

MINUTES
King City Council
Regular Session
September 4, 2018

The King City Council met in regular session at King City Hall on Tuesday, September 4, 2018, at 7 p.m. Present were: Councilman Charles Allen, Councilman Brian Carico, Councilman Wesley Carter, Mayor Pro Tempore Rick McCraw, Mayor Jack Warren, City Manager Homer Dearmin, City Clerk Tammy Hatley, Director of Finance and Personnel Susan O'Brien, Director of Planning and Inspections Todd Cox, Public Works Superintendent Ricky Lewis, Senior Center Director Suzan Garner, Fire Chief Steven Roberson, Chief of Police Paula May, Public Utilities Superintendent Robert Pettitt, Water Treatment Plant Superintendent Ben Marion, City Engineer Scott Barrow, Chief Water Treatment Plant Operator Mark Danley, and Chaplain Paul Norman.

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

The invocation was offered.

ANNOUNCEMENTS

Mayor Warren noted the following announcements:

- Stokes County Fair: Tuesday-Saturday, September 11-15, 2018, Carl Calloway American Legion Post #290-King
- Parks & Recreation Advisory Board, Regular Meeting: Thursday, September 13, 2018, 7:00 p.m., King Recreation Acres Community Building
- Stokes Family YMCA, Annual King of the Hill 5k and 10K Road Race: Saturday, September 15, 2018, 7:00 – 10:30 a.m.
- Community Appearance Commission, Regular Meeting: Thursday, September 20, 2018, 3:30 p.m., King City Hall
- King Planning Board, Regular Meeting: Monday, September 24, 2018, 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. Being no one present wishing to speak, Mayor Warren closed the public comment portion of the meeting.

CONSENT AGENDA

Mayor Pro Tempore McCraw moved to approve the consent agenda as presented. Councilman Carico seconded the motion which carried by a unanimous vote of 4-0. Items approved were: (1) August 6, 2018, Regular Meeting Minutes; (2) Set date for Employee Appreciation Meal on December 7, 2018; and (3) Change Date for West Stokes Homecoming Parade to September 28, 2018.

EMPLOYEE OF THE QUARTER PRESENTATION – WATER TREATMENT PLANT CHIEF OPERATOR, MARK DANLEY

Mayor Warren recognized Water Treatment Plant Chief Operator, Mark Danley, as *Employee of the Quarter* for the 3rd Quarter of 2018. Mayor Warren presented Mr. Danley with a plaque, windbreaker and check.

UPDATE OF M.A.D.I.K. PLAYGROUND PROJECT – MRS. ASHLEY TURNER

Mrs. Ashley Turner, representing the Make a Difference In King Board presented the Mayor and Council with a list (Attachment A to minutes) of items to be completed before the grand opening of the new M.A.D.I.K. playground at King Recreation Acres Park which is scheduled for October 21, 2018, at 3:00 p.m. with a rain date of October 28, 2018, at 3:00 p.m. Mrs. Turner requested a joint meeting between the M.A.D.I.K. board, King City Council, and King Parks and Recreation Advisory Board members to go over all documents and prepare for the City to take over the playground.

Members of the Council thanked Mrs. Turner and all the volunteers for their work to make this playground a reality in our community and agreed by consensus to hold the joint meeting with the M.A.D.I.K. board and Parks and Recreation Advisory Board at the regularly scheduled Parks and Recreation Advisory Board on October 11, 2018, 7:00 p.m. at the King Recreation Acres Park Community Building.

EVIDENTIARY HEARING – REZONING REQUEST CU-LI-038 BY BRENDA AND DAVID KISER, INC.

Mayor Warren read the following statement: “This is a quasi-judicial hearing, which means that the Council must take sworn testimony from anyone wishing to offer factual information that pertains to the case. Testimony is subject to cross examination. Personal opinion and hearsay are not acceptable forms of testimony during a quasi-judicial procedure. Council must then take the evidence as submitted by the developer, staff, and citizens, compare it to the ordinance requirements and make a determination as to whether the project is so designed to meet or exceed these requirements. Council may approve, approve with conditions, or deny the request based on the Findings of Fact during the hearing.”

Mayor Warren opened the evidentiary hearing on rezoning request CU-LI-038 by Brenda and David Kiser, Inc.

Director of Planning and Inspections Cox was sworn and offered the following testimony: “You have your request here as the Mayor stated. This would be to rezone .69 acres, just over half an acre from R-20 to Conditional Use Light Industrial. Again, in your package, you have your zoning application, paper notification, abutting property owner notifications, maps and supporting documents. On the next page on Introduction and Background, some of you might have been on the board back in 2010 when Mr. Kiser came through our first time and rezoned the tract that’s just to the right of that little map you see there on that page and for his hauling business and now has obtained this little smaller tract and wants to possibly build a building on it and expand the property and the business and of course in doing that he would need to rezone and do it similarly to what he’s got now. So, the property is currently in the corporate limits and has access to water but if any sewer needs would come about it would have to be on a septic system. Section 32-163 gives you your two statements of R-20 districts and Light Industrial districts and when you look at the type of use it falls into our Light Industrial district pretty well and then on Conditional Use rezoning there’s eleven things there that you can look at when reviewing the plan and most of those that apply have been met. In going over that with Dean Slate who is here tonight and I think we have everything covered on it and then also, you have your zoning map. It shows up in the center of that little colored map it’s sort of a bluish looking tract, but you can see the areas around it. We have some business nearby, some multi-family and of course residential. And then the white out area is Tobaccoville’s corporate limits that are in white sort of. Then on the last page you have your Findings of Fact, your actions and of course we can go through that in a little bit. Under staff comments, of course I recommended using L-I district and it meets up with our condition, not our conditional use,

our Comp Plan as a G-2 area and under that it allows for civic and light industrial use which obviously this is what we're looking at. So, if y'all have any questions; the Kisers are here and Dean Slate who drew up the map, he's here but I think most of it's pretty self-explanatory. I didn't recommend any conditions on this because there really wasn't many that applied that the ordinance didn't cover to start with. So, but you certainly could add any that you think might apply and then at the bottom of that, the Planning Board recommended it to you on a 5-0 unanimous vote to approve."

Mayor Warren: "I have one for you Mr. Cox. Have you had anyone voice an opposition?"

Mr. Cox: "At the Planning Board, I told them that I had one call from a lady who lived, I think she said two properties away and she had a question about the lot size. She, for some reason, thought it more acreage than .69 and I told her that Dean's a pretty good surveyor and it says .69, it's probably pretty close, so but she was thinking it was several acres but that was the only question she had."

Councilman Carico: "Where'd she say she lived?"

Mr. Cox: "She just said a couple of lots away is how she phrased it. She didn't give me a name."

Mayor Warren: "Any questions Council for Mr. Cox?"

Councilman Carter: "So, we've never had anything as far as just, just to reiterate what the Mayor said, we haven't had any complaints from these folks that are closer?"

Mr. Cox: "No. The last public hearing we had for the tract beside it was probably the first in my history where they packed the room and everybody was for it, which is a rare thing to happen."

Mayor Warren: "Very rare."

Mr. Cox: "Mr. Kiser has some good friends over there but everybody was for that rezoning and like you say I don't think all of them are still there so I doubt any of them has any complaints."

Councilman Carter: "Was there, I'm just asking, is there any buffers that were?"

Mr. Cox: "It would call for the level 3 buffer around the southern side and western side and he'll have to pick out which one he wants to use when he gets going on it."

Councilman Allen: "There's no buffer already installed?"

Mr. Cox: "Yeah, he planted some Leyland cypress out there, yeah."

Councilman Carico: "That's on the southeast of that. That's already on the map."

Mr. Cox: "Yep, so he can marry that in with some other stuff and meet the requirements."

Mayor Warren: "Any questions for Mr. or Mrs. Kiser of Mr. Slate? There being none, I will close the evidentiary hearing."

Section 32-578 of Article XIII of the City Zoning Ordinance requires that before granting a conditional use application, the City Council must ensure that six requirements have been met:

The City Council took a separate vote on each of the six requirements. The six requirements, the vote thereon, and the bases for the determinations that certain requirements were met are as follows:

Section 32-578 (d) *Action by the responsible body*. The City Council shall approve, modify or deny the application after reviewing the Planning Board's recommendation. In granting a permit, the responsible body shall ensure:

- (1) The use requested is listed among the conditional or special exception uses in the district for which application is made. **Answer – Yes 4-0**
- (2) The requested use is essential or desirable to the public convenience or welfare. **Answer – Yes 4-0**
- (3) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals or welfare. **Answer – Yes 4-0**
- (4) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational areas, conservation of natural resources, preservation of floodplains and encouraging the most appropriate use of the land. **Answer – Yes 4-0**
- (5) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. **Answer – Yes 4-0**
- (6) Adequate measures have been or will be taken to provide ingress and egress, so designed as to minimize traffic congestion in the public streets. **Answer – Yes 4-0**

Mr. Cox then read the compliance statement as it relates to NCGS 160A-383, Compliance with adopted comprehensive plans with the following answers from members of the City Council:

- (1) The proposed use will be in keeping with the spirit of the Stokes 2035 Comprehensive Plan. **Answer – Yes 4-0**

Action

Councilman Carter moved to approve rezoning request CU-LI-038 by Brenda and David Kiser, Inc. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0.

FINDINGS OF FACT – CONDITIONAL USE REZONING REQUEST CU-LI-038

1. David E. Kiser and wife, Brenda Kiser are the owners of a property located in the 900 block of Jefferson Church Road, Tobaccoville, NC which is located within the corporate limits of the City of King, NC and identified as FCTM# 6902-25-0650.
2. On July 20, 2018, David E. and Brenda Kiser ("Applicants") submitted a zoning action request for a conditional use permit to rezone approximately .69 acres from R-20 (Residential – Low Density) to CU-LI (Conditional Use – Light Industrial.) ("Request No. CU-038").
3. On August 27, 2018, the City of King Planning Board conducted a duly advertised and noticed hearing on Request No. CU-038 and made a unanimous recommendation for approval.
4. On September 4, 2018, the King City Council conducted a duly advertised and noticed evidentiary hearing on Request No. CU-038 and made a unanimous recommendation for approval.

CONSIDERATION OF RESOLUTIONS 2018-13 AND 2018-14 – RETIREE HEALTH BENEFITS

Director of Finance and Personnel O'Brien informed the Mayor and Council that these two resolutions would expand the availability of the options provided in Resolutions 2010-06 and 2018-06 to retirees with 30 or more years of service in the Local Government Employees Retirement System (LGERS). This will impact approximately 15 current employees and will expand the city's capability to hire experienced employees in the future. In addition, language has been added to clarify that retirees who waive coverage under the city plan would not be permitted to return to the plan and that retirees who waive both options would not be permitted to elect either in the future.

Action

Councilman Allen moved to approve Resolutions 2018-13 and 2018-14, which are incorporated within the body of the minutes below. Councilman Carter and Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0.

CITY OF KING RESOLUTION NO. 2018-13

RESOLUTION AUTHORIZING CONTINUATION OF AVAILABILITY OF HEALTH INSURANCE BENEFITS TO QUALIFIED RETIRING EMPLOYEES OF THE CITY OF KING

WHEREAS, the City of King currently provides health insurance as a benefit to City employees; and
WHEREAS, the City Council desires to continue after retirement the availability of this benefit to qualified City employees that retire from City service; and

WHEREAS, the entire cost of this continuation of health insurance benefit will be the responsibility of the retiree; and

WHEREAS, the availability and continuation of this benefit to qualified employees is contingent only upon the availability of the coverage from the City's insurance carrier;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of King does hereby authorize the availability of health insurance coverage to qualified retiring employees.

FURTHER, BE IT RESOLVED, that qualified employees be determined as any employees that qualified for the benefit during their service with the City prior to retirement and had accumulated a total of twenty or more years of employment with the City of King or be at least 62 years old at the time of retirement **or have thirty or more years of employment under the Local Government Employee Retirement System (LGERS)** and retires under the North Carolina Local Government Employees Retirement System;

FURTHER, BE IT RESOLVED, that eligibility for this benefit shall end at the time that the qualified employee becomes eligible for Medicare under Title XVIII or Title XIX or age 65, whichever comes first;

FURTHER, BE IT RESOLVED, that retiree payment of premiums must be made by the first business day of each month or coverage will be terminated immediately and will not be reactivated;

FURTHER, BE IT RESOLVED, that retiree must participate in the City of King health plan at the time of retirement;

FURTHER, BE IT RESOLVED, that the retiree may continue to cover eligible dependents who were on the policy the day prior to retirement. No dependents may be added to the retiree's coverage after retirement. A dependent removed from the policy for any reason may not be reinstated. A dependent covered when the retiree reaches the age of 65 or is eligible for Medicare, whichever comes first, will be eligible for coverage for up to 36 months under COBRA;

FURTHER, BE IT RESOLVED, that dependents covered under a retiree's coverage become ineligible for coverage under the following conditions: the retiree dies, retiree and spousal divorce or legal separation or the dependent becomes eligible for Medicare or loses eligible dependent status under the terms of the plan. Under these conditions, the dependent will be eligible for up to 36 months of coverage under COBRA.

FURTHER, BE IT RESOLVED, that a retiree who becomes eligible for group health coverage through subsequent employment must report this coverage and designate the subsequent employer's health coverage as primary for both individual and dependent care coverage. Failure to report other coverage will be considered justification for termination of health coverage from the City of King.

FURTHER, BE IT RESOLVED, that no employee who is terminated involuntarily, other than reduction in force, will be eligible for this benefit.

FURTHER, BE IT RESOLVED, that if a retiree chooses to waive the City's health plan at any time, including at retirement, he/she will not be permitted to return to the City's health plan;

FURTHER, BE IT RESOLVED, that a retiree may, at any time, waive the City's health plan and move to the retiree option offered under Resolution 2018-13;

FURTHER BE IT RESOLVED, that a retiree who waives health insurance options under Resolutions 2018-13 and 2018-14 will not be permitted to elect either option at any future time;

FURTHER, BE IT RESOLVED, that, as the retiree coverage will be equivalent to employee coverage, the City of King reserves the right to change benefits, carriers, and premiums if needed to better meet the City's needs and fiscal responsibilities.

FURTHER, BE IT RESOLVED, that for purposes of determining qualification for this benefit, years of service with the City of King shall include years of service for those employees previously employed by the King District Water System, Inc.

FURTHER, BE IT RESOLVED, that this resolution shall rescind Resolution 2010-06 adopted on May 3, 2010.

FURTHER, BE IT RESOLVED, that the availability of this benefit will be effective September 4, 2018

Adopted this 4th day of September, 2018.

**CITY OF KING
RESOLUTION NO. 2018-14**

**RESOLUTION AUTHORIZING HEALTH REIMBURSEMENT ARRANGEMENT
TO QUALIFIED RETIRING EMPLOYEES OF THE CITY OF KING**

WHEREAS, the City Council desires to provide a Health Reimbursement Arrangement (HRA) to qualified City employees that retire from City service; and

WHEREAS, the retiree will secure health coverage outside of the city plan; and

WHEREAS, the retiree will be enrolled in a HRA plan administered by the city's benefits provider; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of King does hereby authorize the availability of health reimbursement accounts to qualified retiring employees.

FURTHER, BE IT RESOLVED, that qualified employees be determined as any have accumulated a total of twenty or more years of employment with the City of King or be at least 62 years old at the time of retirement or have thirty or more years of employment under the Local Government Employee Retirement System (LGERS) and retires under the North Carolina Local Government Employees Retirement System;

FURTHER, BE IT RESOLVED, that eligibility for this benefit shall end at the time that the qualified employee becomes eligible for Medicare under Title XVIII or Title XIX or age 65, whichever comes first;

FURTHER, BE IT RESOLVED, that retiree will provide receipts for health insurance premium and/or other eligible medical expenses to the designated representative;

FURTHER, BE IT RESOLVED, that the designated representative will provide reimbursement to the retiree;

FURTHER, BE IT RESOLVED, that the retiree will not be eligible to return to the city plan at any time.;

FURTHER, BE IT RESOLVED, that the amount of reimbursement available will be equal to the amount placed into active employees' health savings accounts by the city;

FURTHER, BE IT RESOLVED, that the amount of reimbursement will be pro-rated during the year of retirement to reflect the number of months in retirement and will be a full amount in following years;

FURTHER BE IT RESOLVED, that a retiree who waives health insurance options under Resolutions 2018-13 and 2018-14 will not be permitted to elect either option at any future time;

FURTHER, BE IT RESOLVED, that no employee who is terminated involuntarily, other than reduction in force, will be eligible for this benefit.

FURTHER, BE IT RESOLVED, that for purposes of determining qualification for this benefit, years of service with the City of King shall include years of service for those employees previously employed by the King District Water System, Inc.

FURTHER, BE IT RESOLVED, that this resolution shall rescind Resolution 2018-06 adopted on May 7, 2018 and is in addition to Resolution 2018-13, adopted September 4, 2018.

FURTHER, BE IT RESOLVED, that the availability of this benefit will be effective September 4, 2018.

Adopted this 4th day of September, 2018.

CONSIDERATION OF RESOLUTIONS FOR GRANT FUNDING FOR WASTEWATER TREATMENT PLANT, RESOLUTIONS 2018-15 AND 2018-16

City Engineer Barrow informed the Mayor and Council that we have not been successful in our previous attempts for the Wastewater Treatment Plant (or now termed Water Resources Recovery Facility, WRRF) from the CWSRF. Resolution 2018-15 is a repeat (round 4) for our next submittal in September. Resolution 2018-16 is also a repeat (round 2) to pursue an all-expenses paid grant for Asset Inventory and Assessment. Since the CWSRF is based on points, this grant is another way to increase our point total.

Action

Mayor Pro Tempore McCraw moved to approve Resolutions 2018-15 and 2018-16, which are 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 2018-15

AUTHORIZING APPLICATION FOR LOAN FROM STATE REVOLVING FUND

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction a wastewater treatment works and wastewater collection system, and

WHEREAS, The City of King has need for and intends to construct a wastewater treatment works and wastewater collection system project described as the City of King Wastewater Treatment Facility which includes the construction of a new 1.5 MGD treatment facility, approximately 4.1 miles of gravity sewer, and construction of Land Application System for effluent disposal with plans for future direct discharge to the Yadkin River, and

WHEREAS, The City of King intends to request state loan and/or grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF KING:

That the City of King, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of King to make scheduled repayment of

the loan, to withhold from the City of King any State funds that would otherwise be distributed to the City of King in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Homer Dearmin, City Manager and/or T. Scott Barrow, City Engineer, the **Authorized Officials**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan to aid in the construction of the project described above.

That the **Authorized Officials**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 4th of September, 2018 at City of King, City Council chambers, North Carolina.

**CITY OF KING
RESOLUTION 2018-16
AUTHORIZING APPLICATION FOR WASTEWATER
ASSET INVENTORY AND ASSESSMENT GRANT**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of grants to aid eligible units of government in financing the cost of wastewater asset inventory and assessment (AIA), and

WHEREAS, The City of King has need for and intends to develop a wastewater treatment works and wastewater collection system map, capital improvements plan, and an inventory assessment, and

WHEREAS, The City of King intends to request state grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF KING:

That the City of King, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State AIA grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper maintenance and administration of the asset inventory and assessment system and the repayment of principal and interest on any related debt.

That Homer Dearman, City Manager and/or T. Scott Barrow, City Engineer, the **Authorized Officials**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for an AIA grant as described above.

That the **Authorized Officials**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 4th day of September, 2018 at King, North Carolina.

DEPARTMENTAL REPORTS

There were no questions concerning the departmental reports.

ITEMS OF GENERAL CONCERN

Councilman Carter: Nothing at this time

Councilman Carico: Nothing at this time

Councilman Allen: Stated that he was glad to see the new playground

Mayor Pro Tempore McCraw:

- Commended the King Police Department and our new School Resource Officer Roddy
- Welcomed Stokes County Commissioner’s Candidate Rick Morris to the meeting

Mayor Warren: Nothing at this time

EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF ACQUISITION OF REAL PROPERTY PER N.C. GENERAL STATUTE 143-318.11 (a) (5)

Mayor Pro Tempore McCraw moved to adjourn to executive session for the purpose of discussion of acquisition of real property per N.C. General Statute 143-318.11 (a) (5). Councilman Carico seconded the motion which carried by a unanimous vote of 4-0.

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

ADJOURNMENT

Councilman Allen moved to adjourn the meeting. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0. The meeting stood adjourned at 8:26 p.m.

Approved by:

Attest:

Jack Warren
Mayor

Tamara H. Hatley, MMC, NCCMC
City Clerk