



## AGENDA

Henderson City Council Regular Meeting

Monday, 13 August 2012, 6:00 p.m.

R. G. (Chick) Young, Jr. Council Chambers, Municipal Building

134 Rose Avenue

Henderson, North Carolina

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### Mayor and City Council Members

Mayor James D. O'Geary, Presiding

Councilmember James C. Kearney, Jr.

Councilmember Sara M. Coffey

Councilmember Michael C. Inscoe

Councilmember D. Michael Rainey

Councilmember Brenda G. Peace—Jenkins

Councilmember Garry D. Daeke

Councilmember Vernon L. Brown

Councilmember George M. Daye

### City Officials

A. Ray Griffin, Jr., City Manager

John H. Zollicoffer, Jr., City Attorney

Esther J. McCrackin, City Clerk

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION AND PLEDGE OF ALLEGIANCE
- IV. 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 Behavior<sup>1</sup> and Transparency in Governance<sup>2</sup>. 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.

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<sup>1</sup> **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.

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

**V. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA**

**VI. APPROVAL OF MINUTES**

- a) 23 July 2012 Short Regular Meeting *[See Notebook Tab 1]*
- b) 23 July 2012 Work Session

**VII. 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, and identify the Agenda Item about which you wish to speak on the sign up sheet. Please review the Citizen Comment Guidelines that are provided on the last page of this Agenda.<sup>3</sup>

**VIII. OLD BUSINESS**

- a) Discussion Regarding Tax Releases and Refunds with Vance County Tax Collector Porcha Brooks. *[No Back-up Materials]*

**IX. NEW BUSINESS**

- a) Consideration of Approval of 1) Resolution 12-63, Acceptance of a Drinking Water State Revolving Fund (DWSRF) Loan in the Amount of \$294,000 for New Radio Read Water Meter Purchases; and 2) Ordinance 12-51, FY 13 Budget Amendment #6, Establishing the Budget for Above Mentioned Project. *(CAF 12-92) [See Notebook Tab 2]*
  - Resolution 12-63
  - Ordinance 12-51
- b) Consideration of Approval of Ordinance 12-55, FY 12 Budget Amendment #57, an Ordinance Amending the FY 11-12 Budget as Part of the Year End Budget Reconciliation Process. *(CAF 12-101) [See Notebook Tab 3]*
  - Ordinance 12-55
- c) Consideration of Approval of Ordinance 12-53, FY13 Budget Amendment #4, Amending the Bennett H. Perry House General Fund to Establish the Budget for the Purchase and Installation of a High Efficiency Heat Pump. *(CAF 12-96) [See Notebook Tab 4]*
  - Ordinance 12-53
- d) Consideration of Approval of Ordinance 12-54, FY12-13 Budget Amendment #5, Providing Funding for Tennis Courts' Repair at Fox Pond Park. *(CAF 12-100) [See Notebook Tab 5]*
  - Ordinance 12-54

- e) Consideration of Approval of 1) Resolution 12-62, Acceptance of a Drinking Water State Revolving Fund (DWSRF) Loan in the Amount of \$1,726,000 for 2" Water Mains and Services Replacement; and 2) Ordinance 12-50, FY 13 Budget Amendment #7, Establishing the Budget for Above Mentioned Project. *(CAF 12-91) [See Notebook Tab 6]*
- Resolution 12-62
  - Ordinance 12-50
- f) Consideration of Approval of 1) Resolution 12-69, Authorizing an Informal Bid Award for Hillside Avenue Storm Sewer Replacement Project in the Amount of \$62,848; and 2) Ordinance 12-56, FY 13 Budget Amendment #8, Amending the Budget for Above Mentioned Project. *(CAF 12-104) [See Notebook Tab 7]*
- Ordinance 12-56
- g) Consideration of Approval of Resolution 12-67, Appointments to the Henderson/Oxford Airport Authority Committee, Henderson Zoning Board of Adjustment and Henderson Planning Board, as well as the Disbanding of the Clean Up Henderson Committee, and 2) Ordinance 12-57, Eliminating the Clean Up Henderson Committee as an Official City Organization. *(CAF 12-99) [See Notebook Tab 8]*
- Resolution 12-67
  - Ordinance 12-57
- h) Consideration of Approval of Resolution 12-70, Expressing the City Council's Concern about Moped Utilization on Streets and Highways and Requesting the North Carolina League of Municipalities to Consider Pursuing Same as a Legislative Initiative for the 3012 Session of the General Assembly. *(CAF 12-105) [See Notebook Tab 9]*
- Resolution 12-70
- i) Consideration of CM 12-11, Beckford Drive Road Repair Project/Hillside Avenue Storm Sewer. *[See Notebook Tab 10]*

## **X. CONSENT AGENDA**

All matters listed under the Consent Agenda have either been previously discussed by City Council during a previous meeting and/or are considered in the ordinary course of business by the City Council and will be enacted-on by one motion and a roll call vote in the form listed. If discussion is desired by either the Council or the Audience, the item in question will be removed from the Consent Agenda and considered separately after the revised consent agenda has been approved.

- a) Consideration of Approval of Resolution 12-55, Private Fire Hydrant Testing Policy. *(CAF 12-82) [See Notebook Tab 11]*
- Resolution 12-55

- b) Consideration of Approval of Resolution 12-57, Authorizing the Donation of 7 Obsolete Portable Radios and 6 Obsolete Mobile Radios to the Vance-Granville Basic Law Enforcement Training Program. (CAF 12-86) [See Notebook Tab 12]
  - Resolution 12-57
- c) Consideration of Approval of Resolution 12-58, Approving Acknowledgement and Consent to the Change out of Various Wireless Communication Equipment Related to an Existing Lease Agreement with SprintCom, Inc. (CAF 12-A-87) [See Notebook Tab 13]
  - Resolution 12-58
- d) Consideration of Approval of Resolution 12-60, Accepting the Presentation and Review of the KLRWS Master Plan Update and the Sandy Creek Pump Station Hydraulic Analysis. (CAF 12-89) [See Notebook Tab 14]
  - Resolution 12-60
- e) Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of July 2012. (CAF 12-102) [See Notebook Tab 15]

## **XI. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS**

Citizens may speak on non-Agenda items only 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 on the last page of this Agenda.<sup>3</sup>

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### <sup>3</sup> Citizen Comment Guidelines

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.

## **XII. REPORTS**

- a) Mayor/Mayor Pro-Tem
- b) City Manager
- c) City Attorney
- d) City Clerk
  - i. Calendar Notes and Schedule Update *[See Notebook Tab 16]*
  - ii. Various Departmental Reports
    - Henderson Fire Department
    - Henderson-Vance County 911

## **XIII. CLOSED SESSION**

- a) Pursuant to G.S.§143-318.11 (a)(5) for a Personnel Matter.
- b) Pursuant to G.S.§143-318.11 (a)(3) for an Attorney-Client Privilege Matter.

## **XIV. ADJOURNMENT**

**City Council Minutes**  
**Regular Meeting**  
**13 August 2012**

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**PRESENT**

Mayor James D. O'Geary, Presiding; and Council Members Sara M. Coffey, Michael C. Inscoe, Brenda G. Peace-Jenkins, Vernon Brown, Garry D. Daeke, and George M. Daye.

**ABSENT**

Council Members Kearney, Sr. and D. Michael Rainey.

**STAFF PRESENT**

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Katherine C. Brafford, Engineering Director Peter Sokalski, Fire Chief Danny Wilkerson, Henderson Water Reclamation Facility Director Tom Spain and Recreation and Parks Director Alan Gill.

**CALL TO ORDER**

The 13 August 2012 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:01 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

Mayor O'Geary welcomed everyone and asked Fire Chief Danny Wilkerson to come forward and share information regarding a plaque he recently received honoring him and the department for excelling in the Muscular Dystrophy Drive in 2011. The citizens of Henderson donated the most to a fire department than any place else in the Piedmont area.

The Mayor then asked Henderson Water Reclamation Facility Director Tom Spain to come forward and share good news. Mr. Spain said he received a call today regarding a \$600,000 grant award from the Clean Water Management Trust Fund. These dollars will be used to help pay the debt for the facility update.

**ROLL CALL**

The City Clerk called the roll and advised Mayor O'Geary a quorum was present.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Peace-Jenkins led those in attendance in prayer and the Pledge of Allegiance.

## ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin announced that there would be no *Closed Session*, that *CM 12-11* should read *Beckford Drive Road Repair Project* only and she said a corrected copy of *Ordinance 12-51, An Amendment to the FY 2012-2013 Budget, Budget Amendment #6* was placed in front of each Council Member's seat prior to the meeting. Council Member Inscoe asked to add a discussion regarding grants. Mayor O'Geary then asked for the pleasure of Council. Council Member Peace-Jenkins moved to accept the adjusted Agenda. Motion seconded by Council Member Inscoe and unanimously approved.

## APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. There were no adjustments to the minutes. Council Member Coffey moved to accept the minutes for 23 July 2012 Short Regular Meeting and 23 July 2012 Work Session. Motion seconded by Council Member Daye and unanimously approved.

## PUBLIC COMMENT PERIOD ON AGENDA ITEMS

The City Clerk advised the Mayor and Council Members that no citizen wished to speak to Council on agenda matters.

## OLD BUSINESS

City Manager Griffin asked Finance Director Kathy Brafford to introduce the Vance County Tax Collector, Porcha Brooks. After introducing the Tax Collector, Ms. Brafford stated Ms. Brooks is present to answer any questions regarding taxes and the collection process.

Ms. Brooks said she was happy to entertain any questions and Council Member Inscoe began the questions by asking about city owned property and whether the buyer of foreclosed property has to pay any liens on that property. Ms. Brooks responded that the City's Code Compliance Director Corey Williams sends her lien information which is recorded as a tax and yes, it must be paid by the buyer. City Attorney John Zollicoffer asked what happens if the property does not sell for the full amount. Ms. Brooks responded the liens are then *wiped-out*.

City Manager Griffin interjected a process between Code Compliance and the tax office is being drafted so liens can be collected prior to foreclosure. It is anticipated the first draft will be completed before the end of August.

Council Member Inscoe then asked City Attorney Zollicoffer if a judgment could be placed against tax returns/salaries prior to foreclosure. Attorney Zollicoffer responded yes, under the proper circumstances. Ms. Brooks said often the foreclosures are *heir* properties.

Council Member Coffey inquired about the status of churches and those serving in the military. Ms. Brooks responded that they are considered exempt but to have the exemption, the church needs to make application and the application must be in the name of the church. She also said military need to complete an application to be exempt.

Council Member Peace-Jenkins asked if foreclosures can be retracted. Ms. Brooks said yes, provided the attorney is agreeable and the fees are paid.

Council Member Daeke asked why some of those listed are 8-10 years old. Ms. Brooks said they are in catch-up mode and any foreclosure of more than two years is being sent to the attorney in alphabetical order. She said they can only send 10 at a time. Council Member Inscoe asked if more than one attorney/firm could be used for the foreclosure process and Council Member Coffey asked how that could happen. Ms. Brooks said it would need approval from both the County and City. City Attorney Zollicoffer said there would be probably be extra expenses incurred as the existing contract with the foreclosure attorney has been in place for some time.

Council Member Daeke asked what other methods can be used to collect back taxes. Ms. Brooks said garnishments are the number one method. Real attachments are used and they are just starting bank attachments. Mr. Daeke asked if Ms. Brooks felt she had the proper staffing. Ms. Brooks responded a paralegal to complete smaller in rem foreclosures in-house. Attorney Zollicoffer mentioned obtaining title insurance could be a problem.

City Manager Griffin asked if attachments could be done outside North Carolina. Ms. Brooks responded garnishments could not but attachments can be done outside the state. Council Member Coffey asked if there were costs involved. Ms. Brooks said there was a \$30.00 fee when a letter was sent to a taxpayer for garnishment and another \$30.00 if a letter was sent to the employer. She said garnishments are 10% of gross. She also said state web sites are visited and if funds are found she is able to attach those dollars.

With no further questions, Mayor O'Geary thanked Ms. Brooks. She said she would be happy to answer any further questions at any time.

## **NEW BUSINESS**

**Resolution 12-63, Acceptance of a Drinking Water State Revolving Fund (DWSRF) Loan in the Amount of \$294,000 for New Radio Read Water Meter Purchases; and 2) Ordinance 12-51, FY 13 Budget Amendment #6, Establishing the Budget for Above Mentioned Project. (Reference: CAF 12-92; Resolution 12-63; Ordinance 12-51)**

City Manager Griffin asked Assistant City Manager Frazier to come forward and summarize this item. Mr. Frazier explained that following Council's approval in September 2011 to apply for a loan/grant from NCDENR, application was submitted. On 17 July 2012 notification of approval for a 0% loan in the amount of \$294,000 for radio read water meters was received. The staff plans to begin replacing meters in some of the larger complexes if Council accepts this grant.

Council Member Inscoe asked if there was a master plan for replacing meters. Mr. Frazier responded there is a broad plan but no specific plan is currently in place. Mr. Inscoe felt a specific plan would be efficient and would help track results. Mr. Frazier explained tracking is done through the accounting system and work orders. Council Member Daeke asked if working meters could be pulled from one section of the City and used as replacements in another section so the radio read meters could be segregated in one section of the City as part of a master plan. Council Member Brown felt with so many meters to be replaced, a master plan is a necessity.

Council Member Inscoe also asked how many meters this loan will purchase and how many have already been replaced. Mr. Frazier responded 500 have been replaced and there are about 10,000 meters total within the City. He said this loan will purchase approximately 1,000 meters. Council Member Coffey asked if there was any warranty for the meters and what the life expectancy is of a meter. Mr. Frazier responded they can come with a warranty and although he was unable to give an exact life expectancy, he did say the batteries last a good long time.

Council Member Inscoe then asked what had been set aside in the budget. City Manager Griffin responded \$60,000. He also said the radio read meter program began about 3 years ago and in fairness to customers and the City, replacements began with the worst of the worst and mentioned many of the meters were no longer functioning. He then said debt service of \$14,700 can be absorbed in the FY13-14 budget without a rate increase and Mr. Inscoe thanked him for providing this information.

Council Member Inscoe asked if the billing system tagged customers with exceptionally high usage. Mr. Griffin said while reading meters, if a small leak is detected, a note is left on the customer's door and if a large leak is suspected, meter readers sometimes even shut off the water so no large fee is incurred.

In summary, Mr. Frazier said he would be happy to come back to Council with a master plan. He also said the radio read meters provide data unavailable with other meters. One plus is if the radio read meters are inappropriately removed.

With no further discussion, Mayor O'Geary asked for the pleasure of Council.

Council Member Daeke moved the approval of Resolution 12-63, *Acceptance of a Drinking Water State Revolving Fund (DWSRF) Loan in the Amount of \$294,000 for New Radio Read Water Meter Purchases*; and 2) Ordinance 12-51, *FY 13 Budget Amendment #6, Establishing the Budget for Above Mentioned Project*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Coffey, Inscoe, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney and Rainey. (See Resolution Book 3, p 21; Ordinance Book 8, p 453)

**FY 12 Budget Amendment #57, an Ordinance Amending the FY 11-12 Budget as Part of the Year End Budget Reconciliation Process.** (Reference: CAF: 12-101; Ordinance 12-55)

City Manager Griffin said this is an adjustment to last year's budget and asked Finance Director Brafford to explain. Ms. Brafford said this amendment relates to the refunding of bonds and that several entries were missed which need to be corrected.

There was no discussion and Mayor O'Geary asked for the pleasure of Council.

Council Member Daeke moved the approval of Ordinance 12-55, *FY 12 Budget Amendment #57, an Ordinance Amending the FY 11-12 Budget as Part of the Year End Budget Reconciliation Process*. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Coffey, Inscoe, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney and Rainey. (See Ordinance Book 8, p. 461)

**FY13 Budget Amendment #4, Amending the Bennett H. Perry house General Fund to Establish the Budget for the Purchase and Installation of a High Efficiency Heat Pump.** (Reference: CAF 12-96; Ordinance 12-53)

City Manager Griffin said this is a housekeeping item. He extended a thanks to Mr. George Watkins for raising sufficient donations to convert the heating system in the Bennett H. Perry house from oil to a highly efficient heat pump which will also provide A/C which the house does not currently have in place.

There was no discussion. Mayor O'Geary asked for Council's pleasure.

Council Member Inscoe moved the approval of Ordinance 12-53, *FY13 Budget Amendment #4, Amending the Bennett H. Perry house General Fund to Establish the Budget for the Purchase and Installation of a High Efficiency Heat Pump*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Inscoe, Peace-Jenkins, Daeke, Brown, Daye and Coffey. NO: None. ABSTAIN: None. ABSENT: Kearney and Rainey. (See Ordinance Book 8, p. 457)

**FY12-13 Budget Amendment #5, Providing Funding for Tennis Courts' Repair at Fox Pond Park.** (Reference: CAF 12-100; Ordinance 12-54)

City Manager Griffin asked Recreation and Parks Director Alan Gill to explain this request. Mr. Gill said this repair work is for the *front four* courts which border the parking lot at Fox Pond Park. He stated the other courts were repaired in 2006 but these four had not been resurfaced in approximately 10 years and without repairs now, they would need to be totally replaced due to the size of the existing cracks. Mr. Gill said 50% of the costs would be covered by the Recreation Donation fund and that the County had agreed to pay 25% at its last meeting.

Council Member Coffey asked if any guarantees were provided. City Attorney Zollicoffer said

Some guarantees are mentioned in the contract and Mr. Gill said the contractor is the same one that resurfaced the courts in 2006 and he has agreed to do minor repairs on those courts while doing repairs on the *front four*.

Council Member Daeke asked how quickly the work could be completed. Mr. Gill said they would like to do it soon and over a holiday as the courts need to be closed for 4-5 days. Council Member Inscoe asked who uses the courts and about the possibility of hosting tournaments. Mr. Gill said both schools and citizens use the courts and hosting tournaments would certainly be an option. Council Member Brown said he would look forward to viewing some good tournament competition.

There was no further discussion so Mayor O'Geary asked for the pleasure of Council.

Council Member Daeke moved the approval of Ordinance 12-54, *FY12-13 Budget Amendment #5, Providing Funding for Tennis Courts' Repair at Fox Pond Park*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Brown, Daye, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Kearney and Rainey. (*See Ordinance Book 8, p.459*)

**Resolution 12-62, Acceptance of a Drinking Water State Revolving Fund (DWSRF) Loan in the Amount of \$1,726,000 for 2" Water Mains and Services Replacement; and 2) Ordinance 12-50, FY 13 Budget Amendment #7, Establishing the Budget for Above Mentioned Project.** (*Reference: CAF 12-91; Resolution 12-62; Ordinance 12-50*)

City Manager Griffin asked Engineering Director Peter Sokalski to update Council. Mr. Sokalski said this is part three of the projects with the high speed pump and radio read meters. Although not a grant, the Drinking Water State Revolving Fund (DWSRF) has approved a 0% loan for \$1,726,000 for 2" water mains and services replacement. Mr. Sokalski said this would cover replacement of approximately 13,000 linear feet in various areas of the City.

Council Member Inscoe asked if there would be any problem meeting the loan commitment. City Manager Griffin said a debt service completion is occurring this year, and with the CIP Utilities Reserve of \$41,000, the loan commitment could be met with no rate increase request for the next fiscal year.

Council Member Inscoe expressed concern regarding costs if the work on Oxford Road required more than re-patching the surface and Mr. Griffin said Powell Bill funds had yet to be received so if the State required full resurfacing there could be unanticipated extra expense. Council Member Brown felt now is the time to do what was not done previously and Council Member Daeke asked if the areas considered for replacement were on the list previously submitted as having the greatest need. Mr. Sokalski responded yes.

There was no further discussion. Mayor O'Geary asked for Council's pleasure.

Council Member Peace-Jenkins moved the approval of Resolution 12-62, *Acceptance of a Drinking Water State Revolving Fund (DWSRF) Loan in the Amount of \$1,726,000 for 2" Water Mains and Services Replacement*; and 2) Ordinance 12-50, *FY 13 Budget Amendment #7, Establishing the Budget for Above Mentioned Project*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Brown, Daye, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Kearney and Rainey. (See *Resolution Book 3, p.19; Ordinance Book 8, p 451*)

**Resolution 12-69, Authorizing an Informal Bid Award for Hillside Avenue Storm Sewer Replacement Project in the Amount of \$62,848; and 2) Ordinance 12-56, FY 13 Budget Amendment #8, Amending the Budget for Above Mentioned Project.** (Reference: *CAF 12-104; Resolution 12-69; Ordinance 12-56*)

City Manager Griffin asked Engineering Director Sokalski to come forward to explain why \$30,000 is needed for this project. Mr. Sokalski said a sewer conflict was realized which increased the cost of the project. It was found a sewer line and storm water pipe cross; a clay pipe which has been in existence since the mid-80's needs replacement along with the storm box. Three informal bids were received on 7 August 2012 and one bidder had to be disqualified for an incomplete document. H. G. Reynolds Company was the lowest bidder of the two remaining with a total project cost of \$62,848. Mr. Griffin said in order to cover the extra costs, a budget amendment is necessary and the additional funds will come from the High Street Connector project which has languished for approximately 16 years and a reversion from the Birch Street project. Mr. Griffin said the High Street Connector can be revisited at a future date. Council Member Brown expressed his pleasure with the creativity to complete the project.

With no further discussion, Mayor O'Geary asked for Council's pleasure.

Council Member Coffey moved the approval of Resolution 12-69, *Authorizing an Informal Bid Award for Hillside Avenue Storm Sewer Replacement Project in the Amount of \$62,848*; and 2) Ordinance 12-56, *FY 13 Budget Amendment #8, Amending the Budget for Above Mentioned Project*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Daeke, Brown, Daye, Coffey, Inscoe and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: Kearney and Rainey. (See *Resolution Book 3, p.33; Ordinance Book 8, p 463*)

**Resolution 12-67, Appointments to the Henderson/Oxford Airport Authority Committee, Henderson Zoning Board of Adjustment and Henderson Planning Board, as well as the Disbanding of the Clean Up Henderson Committee, and 2) Ordinance 12-57, Eliminating the Clean Up Henderson Committee as an Official City Organization.** (Reference: *CAF 12-99; Resolution 12-67; Ordinance 12-57*)

City Manager Griffin asked City Clerk McCrackin to summarize the appointments recommended from the Boards and Commissions Committee. Ms. McCrackin said the Boards and Commissions Committee met on 7 August and reviewed three applications; two were for re-appointment (Andrew David Thomas for the Henderson/Oxford Airport Authority and Arline

Richardson for the Henderson Zoning Board of Adjustment) and one for appointment to the Henderson Planning Board (Marguerite Esta Anduze). She said consideration was also given to the disbanding of the Clean Up Henderson Committee which was formed to bring issues to the attention of Council regarding abandoned vehicles, lots in need of repair, etc. Since the creation of the Code Compliance Department it is felt this committee is no longer necessary. Council Member Daeke, as Chairperson of the Boards and Commissions Committee added the committee talked with the Clean Up Henderson chairperson seeking ways to increase attendance, the purpose and work done by the committee and staff comments were all taken into consideration. He also said Clean Up Henderson seemed to function with a *macro* view and the Board and Commissions Committee would like to see a committee functioning as a *micro* organization. City Manager Griffin added efforts have been made through various advertising methods to fill vacant seats and although their hearts were in the right place, seats just were not filled.

Council Member Daeke also said the committee did not want to lose the focus of cleaning up Henderson and suggested a ride-around which had not been done by Council in a long time. Council Member Coffey felt a ride-around would be a good idea and mentioned graffiti is popping up around town again.

Mayor O'Geary then asked for the pleasure of Council.

Council Member Peace-Jenkins moved the approval of Resolution 12-67, *Appointments to the Henderson/Oxford Airport Authority Committee, Henderson Zoning Board of Adjustment and Henderson Planning Board, as well as the Disbanding of the Clean Up Henderson Committee, and 2) Ordinance 12-57, Eliminating the Clean Up Henderson Committee as an Official City Organization*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Brown, Daye, Coffey, Inscoc, Peace-Jenkins and Inscoc. NO: None. ABSTAIN: None. ABSENT: Kearney and Rainey. (See Resolution Book 3, p.29; Ordinance Book 8, p 465)

**Expressing the City Council's Concern About Moped Utilization on Streets and Highways and Requesting the North Carolina League of Municipalities to Consider Pursuing Same as a Legislative Initiative for the 2013 Session of the General Assembly. (CAF 12-105; Resolution 12-70)**

City Manager Griffin said he had asked Police Chief Sidwell for statistics regarding moped incidents in the City and reported that incidents are definitely on the rise. There was 1 in 2007; 3 in 2008; 6 in 2009 and 16 in 2010 with at least one fatality. This resolution requests the North Carolina League of Municipalities (NCLM) to consider mopeds as part of the 2013 legislative priorities. City Attorney Zollicoffer said he recently attended a North Carolina attorney conference where several attorneys expressed a desire to also pursue this issue. He also said the Police Chief has had discussions with the police chief organization. Council Member Coffey said she had talked with several insurance companies who are willing to back this in any way possible to reduce their costs.

There was no further discussion. Mayor O'Geary asked for the pleasure of Council.

Council Member Coffey moved the approval of Resolution 12-70, *Expressing the City Council's Concern About Moped Utilization on Streets and Highways and Requesting the North Carolina League of Municipalities to Consider Pursuing Same as a Legislative Initiative for the 2013 Session of the General Assembly*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Daye, Coffey, Inscoe, Peace-Jenkins, Daeke and Brown. NO: None. ABSTAIN: None. ABSENT: Kearney and Rainey. (See Resolution Book 3, p.35)

## Grants

Council Member Inscoe said the Planning Department brought attention to a CDBG grant for a building program at an earlier meeting but he wanted to bring specific attention to the NC Catalyst program which is a \$1M program which allows communities to build their own grant. Mr. Inscoe felt Henderson could qualify for such a grant with help from the Council of Governments (COG). He explained a little about the grant and said applications will be accepted in the near future. Mr. Griffin said he had been in touch with Mr. Rick Seekins from the (COG) who will be back in touch as soon as the regulations/restrictions are released.

Council Member Inscoe also asked for a meeting of the Land Planning Committee to look into jointly owned properties (County and City). He suggested considering the same type of agreement as currently exists between the City and County for the armory and SNB building in that they are owned separately but sale proceeds are split equally.

City Manager Griffin said a Land Planning Committee meeting will be scheduled.

## CONSENT AGENDA

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

- a) **Private Fire Hydrant Testing Policy.** This policy will assist the Henderson Fire Department with enforcing the current edition of the North Carolina Fire Prevention Code. (Reference: CAF 12-82; Resolution 12-55) (See Resolution Book 3, p 5)
- b) **Authorizing the Donation of 7 Obsolete Portable Radios and 6 Obsolete Mobile Radios to the Vance-Granville Basic Law Enforcement Training Program.** These radios are no longer valuable to the police force but will offer realistic training to students in the training program. (Reference: CAF 12-86, Resolution 12-57) (See Resolution Book 3, p 9)
- c) **Approving Acknowledgment and Consent to the Change Out of Various Wireless Communication Equipment Related to an Existing Lease Agreement with SprintCom, Inc.** This resolution allows SMJ International, LLC, representing SprintNextel, to complete improvements to existing wireless communication equipment on the water tower located at the intersection of Andrews Avenue and Water Street. (Reference: CAF 12-A-87; Resolution 12-58) ( See Resolution Book 3, p 11)

- d) Accepting the Presentation and Review of the KLRWS Master Plan Update and the Sandy Creek Pump Station Hydraulic Analysis.** These documents will help guide the City in preparing future CIP plans as well as future operational changes and improvements. *(Reference: CAF 12-89; Resolution 12-60) (See Resolution Book 3, p. 15)*
- e) Tax Releases and Refunds from Vance County for the Month of July 2012.**  
*(Reference: CAF 12-102) (See next page)*

July 2012

NAME	REASON FOR RELEASES	TAX YEAR	AMOUNT OF RELEASE
Garvin, Donald George	Pro-rate	2010	21.49
Alston, Byron Christopher	Pro-rate	2011	2.90
Boodram, Joanna S.	Pro-rate	2011	0.41
Carter, Wendy Darnell	Pro-rate	2011	0.57
Champion, Larry Wayne	Pro-rate	2011	3.64
Divine Habitation Ministries	Religious	2011	124.37
Fogg, John Allen	Reg Vehicle Billed	2011	16.32
Fuller, James William	Correct Situs	2011	10.00
Harris, James Monroe Sr	Pro-rate	2011	23.35
Jones, Quenzelle Leric	Pro-rate	2011	2.39
Morgan, Merab Catherine	Pro-rate	2011	13.69
Peace, Tony Anthony, Jr.	Correct Situs	2011	58.73
Person, Tonya Foster	Correct Value	2011	13.70
Rainey, Latoria N	Pro-rate	2011	33.69
Terry, Melvin	Pro-rate	2011	24.19
Terry, Melvin	Pro-rate	2011	32.26
Terry, Melvin	Pro-rate	2011	20.76
The Salvation Army	Non-Profit Exempt	2011	25.09
Wilkins, Kevin Michael	Military Exemption	2011	73.77
Williams, Jesse Jr.	Pro-rate	2011	5.78
Williams, Shurondia C	Pro-rate	2011	3.96
Abbott, Wade Thomas	Correct Situs	2012	16.14
Abbott, Wade Thomas	Correct Situs	2012	1.76
Abbott, Wade Thomas	Correct Situs	2012	22.29
Abbott, Wade Thomas	Correct Ownership	2012	1.76
Abbott's Excavation Co	Correct Situs	2012	96.00
Coley, Jennifer Denise	Pro-rate	2012	7.72
Collins, Bradley Howell	Pro-rate	2012	20.51
Galloway, Eliza Burwell	Pro-rate	2012	22.93
Holden, Toki Taylor	Pro-rate	2012	79.12
Johnson, Barbara Ann	Pro-rate	2012	4.78
Lee, Carolyn Fay	Correct Situs	2012	111.91
Marshall, Lindy McFall		2012	30.36
Orr, Daniel Walter	Correct Situs	2012	14.39
Pegram, Michael Keith	Pro-rate	2012	17.89
Bailey, Verlian R	Foreclosure	2000	304.64
Bailey, Verlian R	Foreclosure	2001	304.64
Bailey, Verlian R	Foreclosure	2002	331.84
Bailey, Verlian R	Foreclosure	2003	331.84
Baskett, Ella G. Heirs	Foreclosure	2003	1,018.00
Davis, Amanda Heirs	Foreclosure	2003	144.94
Davis, Queen Esther Heirs	Foreclosure	2003	286.25
Bailey, Verlian R	Foreclosure	2004	348.16
Davis, Amanda Heirs	Foreclosure	2004	2,531.36

July 2012 (cont'd)

NAME	REASON FOR RELEASES	TAX YEAR	AMOUNT OF RELEASE
Davis, Queen Esther Heirs	Foreclosure	2004	646.51
Bailey, Verlian R	Foreclosure	2005	364.48
Davis, Amanda Heirs	Foreclosure	2005	27.07
Davis, Queen Esther Heirs	Foreclosure	2005	225.53
American Real Estate	Foreclosure	2006	195.04
BW & Company Properties	Foreclosure	2006	127.77
Bailey, Verlian R	Foreclosure	2006	364.48
Davis, Amanda Heirs	Foreclosure	2006	27.07
Davis, Queen Esther Heirs	Foreclosure	2006	145.53
Allgood, Benjamin F	Foreclosure	2007	94.27
American Real Estate	Foreclosure	2007	72.36
BW & Company Properties	Foreclosure	2007	127.77
Bailey, Verlian R	Foreclosure	2007	364.48
Davis, Amanda Heirs	Foreclosure	2007	27.07
Davis, Queen Esther Heirs	Foreclosure	2007	145.53
Allgood, Benjamin F	Foreclosure	2008	86.11
American Real Estate	Foreclosure	2008	69.10
BW & Company Properties	Foreclosure	2008	63.96
Bailey, Verlian R	Foreclosure	2008	373.69
Davis, Amanda Heirs	Foreclosure	2008	28.25
Davis, Queen Esther Heirs	Foreclosure	2008	3,561.36
Allgood, Benjamin F	Foreclosure	2009	89.15
American Real Estate	Foreclosure	2009	71.55
BW & Company Properties	Foreclosure	2009	66.22
Bailey, Verlian R	Foreclosure	2009	386.92
Benson, Bernard	Personal Property Billed	2009	34.78
Davis, Amanda Heirs	Foreclosure	2009	29.25
Davis, Queen Esther Heirs	Foreclosure	2009	1,906.98
Allgood, Benjamin F	Foreclosure	2010	89.15
American Real Estate	Foreclosure	2010	71.55
BW & Company Properties	Foreclosure	2010	66.22
Bailey, Verlian R	Foreclosure	2010	386.92
Benson, Bernard	Foreclosure	2010	34.78
Davis, Amanda Heirs	Foreclosure	2010	29.25
Davis, Queen Esther Heirs	Foreclosure	2010	76.98
Allgood, Benjamin F	Foreclosure	2011	89.10
American Real Estate	Foreclosure	2011	71.53
BW & Company Properties	Foreclosure	2011	66.25
Bailey, Verlian R	Foreclosure	2011	386.92
Davis, Amanda Heirs	Foreclosure	2011	29.23
Davis, Queen Esther Heirs	Foreclosure	2011	29.47
Davis, Queen Esther Heirs	Foreclosure	2011	29.47
Davis, Queen Esther Heirs	Foreclosure	2011	18.04
Padgett, Lorimer Craig	Personal Property Billed	2011	23.29
<b>Total Releases</b>			<b>17,780.72</b>

July (cont'd)

NAME	REASON FOR REFUND	TAX YEAR	AMOUNT OF REFUND
Marshall, Lindy McFall	Pro-rate	2010	20.96
Eaton, Bernice Taylor	Pro-rate	2011	7.58
Gales, Thomas Nathaniel	Pro-rate	2011	1.44
Levisy, Jerome Irvin	Pro-rate	2011	9.67
Mantas, Lucy Oakes	Pro-rate	2011	28.15
Tabon, Joy Nicole	Pro-rate	2011	10.20
Wright, James Harold Jr.	Pro-rate	2011	5.78
Fletcher, Blake Clarence	Correct Value	2012	13.31
Audio TV Center	Correct Situs	2011	24.52
Total Refunds			121.61

Mayor O'Geary asked if anyone wished to remove an item from the Consent Agenda. No request was made. Mayor O'Geary then asked for a motion to approve the consent Agenda as presented.

Council Member Peace-Jenkins moved the approval of the Consent Agenda as presented. Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Inscoe, Peace-Jenkins, Daeke, Brown and Daye NO: None. ABSTAIN: None. ABSENT: Kearney and Rainey.

#### **PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS**

City Clerk McCrackin advised two citizens wished to address City Council.

**"Coach" Steve Powell, 10130 Strome Avenue, #208, Raleigh, NC.** Mr. Powell addressed Council regarding a *Saving Young Black Boys* initiative he is holding on 25 August 2012 at 10:00 a.m. at the Greater Little Zion Holy Church. The thrust of the program is the rejuvenation of perpetuation of hope. He has met with Council Members Peace-Jenkins and Coffey, both of whom were impressed with the program. Ms. Coffey said it was success driven and encouraged family education. Mr. Powell left Council with a website to visit ([www.savingyoungblackboys.ning.com](http://www.savingyoungblackboys.ning.com)).

**Carolyn Hicks, 1631 Stewart Avenue.** Ms. Hicks expressed several complaints before it was realized she is not a City resident. At that time, Mayor O'Geary explained that her issues were with the County and advised her to speak directly to County officials.

#### **REPORTS**

- a) Mayor/Mayor Pro-Tem (No Report)

- b) City Manager – Mr. Griffin reminded Council of the Team Building day on August 23<sup>rd</sup> from 8:00 a.m. to no later than 4:00 p.m.

Council Member Coffey gave an update on the EDC meeting she attended last week at NC State University. She said it was very informative and the technology was impressive. She encouraged others to attend if another opportunity arises, and commended EDC Director Stuart Litvin on his work.

- c) City Attorney (No Report)

- d) City Clerk - Ms. McCrackin reminded Council that they need to RSVP for the COG Annual Banquet in September. She also mentioned the League meeting in October saying Council did not provide for this meeting in the Budget; however, if anyone would like to attend, she would be happy to make the arrangements.

Mayor O'Geary asked if there were any further items for discussion. He then asked if Council was prepared to adjourn.

#### **ADJOURNMENT**

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Daeke and unanimously approved. The meeting adjourned at 7:56 p.m.

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James D. O'Geary  
Mayor

***ATTEST:***

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Esther J. McCrackin  
City Clerk