

# **City Council Minutes**

## **Regular Meeting**

### **8 July 2013**

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#### **PRESENT**

Mayor James D. O'Geary, Presiding; and Council Members Sara M. Coffey, Michael C. Inscoe, D. Michael Rainey, Garry D. Daeke, Vernon L. Brown, and George M. Daye.

#### **ABSENT**

Council Members James C. Kearney, Sr., and Brenda Peace-Jenkins.

#### **STAFF PRESENT**

City Manager Ray Griffin, City Attorney John H. Zollicoffer, Jr., City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Katherine C. Brafford, Planning & Community Development Director Erris Dunston, Recreation and Parks Director Alan Gill, Assistant Fire Chief Steve Cordell, and Fire Chief Danny Wilkerson.

#### **CALL TO ORDER**

The 8 July 2013 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.

#### **ROLL CALL**

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

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Rainey led those in attendance in a prayer and the Pledge of Allegiance.

Mayor O'Geary welcomed everyone to this meeting. Council Member Kearney is recovering at home from hospitalization and he asked the Mayor to express his appreciation for all the cards, calls and prayers he has received.

#### **ADJUSTMENTS TO/APPROVAL OF AGENDA**

Mayor O'Geary asked if there were any adjustments to the Agenda. City Attorney Zollicoffer, Jr., asked for a Closed Session for a client-attorney matter in accordance with G.S. §143-318-

11.a(3). He said he did not anticipate any announcement after the Session. Mayor O'Geary asked for the pleasure of Council. Council Member Incoe moved to accept the adjusted Agenda. Motion seconded by Council Member Daye and unanimously approved.

### **APPROVAL OF MINUTES**

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Coffey moved the approval of the 24 June Short Regular Meeting, 25 June Recessed Meeting and 27 June Recessed Meeting minutes as presented. Motion seconded by Council Member Rainey and unanimously approved.

### **PRESENTATIONS AND RECOGNITIONS**

Mayor O'Geary commended Eagle Scouts Nick Andrews and Sam Long for their hard work in achieving this honor. He presented both with City pins. Council Member Rainey congratulated both young men and said Sam Long's brother and father are Eagle Scouts. Mr. Long thanked Recreation and Parks Director Alan Gill for giving Sam the opportunity to paint the fences at Fox's Pond Tennis Courts and Mr. Andrews said Nicholas had a similar opportunity at E.M. Rollins School where he remodeled the scoring box.

### **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 Adoption of the Vance County's Language Access Plan (Resolution 13-52); Authorizing the Adoption of the Local Jobs Initiative Section 3 Plan (Resolution 13-56); and Authorizing the Adoption of the Citizen's Participation Plan (Resolution 13-57)**  
*(Reference: CAF 13-77; Resolutions 13-52, 13-56 and 13-57)*

City Manager Griffin asked Planning and Community Development Director Erris Dunston to explain these plans. Ms. Dunston said the Participation Plan needed revisions since it was last updated in 2009; the County has revised its Language Access Plan and adoption of the Jobs Initiative would allow for local hiring. These revisions meet the requirements of the Capacity Building Grant that was awarded on 11 April 2012.

There was no discussion. Mayor O'Geary said all three resolutions could be taken in one motion and asked for the pleasure of Council.

Council Member Rainey moved the approval of Resolution 13-52, **Authorizing the Adoption of the Vance County's Language Access Plan**; Resolution 13-56, **Authorizing the Adoption of the Local Jobs Initiative Section 3 Plan**; and Resolution 13-57, **Authorizing the Adoption of the Citizen's Participation Plan**. Motion seconded by Council Member Coffey and

APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney and Peace-Jenkins. (See Resolution Book 3, p. 205, 213 and 215)

**Amending the Agreement Authorizing Vance County to Extend 2,500 Linear Feet of Waterlines into Warren County.** (Reference: CAF 13-58-A; Resolution 13-40-A)

City Manager Griffin asked City Attorney John H. Zollicoffer, Jr., to explain the need for this amendment. Attorney Zollicoffer, Jr., said after approval between Vance County, Warren County and the City in May, Warren County has requested a few revisions, none of which affect the City of Henderson. However, according to the agreement Vance County must receive the City's approval regarding any changes. He then reviewed the requested changes saying if at any time Vance County Water District is unable to provide water to Warren County residents located within the said designated area of the Vance County line, Warren County would have the option/right to provide water to those residents; Warren County will have the opportunity to purchase the water lines installed by Vance County if approved by both parties at a fair market value; and Warren County has the right to construct and operate water lines in the designated area if Vance County Water District does not begin construction within eighteen (18) months of the execution of the agreement.

Council Member Inscoe asked about the water pricing if Warren County purchased the water lines from Vance County. Attorney Zollicoffer, Jr. responded he would expect the pricing to be at Warren County's rates.

There were no other questions. Mayor O'Geary asked for the pleasure of Council.

Council Member Inscoe moved the approval of Resolution 13-40-A, *Amending the Agreement Authorizing Vance County to Extend 2,500 Linear Feet of Waterlines into Warren County.* Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney and Peace-Jenkins. (See Resolution Book 3, p.181-A)

**Authorizing the Acceptance of FEMA Assistance to Firefighters Grant; and FY13-14 Budget Amendment #2, Establishing the Budget for the Above Mentioned Grant.** (Reference: CAF 13-79; Resolution 13-54 and Ordinance 13-40)

City Manager Griffin asked Fire Chief Danny Wilkerson to address Council regarding this grant. Chief Wilkerson said notice has been received that the request for a FEMA Grant approved on 12 March 2012 by Council, has been approved in the amount of \$14,146 with a 5% match of \$744. He added the original request was for \$709,000. The grant will be used to purchase two (2) ventilation saws and eighteen (18) fire hose nozzles. Chief Wilkerson said some of the fire hose nozzles have been in use since he began on the force over 30 years ago.

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

Council Member Coffey moved the approval of Resolution 13-54, *Authorizing the Acceptance of FEMA Assistance to Firefighters Grant*; and Ordinance 13-40, *FY13-14 Budget Amendment #2, Establishing the Budget for the Above Mentioned Grant*. Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Inscoe, Rainey, Daeke, Brown, Daye and Coffey. NO: None. ABSTAIN: None. ABSENT: Kearney and Peace-Jenkins (*See Resolution Book 3, p. 209 and Ordinance Book 9, p 1*)

**CONSENT AGENDA**

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

**Ratifying and Approving the Mayor’s Signature on Amendment #5 for the North Carolina Rural Economic Development Center Contract 2010-266-40101-112 Relative to the Replacement of the UV Disinfection System at Henderson Water Reclamation Facility.** (*Reference: CAF 13-78; Resolution 13-53*) This project is complete and the remaining funds were allowed to be used on the Sanitary Sewer Rehab Project. An extension to 30 September 2013 has been approved for submitting the final report and to expedite the process, Mayor O’Geary signed the amendment on 2 July 2013. (*See Resolution Book 3, p 207*)

**Tax Releases and Refunds from Vance County for the Month of May 2013.** (*Reference: CAF 13-64*). The Finance Director reviewed the tax releases and refunds and found them to be in order for the Month of May 2013. (*See below*)

<b>May 2013 Tax Releases</b>			
<b>Name</b>	<b>Reason</b>	<b>Tax Year</b>	<b>Amount</b>
<b>Real &amp; Personal Property</b>			
<b>Releases</b>			
H & H Yarns, Inc	Lost to Foreclosure	2004	257.87
H & H Yarns, Inc	Lost to Foreclosure	2005	269.95
Allen, Jerry W	Correct Ownership	2011	34.78
Tomas, Israel	Correct Ownership	2011	-34.78
American Real Estate	Lost to Foreclosure	2012	71.53
Bailey, Verlian R	Lost to Foreclosure	2012	386.92
Brame, James A. Jr.	Lost to Foreclosure	2012	42.61
Danismine Corporation	Lost to Foreclosure	2012	670.28
<b>Total R&amp;P Property Releases</b>			<b>\$ 1,699.16</b>

**Tax Releases & Refunds May 2013- Continued**

<b>Real &amp; Personal Property</b>			
<b>Refunds</b>			
NONE			\$ -
<b>Total R&amp;P Property Refunds</b>			
			\$ -
<b>Total R&amp;P Prop. Rel. &amp; Ref.</b>			
			\$ <b>1,699.16</b>
<b>Vehicle Releases</b>			
Alston, Lashaunda Denise	Pro-Rate	2012	\$ 3.68
Barcelona, Garro Diego Manuel	Pro-Rate	2012	\$ 82.76
Bey, Narmir Maluk	Correct Situs	2012	\$ 64.93
Bodram, Joanna S	Pro-Rate	2012	\$ 11.40
Bryant, Rockele Reshell Jean	Pro-Rate	2012	\$ 2.40
Bryant, Shannon Maria	Pro-Rate	2012	\$ 30.93
Chavis, Barbara Jean	Pro-Rate	2012	\$ 11.32
Cheek, Neice Cleveland	Pro-Rate	2012	5.09
Cozart, Rose Marie	Pro-Rate	2012	8.46
Dechant, Heather Marie	Pro-Rate	2012	118.87
Ellis, Joseph McDonald	Pro-Rate	2012	0.41
Gupton, Steven Jay	Transfer Out	2012	65.05
Hodge, Domonique Jalee	Pro-Rate	2012	2.97
Jones, Davine Marie	Pro-Rate	2012	24.61
Litvin, Stuart Lee	Correct Value	2012	19.44
Medlin, Christian Elaine	Correct Situs	2012	107.87
Robertson, Kennety Way	Pro-Rate	2012	4.61
Ryder Truck Rental, Lt.	Transfer Out	2012	176.55
Shukair, Rand Adnan	Correct Value	2012	9.94
Small, Josephine	Pro-Rate	2012	11.53
Thomas, Teresa Nowell	Pro-Rate	2012	5.09
Tucker, Christopher Scott	Transfer Out	2012	135.31
Turner, Jacquelyn Dawn	Pro-Rate	2012	44.37
Warren, Irene Brown	Pro-Rate	2012	31.10
<b>Total Vehicle Releases</b>			
			\$ <b>978.69</b>

**Tax Releases & Refunds May 2013- Continued**

<b>Vehicle Refunds</b>			
Allen, Hattie Watkins	Pro-Rate	2012	74.34
Alston, Lashaunda Denise	Pro-Rate	2012	13.60
Jaeger, John Christopher	Pro-Rate	2012	15.48
Moticka, Betty	Correct Value	2012	7.11
Riddle, Tommy Dean	Pro-Rate	2012	21.28
Sauer, Mehan McHugh	Pro-Rate	2012	1.97
Short, John Vance	Pro-Rate	2012	6.39
Ward, Robert Michael	Correct Value	2012	6.83
<b>Total Vehicle Refunds</b>			<b>\$ 147.00</b>
<b>Tot. Veh. Rel. &amp; Ref.</b>			<b>\$ 1,125.69</b>
<b>Total All Releases &amp; Refunds</b>			<b>\$ 2,824.85</b>

Mayor O’Geary asked for a motion to approve the Consent Agenda as presented.

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

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

City Clerk McCrackin advised one citizen wished to address City Council.

**Anthony Jones, 213 Perry Street** Mr. Jones spoke about the late fee on water bills. He said he forgot to pay his bill and when he remembered, he had to pay the bill along with a \$12.00 late fee and a \$13.00 reconnect fee. He said for being seven (7) days late, the fees charged amounted to 39% interest. Mr. Jones said he did not want a refund and he did not advocate paying bills late but he did want Council to reconsider the fee structure. He suggested a graduated fee schedule and said those that are routinely late needed to be penalized. Mr. Jones felt the current fees are very aggressive and asked Council to think about this issue.

Council Member Coffey then raised a question about a situation a citizen brought to her recently regarding an individual moving back into the City who was required to pay a \$200.00 deposit in addition to other fees to set up water. City Manager Griffin was aware of the situation and explained the individual left in 2010 with a history of multiple cutoffs and leaving a bill in excess of \$100.00. The individual was unable to provide a letter of good credit from his/her most current provider and living outside City limits added to the expense.

A brief discussion followed and Council agreed to revisit this issue. City Manager Griffin will add this as an item on the July work session.

On a separate issue, Council Member Coffey said when Mr. Danny Wright addressed Council regarding the Kerr-Tar Council of Government's (COG) request for an additional assessment, Mr. Wright said he would provide a list of businesses the COG works with and wondered if the list had been received. City Manager Griffin said he would follow-up with Mr. Wright.

Council Member Inscoe asked if Waste Industries conversion to compressed natural gas pertained to service vehicles only and asked if the anticipated savings would change the existing contract. City Manager Griffin said he would review the contract and report back to Council.

## **REPORTS**

- a) Mayor/Mayor Pro-Tem (No Report)
- b) City Manager (No Report)
- c) City Attorney (No Report)
- d) City Clerk (No Report)

With no further discussion, Mayor O'Geary asked if Council was prepared to go into Closed Session.

## **CLOSED SESSION**

Council Member Rainey 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 Daye and unanimously approved.

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

With no further discussion, Mayor O'Geary asked if Council was prepared to adjourn.

## **ADJOURNMENT**

Council Member Coffey moved for adjournment. Motion seconded by Council Member Daeke, and was unanimously approved. The meeting adjourned 6:50 p.m.

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James D. O'Geary  
Mayor

**ATTEST:**

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Esther J. McCrackin  
City Clerk