire Rescue Truck and Equipment**

**WHEREAS**, the City of King "City" has previously determined to undertake a project for a Fire Rescue Truck and Equipment "the Project" and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED AS FOLLOWS:**

1. The City hereby determines to finance the Project through Branch Banking and Trust Company "BB&T", in accordance with the proposal dated January 23, 2015. The amount financed shall not exceed \$65,000.00, the annual interest rate (in the absence of default of change in tax status) shall not exceed 1.72%, and the financing term shall not exceed two years (2) years from closing.
2. All financing contracts and all related documents for the closing of the financing "the Financing Documents" shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund, or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

**IN WITNESS WHEREOF**, this resolution was adopted this the day 2<sup>nd</sup> day of February 2015.

#### **CONSIDERATION OF HISTORIC DESIGNATION FOR FAÇADE IMPROVEMENT PROGRAM LOAN/GRANT APPLICATION BY DALTON'S CROSSING**

Manager Dearmin informed the Mayor and Council that the City's Façade Improvement Program encourages the improvement of building appearance within the downtown business district and is administered by the Community Appearance Commission. The Community Appearance Commission approved a Façade Improvement Loan/Grant application by Mr. Wayne Ray of Dalton's Crossing for the former B.J.'s Shoes building at their January 15, 2015, regular meeting. In order to encourage the rehabilitation of historic buildings located in the area, a 50% bonus is available for the rehabilitation of any building ordained by the City Council as a historic property. Mr. Ray has requested that Council grant the 50% historic building bonus for this project which would necessitate a budget amendment in the amount of \$1,200 to the Community Development line item. The building located at 104 East Dalton Road is listed in the National Register as a "contributing" structure of the King Historic District.

#### Action

Councilman Carico moved to ordain the building located at 104 East Dalton Road as a historic property and approve the 50% (\$1,200) bonus for the Façade Improvement Program Loan/Grant application by Mr. Wayne Ray of Dalton's Crossing. Mayor Pro Tempore Burnette seconded the motion which carried by a unanimous vote of 4-0.

#### **CONSIDERATION OF RECOMMENDATIONS BY PARKS & RECREATION ADVISORY COMMITTEE – Mr. Garry Merritt, Parks & Recreation Advisory Committee Chairman**

Mr. Garry Merritt, Chairman of the Parks and Recreation Advisory Committee informed the Mayor and Council that the Parks and Recreation Committee had unanimously recommended that the Council:

- 1) Have the exercise equipment located behind the Community Building at King Recreation Acres dismantled due to safety issues and consider replacing the equipment at a later date.
- 2) Place security cameras, that have a maintenance agreement, on the concession stand building at King Recreation Acres due to ongoing vandalism

Action

Mayor Pro Tempore Burnette moved to have Public Works Superintendent Lewis and Police Department staff research costs of adding security cameras to the concession stand building at King Recreation Acres for consideration by Council at their March meeting and to dismantle the exercise equipment located behind the Community Building at King Recreation Acres as requested by the Parks and Recreation Advisory Committee. Councilman Allen seconded the motion which carried by a unanimous vote of 4-0.

Mayor Pro Tempore Burnette requested that Chairman Merritt have an updated report prepared for Council regarding the finances of the youth recreation leagues that contract with the City for use of the parks. Mr. Merritt agreed to have this report prepared.

**EAGLE SCOUT PROJECT PROPOSAL PRESENTATION – Life Scout, William Wright of Troop #450  
Sponsored by Trinity UMC**

Life Scout William Wright of Troop #450 presented an Eagle Scout Project proposal to construct a flower garden at King Central Park. If approved by Council, Scout Wright will present this project to the District Eagle Scout Chairman for final approval. The Parks & Recreation Advisory Committee have recommended approval of this project.

Action

Councilman Allen moved to approve the Eagle Scout Project proposal as presented by Life Scout William Wright. Mayor Pro Tempore Burnette seconded the motion which carried by a unanimous vote of 4-0.

**CONSIDERATION OF RESOLUTION 2015-03**

Finance Director O'Brien informed the Mayor and Council that this was a request to approve the electronic auction of surplus personal property.

Action

Mayor Pro Tempore Burnette moved to approve Resolution 2015-03 as presented and incorporated within the body of the minutes below. Councilman Allen seconded the motion which carried by a unanimous vote of 4-0.

CITY OF KING  
RESOLUTION NO. 2015-03  
RESOLUTION APPROVING THE ELECTRONIC AUCTION OF SURPLUS PERSONAL PROPERTY

WHEREAS, the City of King has accumulated personal property that is no longer necessary to meet the operational needs of the City. Traditionally, the City has declared such property to be surplus and disposed of such property by public auction in accordance with the requirements of N.C.G.S. 160A-270.

WHEREAS, each of the items described below is declared to be surplus to the needs of the City:  
SURPLUS PROPERTY LIST

<u>Department</u>	<u>Description</u>	<u>Serial Number</u>
Fire	24 – 200s NFPA Scott 4.5 SCBA's and related items	
Police	1993 Ford Ambulance	1FDKE30M4PHA78190

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF KING that the sale of all surplus property by electronic auction in accordance with the requirements of N.C.G.S. 160A-270 is hereby authorized and the City

Manager, or other staff designated by him, is authorized to give appropriate notice and conduct the sale in accordance with the requirements of all applicable laws.

BE IT FURTHER RESOLVED, all surplus property shall be made available for inspection at reasonable times so that the sale can be conducted beginning on or before February 23, 2015, by electronic means at [www.ci.king.nc.us](http://www.ci.king.nc.us) and/or [www.GovDeals.com](http://www.GovDeals.com). With appropriate notice given at [www.ci.king.nc.us](http://www.ci.king.nc.us), the date, place and time of the sale may be changed by the City Manager. All items shall be sold for cash or other payment means approved by the City Manager.

BE IT FURTHER RESOLVED, the person designated to conduct the sale for the City Manager shall have the authority to remove items of surplus property from the list to be sold at any time prior to the acceptance of any bid and the conclusion of the transaction.

BE IT FURTHER RESOLVED, the City Manager is authorized to negotiate, execute and issue on behalf of the City all contracts necessary in order to conduct the sale of surplus property by electronic auction first, the private sale, including any contract with public or private auction agents as allowed by statute, specifically including but not limited to GovDeals, Inc., if the City Manager deems such contract to be in the best interest of the City.

Adopted this the 2<sup>nd</sup> day of February 2015.

#### **APPOINTMENTS TO SENIOR SERVICES ADVISORY BOARD**

City Clerk Hatley informed the Mayor and Council that the terms of three member of the Senior Services Advisory Board had expired. All three members have applied for re-appointment.

##### Action

Councilman Allen moved to re-appoint Mrs. Mary Alderman, Mr. Omni Grabs, and Mrs. Ola "Jane" Kiser to three-year terms, ending December 2017, on the Senior Services Advisory Board. Mayor Pro Tempore Burnette seconded the motion which carried by a unanimous vote of 4-0.

#### **CONSIDERATION OF APPOINTMENT TO COMMUNITY APPEARANCE COMMISSION**

City Clerk Hatley informed the Mayor and Council that one member of the Community Appearance Commission had moved out-of-town and that due to the difficulty of establishing a quorum, the Chairman of the Community Appearance Commission has requested that Council appoint a replacement to complete the remainder of the term which will expire in December 2015.

##### Action

It was the consensus of the Council to table this item until their March meeting.

#### **CONSIDERATION OF BUDGET AMENDMENT 2014-02.06**

Finance Director O'Brien informed the Mayor and Council that this was a request to amend the FY 2014-15 budget.

##### Action

Mayor Pro Tempore Burnette moved to approve Budget Amendment 2014-02.06 as presented. Councilman Allen seconded the motion which carried by a unanimous vote of 4-0.

#### **UPDATE ON WALMART STORES PROJECT**

Director of Planning and Inspections Cox informed the Mayor and Council that this project is progressing well and developer hopes to begin construction by April 2015.

**DEPARTMENTAL REPORTS**

There were no questions regarding the Departmental Reports.

**ITEMS OF GENERAL CONCERN**

Councilman Carter: Nothing at this time.

Councilman Carico: Urged everyone to stay warm.

Councilman Allen: Nothing at this time.

Mayor Pro Tempore Burnette: Stated that he had once again for the 5<sup>th</sup> straight year as to why Pioneer had not opened the 24/7 Emergency room in King as they promised when they took over the County's health care facilities.

Mayor Warren: Stated that a lot of bad things had been said here tonight but he loves and forgives everyone who spoke and that the Bible say to *Judge not yet ye first be judged.*

**EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF PERSONNEL PER N.C. GENERAL STATUTE 143-318.11 (A) (6)**

Councilman Allen moved to adjourn to executive session for the purpose of discussion of personnel per N.C. General Statute 143-318.11 (a) (6) . Mayor Pro Tempore Burnette seconded the motion which carried by a unanimous vote of 4-0.

Mayor Warren reconvened the meeting and stated that no action had been taken during the executive session.

**ADJOURNMENT**

Mayor Pro Tempore Burnette moved to adjourn the meeting. Councilman Allen seconded the motion which carried by a unanimous vote of 4-0. The meeting stood adjourned at 9:01 p.m.

Approved by:

Attest:

\_\_\_\_\_  
Jack Warren  
Mayor

\_\_\_\_\_  
Tamara H. Hatley, MMC, NCCMC  
City Clerk