

MINUTES
King City Council
Regular Session
October 7, 2019

The King City Council met at King City Hall on Monday, October 7, 2019, at 7:00 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, City Engineer Scott Barrow, Public Utilities Superintendent Robert Pettitt, Public Works Superintendent Ricky Lewis, Water Treatment Plant Superintendent Ben Marion, Fire Chief Steven Roberson, Chief of Police Jordan Boyette, Senior Center Director Suzan Garner, Parks & Recreation Director Olivia Smith, Captain Jonathan Lane, Captain Ian Tedder, Lieutenant Benny Haynes, Sgt. Michael Christian, Corporal Todd Batterton, Chaplain Donald Davis, Firefighter Matthew Hutchens and Officer Chase Sawyers.

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

The invocation was offered.

ANNOUNCEMENTS

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

- Parks & Recreation Advisory Board, Regular Meeting: Thursday, October 10, 2018, 7:00 p.m., King Recreation Acres Community Building
- Stokes County League of Local Governments, Regular Meeting: Thursday, October 17, 2019, 6:30 p.m., Hosted by Stokes County
- King Economic Development Advisory Board, Regular Meeting: Tuesday, October 22, 2019, 8:30 a.m.
- Downtown Safe Trick-or-Treating, Thursday, October 31, 2019, 6-8 p.m.

ADJUSTMENTS TO AGENDA

There were no adjustments to the agenda.

Chaplain Davis left the meeting.

PUBLIC COMMENT

Mayor Warren opened the floor to receive public comment.

Mr. Steven Hewett of 141 Willowbend Drive, King, NC, Mr. Eric Lineberry of 110 Sheraton Court and Mrs. Cathy Loveday, Executive Director of the King Chamber of Commerce addressed the Mayor and Council during public comment.

Being no one else 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 Carter seconded the motion which carried by a unanimous vote of 4-0. Items approved were: (1) September 3, 2019, minutes; (2) Set public hearing for November 4, 2019, 7:00 p.m. at King City Hall for voluntary

annexation request by Westmoreland Construction; (3) Set public hearing for November 4, 2019, 7:00 p.m. at King City Hall for amendment to Open Air Public Meeting Ordinance; and (4) Change date of annual employee appreciation meal to December 13, 2019.

RECONVENE PUBLIC HEARING FOR FINANCING OF POLICE VEHICLES AND EQUIPMENT

Mayor Warren reconvened the public hearing for financing of police vehicles and equipment which was recessed at the September 3, 2019, City Council meeting.

Finance Director O’Brien informed the Mayor and Council that only one bid had been received for the financing of the two police vehicles and equipment so she had rebid the financing and still only received one bid.

Being no one else present wishing to speak, Mayor Warren closed the public hearing for Financing of Police Vehicles and Equipment.

Action

Councilman Carter moved to approve Resolution 2019-16, which is incorporated within the body of the minutes below and award financing of the two police vehicles and equipment to Capital Bank at an interest rate of 2.253% with an annual payment of \$18,766.00 and a total cost of \$97,330.00.

Councilman Allen seconded the motion which carried by a unanimous vote of 4-0.

August 23, 2019 Bids

| Bidder | Interest Rate | Annual Payment | Total Cost (principal & interest) | Fees | Grand Total Cost |
|---------------------|--|-----------------------|--|-------------|-------------------------|
| BB&T | No bid received | | | | |
| Capital Bank | 2.253% | \$18,766.00 | \$93,830.00 | \$3,500.00 | \$97,330.00 |
| Wells Fargo | Financing amount too low for Wells Fargo to submit a bid | | | | |
| First Citizens Bank | First Citizens declined to submit a bid | | | | |
| SunTrust Bank | Financing amount too low for SunTrust to submit a bid | | | | |
| PNC Bank | No bid received | | | | |
| Bank of America | No bid received | | | | |

September 20, 2019 Bids

| Bidder | Interest Rate | Annual Payment | Total Cost (principal & interest) | Feed | Grand Total Cost |
|---------------------------------------|--|-----------------------|--|-------------|-------------------------|
| BB&T | No bid received | | | | |
| Capital Bank | 2.253% | \$18,766.00 | \$93,830.00 | \$3,500.00 | \$97,330.00 |
| Local Government Federal Credit Union | Credit Unions cannot offer tax-exempt rates so no bid received | | | | |

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|-------------------------------|---|
| Allegacy Federal Credit Union | Credit Unions cannot offer tax-exempt rates so Allegacy declined to bid |
| US Bankcorp | No bid received |
| Southern Bank | No bid received |
| Regions Bank | No bid received |
| Pinnacle Bank | No bid received |
| First Bank | No bid received |

**CITY OF KING
RESOLUTION 2019-16**

A Resolution Approving Financing Terms for Two Police Vehicles and Equipment

WHEREAS, the City of King “City” has previously determined to undertake a project Two Police Vehicles 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 Capital Bank, in accordance with the proposal dated September 20, 2019. The amount financed shall not exceed \$87,807.00, the annual interest rate (in the absence of default of change in tax status) shall not exceed 2.253%, and the financing term shall not exceed five years (5) 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 Capital Bank 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 Capital Bank 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 7th day of October 2019.

RETIREMENT OF K-9 AND DECLARE K-9 SURPLUS – RESOLUTION 2019-22

Councilman Allen moved to approve Resolution 2019-22 as presented, which is incorporated within the body of the minutes below. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0.

**CITY OF KING
Resolution 2019-22**

**A RESOLUTION AUTHORIZING THE SALE OF
RETIRED K-9 RAMSES**

WHEREAS, the City Council of the City of King finds that Police K-9 Ramses can no longer perform as required for his job, and has received a recommendation from his veterinarian that he be retired; and

WHEREAS, G.S. 160A-266(d) permits the City Council to authorize the disposition of personal property that is without value; and

WHEREAS, Corporal Justin Craver has agreed to purchase retired K-9 Ramses from the City of King in the amount of \$1.00 and upon accepting custody of the dog will assume all liability and responsibility for the care of the animal for the remainder of its life; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of King authorizes the purchase of K-9 Ramses by Corporal Justin Craver for the amount of \$1.00 effective October 7, 2019,

POLICE ADMIN AND CID VEHICLES PROPOSAL – CAPTAIN IAN TEDDER

Councilman Carico moved to disapprove this request and take a look at it during the FY 2019-20 budget cycle. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 3-1. (Allen-nay, Carico-yea, Carter-yea, McCraw-yea)

CONSIDERATION OF REIMBURSEMENT RESOLUTION 2019-19 FOR STREETS PAVING

Councilman Carter moved to approve Reimbursement Resolution 2019-19 as presented, which is incorporated within the body of the minutes below. Mayor Pro Tempore McCraw seconded the motion which carried by a vote of 4-0.

**DECLARATION OF THE COUNCIL
OF THE CITY OF KING OF OFFICIAL INTENT TO REIMBURSE
RESOLUTION 2019-19**

WHEREAS, this declaration (the "Declaration") is made pursuant to the requirements of United States Treasury regulations Section 1.103-18 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

WHEREAS, the undersigned is authorized to declare the official intent of the City of King (the "City") with respect to the matters contained herein.

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

1. **Expenditures to be incurred.** The City anticipates incurring expenditures (the "Expenditures") for resurfacing portions of seven (7) streets (the "Project").
2. **Plan of Finance.** The City intends to finance the cost of the Project described above with the proceeds of debt to be incurred by the City in accordance with the contract method of financing under the authority of North Carolina General Statutes Section 160A-20 as amended by Chapter 708 of the 1989 Session Laws.
3. **Maximum amount to be financed.** The maximum amount to be financed by the City to complete the Project is \$296,206.
4. **Declaration of Official Intent to Reimburse.** The City hereby declares its official intent to reimburse itself with the proceeds of the debt for any of the Expenditures incurred by it prior to financing of the Project.

Adopted this the 7th day of October 2019.

MARKETING AGREEMENT FOR BIG OAKS DRIVE PROPERTY

Mayor Pro Tempore McCraw moved to approve the market agreement for the Big Oaks Drive Industrial Park as prepared by the City Attorney and included as Attachment A to the minutes and to spend no monies until it is brought back to the Council for approval. Councilman Carter seconded the motion which carried by a unanimous vote of 4-0.

RENAMING OF PARK STREET TO KING RECREATION ACRES LANE

Councilman Carter moved to approve changing the name of Park Street to Rec Acres Lane. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0.

DEPARTMENTAL REPORTS

Councilmen Carico and Allen, along with Mayor Pro Tempore McCraw had questions concerning the success of the first fast pitch ball tournament held during the past weekend at King Recreation Acres. Parks & Recreation Director Smith gave an update and stated that the tournament had 16 teams over 4 fields, was a great success and raised approximately \$1,200 for the new dog park. Mayor Pro Tempore McCraw commended Ms. Smith for taking on the project.

Director of Planning and Inspections Cox was asked for and gave updates on the condemnation proceedings of the houses on East King Street and Wall Street as well as the status of the permitting and construction of the Cook Out restaurant on South Main Street.

City Engineer Barrow was asked to give an update on the wastewater treatment plant project. Mr. Barrow reported that the design work is almost completed and he is currently trying to set up a meeting in Raleigh.

ITEMS OF GENERAL CONCERN

Councilman Carter:

- Stated that there was a large pothole on Rec Acres Lane. Public Works Superintendent Lewis stated that this is already scheduled for repair.

Councilman Carico:

- Stated that a 5k called Run the Jake is being held on November 9, 2019, at 9:00 a.m. in Trinity NC and he had placed a flyer on the bulletin board at City Hall in case anyone was interested in participating.
- Asked that everyone remember the Kyle Hall family for the loss of his uncle and to keep his father in prayer for recovery from his injuries.

Mayor Pro Tempore McCraw:

- Gave a quick update on Mr. Hall’s recovery progress and asked that everyone keep him in prayer as he enters rehab.
- Commended everyone on the ball tournament and KingFest
- Thanked Stokes County Economic Development Director Carter for attending the meeting
- Commended Parks & Rec Director Smith on her work toward the dog park

Councilman Allen: Nothing at this time

Mayor Warren: Thanked everyone for coming to the meeting.

ADJOURNMENT

Mayor Pro Tempore McCraw moved to adjourn the meeting. Councilman Carter seconded the motion which carried by a unanimous vote of 4-0. The meeting stood adjourned at 8:11 p.m.

Approved by:

Attest:

Jack Warren
Mayor

Tamara H. Hatley, MMC, NCCMC
City Clerk