



AGENDA

Henderson City Council Regular Meeting

Monday 14 April 2014, 6:00 p.m.

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

134 Rose Avenue

Henderson, North Carolina

Mayor and City Council Members

Mayor James D. O'Geary, Presiding

Councilmember James C. Kearney, Jr.
Councilmember Sara M. Coffey
Councilmember Michael C. Inscoe
Councilmember D. Michael Rainey

Councilmember Brenda Peace-Jenkins
Councilmember Garry D. Daeke
Councilmember Fearldine A. Simmons
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 Behavior¹ and Transparency in Governance². The Mayor now inquires as to whether any Council Member knows of any conflict of interest, or appearance of conflict, with respect to matters before the City Council. If any Council Members knows of a conflict of interest, or appearance of conflict, please state so at this time.

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

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

V. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA

VI. APPROVAL OF MINUTES

- a) 24 March 2014 Short Regular Meeting *[See Notebook Tab 1]*

VII. PRESENTATIONS/RECOGNITIONS

- a) Introduction of Sgt. Solomon B. Simmons by Police Chief Barrow
b) CALEA Accreditation Recognition by Police Chief Barrow

VIII. PUBLIC HEARING

- a) Consideration of Approval of Ordinance 14-19, Amending the Zoning Code to Comply with General Statutes' Amendments Sections 802.1, 802.2, 802.3.2, 804.3, 804.4, 804.8, 804.9 and 805. (CAF 14-36) *[See Notebook Tab 2]*

- Public Hearing
- Ordinance 14-19

- b) Consideration of Approval of Ordinance 14-23, Amending the Zoning Ordinance Section 709, Waiving Permit Fees Relative to Residential Handicap Ramp Construction by Non-Profits. (CAF 14-43) *[See Notebook Tab 3]*

- Public Hearing
- Ordinance 14-23

- c) Consideration of Approval of Ordinance 14-24, Amending the Zoning Map to Rezone Property from R20 (Low Density Residential) to R11 (Moderate Density Residential) Zoning District Located off Vicksboro Road, 10.50+/- Acres (PIN #0536 02010) – ETJ. (CAF 14-44) *[See Notebook Tab 4]*

- Public Hearing
- Ordinance 14-24

IX. PUBLIC COMMENT PERIOD ON AGENDA ITEMS

Citizens may only 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 below.³

³ **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;

X. NEW BUSINESS

- a)* Consideration of Approval of Resolution 14-29, 1) Authorizing the Submission of an Application to the Bureau of Justice Assistance Office for the FY15 Bulletproof Vest Program Grant for the Police Department; and 2) Authorizing Submission of a Reimbursement Request to the NCLM Risk Management Service in the Amount of \$2,500. (CAF 14-49) [See Notebook Tab 5]
- Resolution 14-29
- b)* Consideration of Approval of Resolution 14-27, Authorizing the City of Henderson to Adopt a Residential Anti-Displacement and Relocation Plan in Regards to the CDBG Infrastructure Grant Program. (CAF 14-10-C) [See Notebook Tab 6]
- Resolution 14-27
- c)* Consideration of Approval of Resolution 14-33, Approving Acknowledgment and Consent to the Change Out and Additions of Various Wireless Communication Equipment Related to an Existing Lease Agreement with SprintCom.Inc. (CAF 14-56) [See Notebook Tab 7]
- Resolution 14-33
- d)* Consideration of Approval of Resolution 14-09, Council Committee Appointments. (CAF 14-15) [See Notebook Tab 8]
- Resolution 14-09
- e)* Off Premise Advertisement Sign Ordinance. (CM 14-11) [See Notebook Tab 9]

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.

XI. 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 14-23, Approving FY 14-15 Budget Review Calendar and Scheduling of Special Council Budget Work Sessions. (CAF 14-37) [See Notebook Tab 10]
 - Resolution 14-23
- b) Consideration of Approval of Ordinance 14-28, FY14 Budget Amendment #32, Closing Out the FEMA Operations & Safety Grant and the BJA Grant 2013. (CAF 14-51) [See Notebook Tab 11]
 - Ordinance 14-28
- c) Consideration of Approval of Ordinance 14-27, FY14 Budget Amendment #31, Amending the CIP Water Fund to Appropriate Additional Revenues for the Beckford Drive/Highway 158 Water Extension Project. (CAF 14-50) [See Notebook Tab 12]
 - Ordinance 14-27
- d) Consideration of Approval of Resolution 14-32, Authorizing the City Manager and Finance Director to Open, Close or Modify the Terms of Certificates of Deposit with Citizens Community Bank (CCB). (CAF 14-55) [See Notebook Tab 13]
 - Resolution 14-32

XII. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may only 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 below.⁴

⁴ 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.

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- 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;

XIII. REPORTS

- a)* Mayor/Mayor Pro-Tem
- b)* City Manager
 - i. Declaring Surplus Property & Putting on GovDeal. (*CM 14-12*)[*See Notebook Tab 14*]
- c)* City Attorney
- d)* City Clerk
 - i. Meeting and Events Calendar [*See Notebook Tab 15*]
 - ii. Henderson Police Department

XIV. CLOSED SESSION

- a)* Pursuant to G.S.§143-318.11 (a)(3) regarding Attorney/Client Privilege.

XV. ADJOURNMENT

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- 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.

City Council Minutes
Regular Meeting
14 April 2014

PRESENT

Mayor Pro-Tem Rainey, Presiding; and Council Members James C. Kearney, Sr., Sara M. Coffey, Michael C. Inscoc, Brenda Peace-Jenkins, Garry D. Daeke, Fearldine A. Simmons, and George M. Daye.

ABSENT

Mayor James D. O'Geary

STAFF PRESENT

City Manager A. Ray Griffin, City Attorney John H. Zollicoffer, Jr., City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Katherine C. Brafford, Police Chief Marcus Barrow, Sgt. Solomon Simmons, Planning and Community Development Director Erris Dunston and Code Compliance Director Corey Williams.

CALL TO ORDER

The 14 April 2014 Regular Meeting of the Henderson City Council was called to order by Mayor Pro-Tem Rainey 6:01 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

The City Clerk called the roll and advised Mayor Pro-Tem Rainey a quorum was present.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

OPENING COMMENTS

Mayor Pro-Tem Rainey opened the meeting by welcoming everyone. He was pleased to see a good crowd. He gave an update on the Mayor's health saying he is back out of the hospital and although he hoped to attend the meeting this evening, he did not feel up to it.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Pro-Tem Rainey asked if there were any adjustments to the Agenda. City Clerk McCrackin shared several technical corrections from the City Attorney and with Council's approval Resolution 14-30, *Supporting the Remediation of Water Contamination Related to Coal Combustion Waste and Removal of Coal Combustion Waste* will be added to the agenda. Also, Council Member Inscoe asked for a discussion regarding the Inter-Local Agreements with Vance County. Council Member Coffey moved to accept the Agenda as adjusted. Motion seconded by Council Member Daeke and unanimously approved.

APPROVAL OF MINUTES

Mayor Pro-Tem Rainey asked for any corrections to and/or approval of the minutes. Council Member Peace-Jenkins moved the approval of the 24 Mar Short Regular minutes, as presented. Motion seconded by Council Member Simmons and unanimously approved.

PRESENTATIONS/RECOGNITIONS

Police Chief Marcus Barrow introduced newly promoted Sgt. Solomon Simmons. Chief Barrow said Sgt. Simmons has a lot to live up to as he is the Chief's first promotion. The Chief said he has great faith in Sgt. Simmons' ability to lead and has already seen those abilities shine through.

Sgt. Simmons said his responsibility is to serve and protect and although he now has a leadership role, he will continue to be approachable, humble and will perform his tasks extraordinarily well. He ended his comments by saying please call him with any concerns.

Chief Barrow shared that the Police Department has received its fifth CALEA Advanced Accreditation certification. In December two representatives from Georgia and Tennessee came to Henderson to review files and interview members of the police force along with other members of the City staff. Then, retired Lt. Marshall Perry and Chief Barrow were questioned in front of a CALEA board. The Chief said the Board had very few questions and was very complimentary in the quality set forth by the Henderson Police. Chief Barrow said the newest framed accreditation will hang in the Police Department lobby.

Mayor Pro-Tem asked the Chief to pat his staff on the back for a job well done that they can be proud about. The Mayor Pro-Tem and Council gave the Chief and the Police Department employees a round of applause as an expression of its appreciation for a job well done.

PUBLIC HEARING

Amending the Zoning Code to Comply with General Statutes' Amendments Sections 802.1, 802.2, 802.3.2, 804.3, 804.4, 804.8, 804.9 and 805. (Reference: CAF 14-36, Ordinance 14-19)

City Manager Griffin asked City Attorney John Zollicoffer, Jr. to address Council. Attorney Zollicoffer, Jr. explained the General Assembly recently enacted a Bill (entitled *An Act to Clarify and Modernize Statutes Regarding Zoning Boards of Adjustment*) which overrides the City of

Henderson's Code. To be compliant he briefly explained the changes involved the following sections of the zoning code:

Powers & Duties of the Board of Adjustment – deleted the Board's power to make interpretations of the ordinance.

Administrative Relief – a simple majority is needed for special use permits

Variance from Area & Dimensional Requirements – a 4/5 vote of only the board present is necessary to grant a variance

Notice of Hearings - hearings must be noticed at least 10 days but not more than 25 days prior to the date of the hearing.

Oaths & Subpoenas – broadened and made easier to use

Special Voting Requirements - the appeals procedure from the Building Inspector and other officers of the City to the Board was changed.

Appeals - it to the Superior Court by certiorari and was modified

The Planning Board voted unanimously to recommend this action to Council.

With no further discussion, Mayor Pro-Tem Rainey opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment. No one came forward so Mayor Pro-Tem Rainey then asked if anyone was present who wished to speak in opposition to the amendment. No one came forward. Mayor Pro-Tem Rainey then closed the Public Hearing and asked for Council's pleasure.

Council Member Peace-Jenkins moved the approval of Ordinance 14-19, *Amending the Zoning Code to Comply with General Statutes' Amendments Sections 802.1, 802.2, 802.3.2, 804.3, 804.4, 804.8, 804.9 and 805*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None. (*See Ordinance Book 9, p 101*)

Amending the Zoning Ordinance Section 709, Waiving Permit Fees Relative to Residential Handicap Ramp Construction by Non-Profits. (*Reference: CAF 14-43, Ordinance 14-23*)

City Manager Griffin said Council Member Peace-Jenkins brought this before Council several months ago. He asked Planning Director Erris Dunston to research this request and asked her to come forward. Ms. Dunston said an analysis was performed by her department and it was found that in the past three (3) years about seven (7) permits requests have been received yearly from non-profits for handicap ramps. This amendment will waive the \$100 fee for eligible non-profit groups installing handicap ramps for low income or disabled citizens. It will still be necessary for these ramps to meet all other zoning requirements.

There was a brief discussion and then Mayor Pro-Tem Rainey opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment. No one came forward so Mayor Pro-Tem Rainey then asked if anyone was present who wished to speak in opposition to the amendment. No one came forward. Mayor Pro-Tem Rainey then closed the Public Hearing and asked for Council's pleasure.

Council Member Daeke moved the approval of Ordinance 14-23, *Amending the Zoning Ordinance Section 709, Waiving Permit Fees Relative to Residential Handicap Ramp Construction by Non-Profits*. Motion seconded by Council Member Kearney, and APPROVED by the following vote: YES: Coffey, Inscoc, Peace-Jenkins, Daeke, Simmons, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 109)

Amending the Zoning Map to Rezone Property from R20 (Low Density Residential) to R11 (Moderate Density Residential) Zoning District Located off Vicksboro Road, 10.50+/- Acres (PIN #0536 02010) – ETJ. (Reference: CAF 14-44, Ordinance 14-24)

Ms. Dunston began with a short PowerPoint presentation showing the vacant property and surrounding properties, along with the various zonings in the area. She said 10.5 acres of a 50 acre tract will be re-zoned to R11 if approved. Ms. Dunston said this issue has come before the Planning Board more than once because of concern regarding sewer and public safety. She reported that the sewer issue has been discussed with the Henderson Water Reclamation Facility Director Tom Spain who reported sewer capacity problems are being resolved with the improvements to the supporting pump station. The request for rezoning came to the Planning Board from Andy Rosen and Kevin Connelly of Connelly Development. With this information, the Planning Board unanimously approved this amendment at its 7 March meeting.

Council Member Daeke asked if this rezoning would allow for more density per lot size and if it would allow for multifamily dwellings. Ms. Dunston replied yes. City Attorney Zollicoffer reminded Council that rezoning needs to be considered for the all uses, not for specific purposes.

With no further discussion, Mayor Pro-Tem Rainey opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment.

Mr. Andy Rosen (Connelly Development) Mr. Rosen showed a drawing of the project his company, Connelly Development, would like to construct. The project is specific for senior citizen housing with 12 buildings, designed as a quadplex. He said a Market Analysis has been completed and distributed the document which showed this area will grow by 660 55+ households between 2013 and 2016. Mr. Rosen said the Connelly Development successfully constructed the Vance Commons residents and believes a senior residence in this area of Vicksboro Road is a good location as it is within a mile of shopping. Mr. Rosen also stated he is aware that if approved more permits will be needed regarding technical issues and said a meeting has been set with the TRC.

Council Member Coffey asked about the size of the apartments. Mr. Rosen said there will be 28 one bedroom and 22 two bedroom units.

Council Member Daeke inquired about age limits, children, if based on income and plans for security. Mr. Rosen said it would be strictly 55 years of age and older, although he said they would have to comply with existing laws. As to the income issue, Mr. Rosen said residency will be based on income and rent will be between \$390 and \$575 per month. He said they have a very stringent screening process including criminal background checks before renting to a family. He also said water, sewer and trash pickup will be covered by the company. Renters will be

responsible for all other costs (i.e., electric, cable, etc.) Mr. Rosen said cameras will be installed and can be linked to the Police Department if necessary. He said the area will be well lit and maintained.

Council Member Kearney asked if any shopping will be available on-site. Mr. Rosen said no; however, there will be an exercise room, computer room and main area at the facility.

Council had no other questions for Mr. Rosen.

Mr. Donald Matthews. Mr. Matthews spoke on behalf of the current property owner, Mr. Jackson, who is presently out of state. Mr. Jackson is strongly in favor of this project...he feels it would be good for the community and asked Mr. Matthews to express his support for the project.

There were no questions from Council and no one else came forward to speak in favor of this amendment. Mayor Pro-Tem Rainey then asked if anyone was present who wished to speak in opposition to the amendment.

Mr. Gene Matthews, 412 Club Pond Road. Mr. Matthews presented the City Clerk with his concerns and then addressed Council. Mr. Matthews said the neighborhood is not against development – they would just like the area to remain single family rather than apartments for the following reasons: 1) problems with the Sandy Creek Pump Station; 2) the tax records show the area as 67 acres, not 71 acres as shown on Ms. Dunston's map; and 3) how future plans for a new middle school in the area will affect the pump station capacity. He also referenced Roland Pond which he says the City owns and suggested the City require a 30' access to the pond.

There were no questions for Mr. Matthews. Mayor Pro-Tem Rainey appreciated each set of comments and asked if Council had any further questions.

Council Member Inscoe asked about the Sandy Creek pump station. Assistant City Manager Frank Frazier said the City has been awarded funds to improve the pumps and generators at Sandy Creek. He said the pumps have been ordered but a delivery date has not been confirmed. He felt the project should not be a problem but added there is always a need to reduce I&I and problems could always occur. Mr. Inscoe asked about the capacity of the new system and the design work. Mr. Frazier said it should increase to 2,800 gallons per minute and added that Mr. Spain, director of the Henderson Water Reclamation Facility, felt the project would not be a problem for normal daily flow. Council Member Daeke asked what the pump station is pumping now. Mr. Frazier said he could not give an accurate figure because of the age on the force main and during the last storm two pumps were down at the same time.

Council Member Rainey said he certainly felt the \$2M project should make the station more efficient.

Council Member Kearney asked for an estimated completion date. Mr. Frazier anticipates the project to be completed by mid-2015. Mr. Kearney expressed 48 residential units would have

less impact on the system than commercial units. Mr. Frazier responded the normal calculation is for 120 gallons per bedroom for water usage.

Council Member Peace-Jenkins said Vance Commons is full and she has heard they have a waiting list so it seems another senior citizens complex is needed, especially as the citizens of Henderson age.

Council Member Coffey said she lives in the area of Vance Commons and is unaware of any major issue with Vance Commons. She feels all citizens need decent housing and would like to see this upscale project developed.

Mr. Frazier added that as the plans develop, the water/sewer issues will need to be certified by the Henderson Water Reclamation Facility Director for permitting by the State for the proposed installation of the new sewer mains.

Council Member Coffey then asked about the acreage discrepancy. Attorney Zollicoffer said the tax maps are not professionally drawn.

Attorney Zollicoffer again reminded Council not to focus on any particular project but on all the zoning uses permitted in their entirety.

When no one else came forward to speak in opposition to this amendment, Mayor Pro-Tem Rainey closed the Public Hearing and asked for Council's pleasure.

Council Member Kearney moved the approval of Ordinance 14-24, *Amending the Zoning Map to Rezone Property from R20 (Low Density Residential) to R11 (Moderate Density Residential) Zoning District Located off Vicksboro Road, 10.50+/- Acres (PIN #0536 02010) – ETJ.* Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Inscoe, Peace-Jenkins, Daeke, Simmons, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (*See Ordinance Book 9, p 111*)

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.

NEW BUSINESS

Authorizing the Submission of an Application to the Bureau of Justice Assistance Office for the FY15 Bulletproof Vest Program Grant for the Police Department; and Authorizing Submission of a Reimbursement Request to the NCLM Risk Management Service in the Amount of \$2,500. (*Reference: CAF 14-49; Resolution 14-29*)

City Manager Griffin asked Police Chief Barrow to summarize this request. Chief Barrow explained the bulletproof vests have a lifespan of five (5) years so this is a yearly request. This year the maximum BJA grant amount is \$4,000 or half of the cost of ten (10) bulletproof vests.

Minute Book 43

14 April 2014 Regular Meeting Minutes

Page 6 of 14

The second part of this request is authorization to submit a request for reimbursement from the North Carolina League of Municipalities (NCLM) which, if awarded, will cover a maximum of \$2,500.

Council Member Coffey inquired about what happens to the old vests. Chief Barrow said they cannot be used on the street but they do use them for other purposes.

There were no other questions. Mayor Pro-Tem Rainey asked for the pleasure of Council.

Council Member Coffey moved the approval of Resolution 14-29, *Authorizing the Submission of an Application to the Bureau of Justice Assistance Office for the FY15 Bulletproof Vest Program Grant for the Police Department; and Authorizing Submission of a Reimbursement Request to the NCLM Risk Management Service in the Amount of \$2,500.* Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 5)

Authorizing the City of Henderson to Adopt a Residential Anti-Displacement and Relocation Plan in Regards to the CDBG Infrastructure Grant Program. (Reference: CAF 14-10-C; Resolution 14-27)

City Manager Griffin asked Planning Director Erris Dunston to summarize this issue. Ms. Dunston said this is the only plan necessary for the CDBG grant that has expired. She said the CDBG infrastructure grant application has been submitted and this is part of the standard process. Ms. Dunston added that since this grant is infrastructure related, no displacement is anticipated.

There were no questions. Mayor Pro-Tem Rainey asked for the pleasure of Council.

Council Member Inscoe moved the approval of Resolution 14-24, *Authorizing the City of Henderson to Adopt a Residential Anti-Displacement and Relocation Plan in Regards to the CDBG Infrastructure Grant Program.* Motion seconded by Council Member Kearney, and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey, and Inscoe. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 1)

Approving Acknowledgment and Consent to the Change Out and Additions of Various Wireless Communication Equipment Related to an Existing Lease Agreement with SprintCom.Inc. (Reference: CAF 14-56; Resolution 14-33)

City Manager Griffin asked City Attorney John Zollicoffer to summarize this issue. The City originally entered into a lease agreement with SprintCom. Inc in August 1999. Attorney Zollicoffer said SprintCom would now like to update its equipment on the standpipe located at the intersection of Andrews Avenue and Water Street.

Council Member Daeke and others asked what the updates are and if the lease would increase. Attorney Zollicoffer said the updates involve three additional antennas and cabling, as well as some additional equipment in existing cabinets. And, unfortunately, the lease rentals will not increase.

There were no other questions. Mayor Pro-Tem Rainey asked for the pleasure of Council.

Council Member Coffey moved the approval of Resolution 14-33, *Approving Acknowledgment and Consent to the Change Out and Additions of Various Wireless Communication Equipment Related to an Existing Lease Agreement with SprintCom.Inc.* Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Daeke, Simmons, Daye, Kearney, Coffey, Inscoe and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 13)

Council Committee Appointments. (Reference: CAF 14-15; Resolution 14-09)

City Manager Griffin asked City Clerk McCrackin to summarize these appointments. Ms. McCrackin said the Mayor and Mayor Pro-Tem, along with the City Manager and she, met on 25 March 2014 to review Council's individual choices regarding the Council Committees. As in past years, the Mayor and Mayor Pro-Tem did their best to match this list of appointments with Council's first, second and third choices. They also felt there was no need to appoint anyone at this time to the Economic Development Partnership as it has not met in over a year. However, when a meeting is called, the Mayor and Mayor Pro-Tem will appoint a Council Member to attend the meeting.

It was also decided, with Council's approval, to remove City Board appointments from the *Council Member Appointments Chart*, as these members are appointed for a specific term.

Lastly, to avoid confusion it is suggested that only a Chairperson be appointed for each of the Council's standing boards. It will be up to each board to appoint a Vice Chair at the first meeting of each individual committee.

Council Member Kearney asked if chairmanship of the committees was considered as submitted by Council. Ms. McCrackin responded the committee chair requests were matched as well as possible.

There were no other questions. Mayor Pro-Tem Rainey asked for the pleasure of Council.

Council Member Inscoe moved the approval of Resolution 14-09, *Council Committee Appointments.* Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Simmons, Daye, Kearney, Coffey, Inscoe, Peace-Jenkins and Daeke. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 283)

Off Premise Advertisement Sign Ordinance

City Manager Griffin asked Planning Director Erris Dunston to summarize this issue. Ms. Dunston said an ordinance (Ordinance 13-60) was brought before Council from the Planning Board. Upon further research, it was discovered that an ordinance exempting government-sponsored signs was approved in 2006. Subsequently Council voted to deny Ordinance 13-60 at its 27 January 2014 meeting. However, questions remained regarding the size and duration of signs and Council remanded this back to the Planning Board.

On 3 February 2014 the Planning Board met and selected a Focus Committee to develop guidelines relative to the size and duration of signage. After meeting, no general guidelines could be determined as the Committee felt it would depend on the specific program. The Committee suggested reviewing and sending recommendations to Council on an individual basis.

Council Member Rainey asked if this pertained to billboard advertisements. Ms. Dunston clarified that the face of billboards on the highway can be changed without requesting a permit for each change and explained this sign ordinance does not pertain to billboards.

Council Members Daeke and Inscoe suggested the request come directly to the Council to avoid delays. If Council is not in agreement, they would refer the request to the Planning Board. Mr. Daeke felt this would take the onus off the Planning Board and Council Member Kearney said it would save a step and be a less complex process.

City Manager Griffin asked for a consensus of Council to put this suggestion into a resolution format for future reference. Council agreed to this by the following: YES: Kearney, Coffey, Inscoe, Peace-Jenkins, Daeke, Simmons and Daye. No Council member present disagreed. Mr. Griffin then asked Planning Director Dunston to draft a resolution for consideration at the 28 April meeting.

Supporting the Remediation of Water Contamination Related to Coal Combustion Waste and Removal of Coal Combustion Waste. (Reference: CAF 14-53, Resolution 14-30)

City Manager Griffin said both Warren County and Oxford have already approved a supporting resolution and that it is only fitting that Henderson, as the managing partner of the Kerr Lake Regional Water System, support the Kerr Tar Council of Governments (COG) efforts in this matter.

There was no discussion. Mayor Pro-Tem Rainey asked for the pleasure of Council.

Council Member Inscoe moved the approval of Resolution 14-53, *Supporting the Remediation of Water Contamination Related to Coal Combustion Waste and Removal of Coal Combustion Waste*. Motion seconded by Council Member Kearney, and APPROVED by the following vote: YES: Daye, Kearney, Coffey, Inscoe, Peace-Jenkins, Daeke and Simmons. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 7)

Inter-Local Agreement Discussion Regarding Recreation and Parks.

As noted during the approval of the agenda, Council Member Inscoe brought before Council his thoughts regarding Recreation and Parks. Mr. Inscoe reminded Council of its extensive discussion during the Strategic Planning Retreat regarding the operation and liability of the Recreation and Parks department. He said with the budget discussions coming up shortly, he has done some research and would like to make some suggestions for consideration. Currently the department's operating budget is shared with 55% contributed by the City and 45% contributed by the County. Mr. Inscoe said with the current department director retiring, this is an opportune time for the County to hire a director and being the day-to-day management. He suggested approaching the County with the potential of taking over the management of the department with the first year of operation shifting to 55% County and 45% City. The next year financing would transition to 60% County and 40% City. Using the same logic as occurred with the Library, the City's appointees to the Parks & Recreation Board would be reduced accordingly. Mr. Inscoe also suggested capping the City's portion at no more than the current County contribution of 45%. He felt this is the time to work together (County and City) to move forward for the betterment of the citizens.

Council Member Daeke thought this would be an excellent move. He thought it would create a more fair and equitable level for both City and County residents...and overall would serve everyone better.

Council Member Coffey endorsed the idea. She then asked Mr. Inscoe to explain the 45% cap. Mr. Inscoe said the 45% cap would be no more than established in FY14.

Council Member Inscoe said it is possible that the City may be able to contribute more to the department once the debt service is paid off in 2016-17

Council Member Kearney appreciated the thought in finding additional funds but was hopeful that the debt service would be used to reduce the garbage fee.

City Manager Griffin suggested if Council was agreeable, that the Liaison system established between the City and County be utilized and a motion be made to support this proposal.

Council Member Coffey said she would make a motion to have the four parts of this proposal properly worded and for Mr. Inscoe to move forward with this recommendation. The Motion is for 1) Council Member Inscoe, as City Liaison, to work with the County Liaison; 2) ask the County to assume the role of managing partner for the daily functions and staff of the Parks & Recreation Department; 3) ask the County to accept a 55% County – 45% City operating contribution in the first year of the agreement and 60/40 County/City contribution in the second year; and 4) capping the City's portion at no more than the County's current contribution of 45%. Motion was seconded by Council Member Daeke and APPROVED as follows: YES: Kearney, Coffey, Inscoe, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

CONSENT AGENDA

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

FY 14-15 Budget Review Calendar and Scheduling of Special Council Budget Work Sessions. (*Reference: CAF 14-37, Resolution 14-23*) This action approves a special meeting for presentation of the budget and establishes meeting times for budget work sessions. It is expected that the budget will be presented for approval on 23 June 2014. (*See Resolution Book 3, p 311*)

FY14 Budget Amendment #32, Closing Out the FEMA Operations & Safety Grant and the BJA Grant 2013. (*Reference: CAF 14-51, Ordinance 14-28*) This action closes out the 2012 FEMA Operations and Safety Grant which was awarded to the Fire Department for the purchase of ventilation saws and fire hose nozzles. It also closes out the 2013 BJA Grant which provided funds to the Police Department for the purchase of two (2) new In-Car Mobile Camera Audio/Video Recorders. This BJA Grant was shared with the Vance County Sheriff's Department which used its portion of the grant funds to purchase three (3) Mobile Data Terminals and accessories for patrol vehicles. (*See Ordinance Book 9, p 119*)

FY14 Budget Amendment #31, Amending the CIP Water Fund to Appropriate Additional Revenues for the Beckford Drive/Highway 158 Water Extension Project. (*Reference: CAF 14-50, Ordinance 14-27*) This is a housekeeping item to cover the additional legal/administrative costs, along with the application fees paid to the North Carolina Department of Environment and Natural Resources (NCDENR) for the Beckford Drive/Highway 158 Water Extension project. (*See Ordinance Book 9, p 117*)

Authorizing the City Manager and Finance Director to Open, Close or Modify the Terms of Certificates of Deposit with Citizens Community Bank (CCB). (*Reference CAF 14-55, Resolution 14-32*) This action will allow the City Manager and Finance Director going forward to open, close or modify Certificate of Deposit terms with Citizens Community Bank. (*See Resolution Book 4, p 11*)

Mayor Pro-Tem Rainey asked if anyone wished to remove an item from the Consent Agenda. There were no requests. Mayor Pro-Tem Rainey asked for a motion to approve the consent Agenda

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

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address Council.

REPORTS

- a) Mayor/Mayor Pro-Tem – Mayor Pro-Tem Rainey asked that the Mayor be kept in prayer, he was glad Council Member Coffey was back in place and wished everyone a happy Easter.
- b) City Manager - Mr. Griffin mentioned the notice of surplus property to be placed on GovDeals that was distributed and included the following items:

Police Department

1 2005 Ford Crown Vic (VIN 2FAHP71WX5X125838-General Fund)
1 2003 Ford Crown Victoria (VIN 2FAHP71W93X209517-General Fund)
1 2007 Dodge Charger (VIN 2B3KA43H37H709124-General Fund)
(DECALS NEED TO BE REMOVED BEFORE GOING ON GOV DEAL BUT HAS BEEN TURNED IN FOR SURPLUS-WILL GET DECALS OFF BEFORE SOLD)

Fire Department

1 1994 Chevrolet Suburban (VIN 1GNEC16KORJ353154-General Fund)

Kerr Lake Regional Water

Misc. Scrap
No Asset Number (three phase compressor, not all three work would get more to scrap than to try and sell on gov deal.)

Code Compliance

1 2001 Chevy Impala (VIN 2G1WF55K519304554-General Fund)

Public Services

Misc. Scrap
1 2000 JCB (VIN 900046396126 Street Department)
1 1988 Ford Ranger (VIN 1FTBR10T3JJUC39298 Sewer Department)

Also a letter from Commissioner Brown in response to Mr. Griffin's letter regarding Vance County's wish to restore the Inter-Local Committee was received and distributed to Council at this meeting.

- c) City Attorney – Attorney Zollicoffer mentioned missing street signs. Mr. Frazier said new signs have been ordered and should be installed soon.

Council Member Inscoe said there are numerous street signs that are no longer applicable and asked if a survey could be done of the outdated/unreadable signs.

Council Member Coffey added that there are problems with vandals turning signs.

Attorney Zollicoffer asked that he be notified of any sign changes so he can make the appropriate ordinance changes.

- d) City Clerk – Ms. McCrackin reminded Council of the Henderson-Vance Litter Sweep and Recycling Day. Also provided the City Day date for Leadership Vance.

Council Member Kearney reported that the EDC is supporting the City/County with the disposition of excess property – both commercial and residential to put the properties back in on the tax books. He also suggested developing a strategy for properties after demolition is completed such as giving the property away.

Attorney Zollicoffer said the City would be unable to give away the property since the City only has a lien on the property.

City Manager Griffin said an attempt to work with the County hit a snag regarding mutual responsibilities on disposing of property. He said the County Manager indicated the County has no interest at this time of cost sharing for code compliance on jointly held properties. Mr. Griffin thanked Code Compliance Director Corey Williams for his work with the County Tax Collector.

Council Member Kearney also mentioned the Boy Scouts will be honoring George Watkins on May 8 and said Council Members will be contacted with more details.

With no further discussion, Mayor Pro-Tem Rainey asked if Council was prepared to go into Closed Session and stated a possible report may follow the session.

CLOSED SESSION

Council Member Daeke moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3) for an Attorney-Client Privilege Matter. Motion seconded by Council Member Simmons and unanimously approved.

Council Member Coffey moved for Council to convene in open session. Motion seconded by Council Member Peace-Jenkins and unanimously approved.

The City Manager asked for **Approval of Resolution 14-25, Authorizing Condemnation to Acquire Easements Across Certain Property of Mary Anne C. Davis in Conjunction with the Beckford Drive Widening Project (U-4916).**

Council Member Daeke moved the approval of Resolution 14-25, *Authorizing Condemnation to Acquire Easements Across Certain Property of Mary Anne C. Davis in Conjunction with the Beckford Drive Widening Project (U-4916)*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Coffey, Inscoc, Peace-Jenkins, Daeke, Simmons, Daye and Inscoc. NO: None. ABSTAIN: None. ABSENT: None.

With no further business, Mayor Pro-Tem Rainey asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Daye and unanimously approved. The meeting adjourned at 8:07 p.m.

D. Michael Rainey
Mayor Pro-Tem

ATTEST:

Esther J. McCrackin
City Clerk