



AGENDA

**Henderson City Council Work Session
Monday, 26 August 2013 Immediately Following Regular Session
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, Sr.
Councilmember Sara M. Coffey
Councilmember Michael C. Inscoc
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. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA

IV. REGULAR WORK SESSION

- a)* Consideration of Approval of Ordinance 13-42, Providing for Limited Enforcement in the Extra-Territorial Jurisdiction Area (ETJ), Pursuant to Section 40 of the City Charter and Asking the Planning Board to Review and Provide a Recommendation on Same to the City Council. (CAF 13-82-A) [See Notebook Tab 7]
 - Ordinance 13-42
- b)* Consideration of Approval of Ordinance 13-51, FY14 Budget Amendment #8, Adjusting the Budget to Reflect Available Funding for Youth Services Budget. (CAF 13-93) [See Notebook Tab 8]
 - Ordinance 13-51

- c) Storm Water Regulations (CM 13-16) [See Notebook Tab 9]*
- d) REEF Project Update (CM 13-19) [See Notebook Tab 10]*
- e) One Stop Permitting Update (CM 13-14-A) [See Notebook Tab 11]*
- f) Updates on Various Council Inquiries. (CM 13-18) [See Notebook Tab 12]*

V. ADJOURNMENT

City Council Minutes
Work Session
26 August 2013

PRESENT

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

ABSENT

None.

STAFF PRESENT

City Manager Ray Griffin, City Clerk Esther McCrackin, Code Compliance Director Cory Williams, Planning and Community Development Director Erris Dunston, Police Captain Perry Twisdale, Youth Services Director Donna Stern, Engineering Director Peter Sokalski and Human Resources Director Cathy Brown.

CALL TO ORDER

The 26 August 2013 Work Session of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:44 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.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. Council Member Coffey asked that a discussion be added regarding the recently approved Dress Code Policy. Consensus was to accept the adjusted agenda.

WORK SESSION ITEMS

Providing for Limited Enforcement in the Extra-Territorial Jurisdiction Area (ETJ), Pursuant to Section 40 of the City Charter and Asking the Planning Board to Review and Provide a Recommendation on Same to the City Council. (*Reference: CAF 13-82-A; Ordinance 13-42*)

City Manager Griffin said as requested by Council, he met with County Manager Ayscue to introduce and discuss the possibility of a joint enforcement program with the County. Although Mr. Ayscue expressed interest in the concept, funding is currently unavailable. It was agreed that this would be looked at as part of the FY15 budget process. In the meantime, the concern is a lack of City staff resources and funding to enforce code compliance within the ETJ. Mr. Griffin said consideration needs to be given to what the Code Compliance Department can accomplish with two (2) employees and a contracted service budget of only \$50,000. These funds are used for grass mowing and demolition. He suggested a recommendation back to the Planning Board for review and proposal to clarify the reality of what can effectively be done vs. the desire of the City to do it.

Council Member Rainey felt the ETJ should be joint between the City and County. Mr. Griffin said that was Council's recommendation from the last work session.

Council Member Daeke felt the City taxes should be used as resources for City compliance first but felt building rapport with the County in a joint effort was important.

City Manager Griffin said if Council was agreeable, remanding this item back to the Planning Board will be presented for action at the next meeting.

Mayor O'Geary then called for a consensus of Council. After polling the Council, it was the consensus to bring this item to the next regular meeting for action to remand this back to the Planning Board for further review and recommendation(s).

Adjusting the Budget to Reflect Available Funding for Youth Services Budget FY14 Budget Amendment #8. (*Reference: CAF 13-93; Ordinance 13-51*)

City Manager Griffin asked Finance Director Kathy Brafford to explain this adjustment. Ms. Brafford said the Youth Services budget for FY14 was approved for \$209,800. The County covers the program costs but due to a reorganization of the program offerings, staffing level has been reduced by one. The decrease in staffing allows the \$48,750 to be re-directed towards program costs. Youth Services Director added the requested funding was not received for this program so being able to put the \$48,750 toward program costs will allow the program to run adequately.

There was no discussion. By unanimous consensus this item will be brought forward to the next Council meeting.

Stormwater Regulations and Responsibilities. (*Reference: CM 13-16*)

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The City Manager asked Engineering Director Peter Sokalski to review these regulations. Mr. Sokalski said the department has received an increase number of complaints and questions from citizens regarding stormwater runoff. He felt the questions were coming because of the amount of rain that has fallen in the last few months. Mr. Sokalski highlighted the Stormwater Ordinance, Section 16A-37, which details information on the areas and responsibilities of the City and said he is preparing a public information session which he will share with Council prior to meeting with the public. He said runoff cannot be blocked or changed on the downstream side and if the City does not have an easement or right-of-way, it has no authority and is not responsible. Mr. Sokalski said the City does try to work with property owners to assist/support in any way possible.

Council Member Inscoe summarized his understanding by saying there could potentially be a problem if one homeowner diverted water by building a wall to an adjoining homeowner. Mr. Sokalski said yes; however, if the wall was built to provide passage for the water, probably not a problem.

Council Member Rainey asked if a drain could be installed. Mr. Sokalski said if it was installed downstream so upstream is not affected. Mr. Rainey also asked about the drain near his business on Highway 39. Mr. Sokalski said the City works with the NCDOT but has no control of how the DOT sets drains.

Following that discussion, Council Member Inscoe asked about permits. Mr. Sokalski agreed that it is possible in certain City/State situations that two (2) permits would be required.

There was no further discussion.

REEF Project Update. *(Reference: CM 13-19)*

City Manager Griffin asked Planning and Code Compliance Director Erris Dunston to update this project.

Ms. Dunston said a letter received on 15 August from the Golden Leaf Foundation informed the Henderson-Vance Downtown Development Commission (HVDDC) that the REEF Project grant would not be extended. During its monthly Directors meeting, HVDDC agreed without funding from Golden Leaf, the REEF project would be impossible and the Board also agreed that the Zene Street property should be sold. She said RED, Inc., has asked for first refusal if the property is sold but to her understanding they will not meet until November. In the meantime, steps are being taken to procure a realtor and the HVDDC is looking at selling options.

There was no discussion.

One Stop Permitting Update. *(Reference: CM 13-14-A)*

City Manager Griffin asked Planning and Downtown Development Director Erris Dunston to update Council on the progress regarding One-Stop Permitting. Ms. Dunston said since the last

update on 24 June, a development guide has been published and is available to the public. A new permit application form has been created and the computer software is being customized for each department. She said this is a big undertaking and the team has taken huge steps forward but it is still a work in progress.

There was no discussion.

Updates on Various Council Inquiries. (*Reference: CM 13-18*)

City Manager Griffin briefly touched on each of the various updates and said he would be happy to answer any questions from Council.

LED Lighting – Mr. Griffin said there is an opportunity to convert to LED street lighting which will save the City dollars but LED lights produce less output than sodium vapor fixtures. The suggestion is to have a test area for citizen input. Council Member Inscoe pointed out LEDs last much longer and cost less. Mr. Griffin said the anticipated cost savings would be \$78,000 a year.

Weeded/Grass Cutting – Council Member Rainey asked about the expense of cutting grass and noted the same property was listed several times on the report. Mr. Williams said there are habitual offenders and if the City has responsibility for the lot, there would be more than one grass cutting charge. Council Member Inscoe added that many of the properties are abandoned and have not been placed in foreclosure because then the lien holder is responsible for outstanding taxes, etc. --- thus the property is left in limbo to which Council Member Daeke added the City is left to pick up the expense.

Recreation Master Plan – Mr. Griffin said this will be brought before Council in September for approval. There were no Questions.

Downtown Properties for Rent – Council Member Inscoe asked if the list is shared with the EDC Director. Ms. Dunston said as properties become available the Main Street shares the information but the hard copy list can certainly be shared.

Graffiti – Mr. Griffin asked Code Compliance Director Corey Williams and Police Captain Perry Twisdale to speak to Council regarding this issue. Capt. Twisdale said identification is an ongoing process that the police and code compliance work together on resolving. He said businesses that have used the anti-graffiti paint find it is working but some businesses seem to be covered time and again. Capt. Twisdale said the two departments, along with the Planning department are also working together with junked vehicles which is handled by the Police Department with civil notices. Capt. Twisdale said he is pleased with the cooperation between the departments.

Mr. Williams said over 20 violation letters were mailed in June --- some have already been cleaned. Both the Police and Code Compliance talk with and offer advice to owners.

Council Member Daeke remembered changing the language to cut down on the time owners have to clean up the graffiti and asked if it is working. Mr. Williams said the timeframe is 10 days and added his department works with businesses on the timeframe. He said he has spoken to Duke Progress regarding the transformers that need to be cleaned. Mr. Daeke asked if a report could be generated monthly of those that are not compliant with removing graffiti. Mr. Williams said yes.

March and Parade Permits – Mr. Griffin said he made contact with Ms. Hunt today. She was not a petitioner for this and this was the march down Chestnut Street. He spoke with Interim Police Chief Barrow who processed the paperwork for then Chief Sidwell, who was on vacation that week. He also spoke with the petitioner who seemed very satisfied with the route so Mr. Griffin said he was unsure about the communication issues and why it was brought to Council's attention four (4) months after the event. Mr. Griffin said there is a process in place and it begins with the Administrative Assistant in Administration.

Council Member Coffey said she participated in the event in question and it was her understanding the Police processed the permits as requested. Council Member Peace-Jenkins said she thought perhaps it was just a concern *from Pastor Hunt's heart*.

Dress Code

Council Member Coffey said she was bothered about the hats and head gear section of the recently revised Dress Code and asked if it could be re-addressed. She said she was stopped today by a female police officer who questioned removing hats in buildings. Ms. Coffey said she understood this section of the policy was not meant for those in uniform. She went on to say she only knows of two (2) females working in City Hall that wear hats. Ms. Coffey continued saying if she was working out in the hot sun and had a cap on her head she would not remove it when she entered her office or went to the store. She said Ms Dunston has been to Ms. Coffey's office many times wearing her little cap that she wears out in the field and Ms. Coffey has never considered that disrespectful. She added she does not consider it inappropriate if one of Corey William's female staff wears a cap in the field. Ms. Coffey emphatically stated that this is not the Pentagon; these are hardworking people that sweat in the hot sun and go in dirty houses. She would prefer to see females with a cap on covering up sticky, sweaty hair than to walk into a public building and see someone with their hair stuck to their head. Ms. Coffey summarized her comments by saying she would like to have the section regarding hats and head gear removed from the policy.

Mayor O'Geary suggested this be turned back to the Human Resources Committee for further discussion. He asked for Council's consensus which was as follows: YES: Coffey, Inscoc, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney.

With no further discussion Mayor O'Geary 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 7:32 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin, City Clerk

DRAFT