



AGENDA

Henderson City Council Short Regular Meeting
Monday, 22 April 2013, 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. 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. INVOCATION AND PLEDGE OF ALLEGIANCE
- IV. OPENING REMARKS
- V. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA

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.

VI. APPROVAL OF MINUTES

a) 8 April 2013 Regular Meeting [*See Notebook Tab 1*]

VII. PRESENTATIONS/RECOGNITIONS

- a) Leadership Vance Class of 2013
- b) Chamber of Commerce Ambassador's Day

VIII. PUBLIC COMMENT 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.³

IX. OLD BUSINESS

a) Carey Chapel Crossing Project Update - Mr. Dennis Tharrington. (*No Reference Materials*)

X. NEW BUSINESS

a) Consideration of Approval of Ordinance 13-22, the Demolition of the Abandoned Structure Located at 207 Andrews Avenue (West). (*CAF 13-43*) [*See Notebook Tab 2*]

- Ordinance 13-22

b) Consideration of Approval of Resolution 13-33, Amending the FY 13-14 Budget Review Calendar and Schedule of Special Council Budget Work Session. (*CAF 13-47*) [*See Notebook Tab 3*]

- Resolution 13-33

XI. 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 on the last page of this Agenda.³

XII. REPORTS

- a) Mayor/Mayor Pro-Tem
- b) City Manager
 - i. Update Regarding Usage of City Basketball Courts
- c) City Attorney
- d) City Clerk
 - i. Calendar Update [*See Notebook Tab 4*]

XIII. ADJOURNMENT

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;
- 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
Short Regular Meeting
22 April 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 D. Daeke, Vernon L. Brown and George M. Daye.

ABSENT

None.

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Recreation and Parks Director Alan Gill, Youth Services Director Donna Stearns, Henderson Water Reclamation Facility Director Tom Spain and Code Compliance Director Corey Williams.

CALL TO ORDER

The 22 April 2013 Short 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 Brenda Peace-Jenkins led those in attendance in a prayer and the Pledge of Allegiance.

Mayor O'Geary was delighted to have the Leadership Vance Class in attendance and welcomed everyone to the meeting.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin said there was one item to be added to the agenda: *Consideration of Approval of Resolution 13-36, A Resolution of the Henderson City Council Approving the Acceptance of State Revolving Fund (SRT) Grant/Loan Funding for the Sandy Creek Pump Station Project No. CS370410-07.* Council Member Coffey asked for a Closed Session regarding a personnel matter. Council Member Rainey 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. Council Member Daeke moved the approval of the 8 April 2013 minutes as presented. Motion seconded by Council Member Daye and unanimously approved.

PRESENTATIONS/RECOGNITIONS

Mayor O'Geary asked the Leadership Vance Class of 2013 to stand while he welcomed them. He then asked Henderson-Vance County Chamber of Commerce Director John Barnes to come forward. The Mayor read a proclamation declaring 22 April 2013 as Ambassador's Day and welcomed all the Ambassadors present.

The Mayor explained 21-27 April 2013 is National Volunteer Week and thanked all those who volunteer on City boards and commissions. A copy of an official recognition was sent to the over 50 City volunteers and copies were distributed to Council.

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

Carey Chapel Crossing Project Update. (Reference: None)

Mayor O'Geary asked Mr. Dennis Tharrington to come forward and update Council. Mr. Tharrington said after he spoke to Council on the 8 April meeting, he wanted to clarify some of his statements regarding Section 8 rental assistance. He said it is true Section 8 funding cannot be used to make mortgage payments but his project will be rental property and anyone who has a Section 8 voucher can go to any apartment complex, including his, and if they qualify, then the landlord is obligated to accept the voucher. So Mr. Tharrington said if someone came to him and qualified with a Section 8 voucher, then, by law, he would be obligated to rent to them. If someone qualified with a Section 8 voucher, they could not use those funds to purchase the

property. He said his goal is to recruit families to purchase the homes rather than courting Section 8 people to live in the homes.

Council Member Daeke asked for confirmation that Section 8 vouchers do not count toward equity in the homes Mr. Tharrington plans to build. Mr. Tharrington said that is correct. He then shared there was an individual in the first phase of Carey Chapel Crossing that received some type of Section 8 assistance that could not be used to purchase the house. Mr. Daeke said he understood part of the incentive with this program is for people to rent to obtain equity to purchase but if someone came with Section 8 assistance, Mr. Tharrington would be bound to let them rent. Mr. Tharrington agreed.

Council Member Coffey asked what happens after 15 years as Section 8 renters when the whole purpose is to build equity in the house to be able to get a loan to purchase the house. She asked for clarification that after 15 years, they will still be a renter, as opposed to a home owner unless on their own they can come up with a big down payment --- that they would not be building equity using Section 8. Mr. Tharrington agreed that no equity would be built using Section 8. He felt the ordinary Section 8 recipient would have a hard time coming up with the funds on their own for home ownership. Ms. Coffey then asked how this project is different than what already exists. Mr. Tharrington agreed that this project would be rental property for a period of time and said the difference is at the end of that period of time, the people living there would become homeowners. He said when people move in, even with Section 8, they will have to go through home ownership training and will be in a purchase mode so Mr. Tharrington said most Section 8 individuals would not be interested and qualify for his project.

Council Member Kearney asked if Mr. Tharrington was considering applying for Section 8 assistance to support the project. Mr. Tharrington said no. Mr. Kearney said he has limited knowledge of the program but thought they would be cutting back and it will be harder to obtain Section 8 certificates. Mr. Kearney confirmed the project will be composed of single family homes which does not lend itself to traditional Section 8 housing. Mr. Tharrington agreed.

Council Member Rainey asked if someone qualified for one of the homes, can they then apply for and receive Section 8 assistance. He said he is not opposed to housing but felt there was no need for more Section 8 units. Mr. Tharrington said to qualify one would have to have income in addition to Section 8 assistance.

Council Member Inscoe asked how many units would be inside City limits. Mr. Tharrington said he did not know how many units would be inside the City but he would request the entire project be inside the City. Mr. Inscoe said currently the City has no authority in the ETJ except for zoning. Mr. Inscoe asked if Mr. Tharrington was considering voluntary annexation. Mr. Tharrington said yes. Mr. Inscoe said he was thinking out loud, but was not sure the City could or would want to take on this voluntary annexation at this time due to the goods and services the City would be required to provide according to the new State laws. City Attorney Zollicoffer, Jr., said the new annexation laws are more restricting; thus making annexation for cities more difficult. Mr. Inscoe also asked if he understood correctly that a management company would

take over once the project is complete. Mr. Tharrington said yes, they would keep the grounds up. Mr. Inscoe's follow-up question was who would have ownership. Mr. Tharrington said ownership would be with whoever purchased the tax credits. He said he would retain 1% ownership until the tax credits expired. Mr. Inscoe next asked if having the Mayor write a letter of support creates any legal problems with other projects.

City Attorney Zollicoffer, Jr., said it could set a precedent but did not feel it would be a legal issue.

Council Member Rainey felt the Council had the option to endorse only those projects they approved.

Council Member Kearney asked to clarify the Section 8 premise, which he understood to be based on 30% of an individual's household income being able to support the housing costs. Mr. Tharrington said that is correct.

Council Member Brown verified that Section 8 assistance cannot be used to make mortgage payments and felt perhaps understanding the home ownership program would provide incentive for Section 8 recipients to look for ways to make payments to make the mortgage payment so they could become homeowners. Mr. Tharrington said that is correct; however, it might be possible for an individual to have enough income to make the mortgage payment on their own and still received some Section 8 assistance.

Council Member Daeke said, as a follow up to Mr. Inscoe's comments, that the Planning Board recently approved by special permit, a development within city limits of townhouses on Andrews Avenue. Mr. Daeke felt they are probably trying to obtain the same type of tax credits as Mr. Tharrington. Mr. Tharrington said the difference is the townhouses will always be rentals where his project will be home owners.

Council Member Inscoe said only a portion of this project will be within city limits unless the City chose to move forward with an annexation and current taxes paid per unit do not cover the cost of police, fire and sanitation and expressed concern that this project is a long way from the nearest fire station. On the other hand, the homes in the project outside the city pay 2.5 times in-city for water and sewer which would provide more revenue.

City Manager Griffin said Council previously authorized a letter of support be written by the Mayor O'Geary and said Council now needs to verify that authorization.

Mayor O'Geary asked for the consent of Council which was unanimous as follows: YES: Kearney, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: Coffey. ABSTAIN: None. ABSENT: None.

NEW BUSINESS

Demolition of the Abandoned Structure Located at 207 Andrews Avenue (West). (Reference: CAF 13-43; Ordinance 13-22)

City Manager Griffin asked Code Compliance Director Corey Williams to come to the podium to advise Council on this matter. Mr. Williams said the property is owned by Mr. Matt Russell and after following proper enforcement procedures is recommending this action. He added additional information was received today during a telephone conversation with Mr. Russell who does not disagree with the need to demolish the structure but feels he can have the work done for less than the City. His goal is to demolish the structure himself.

Council Member Kearney inquired about the structure next door to this property that is for sale. He stated one individual had lost three tenants due to the condition of these structures. Mr. Williams said the property for sale is not owned by Mr. Russell.

Council Member Rainey asked about the timeframe for demolition. Mr. Williams said there is a thirty (30) day appeal time. Mr. Rainey asked if there would be any ramifications if Mr. Russell chose to demolish the structure during the appeal time. Mr. Williams responded not that he was aware of at this time.

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

Motion was made by Council Member Daeke to approve Ordinance 13-22, *Demolition of the Abandoned Structure located at 207 Andrews Avenue (West)*. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Kearney, Coffey, Inscoc, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 8, p 563)

Amending the FY 13-14 Budget Review Calendar and Schedule of Special Council Budget Work Sessions. (Reference: CAF 13-47; Resolution 13-33)

City Manager Griffin asked Council to change the Budget Work Session dates previously approved as more time is needed to prepare the FY 13-14 Budget.

Council Member Inscoc stated he had a conflict on the 4 June and 6 June and asked if it would be possible to move the dates to the week prior to review regional water and perhaps another segment of the budget.

Council Member Coffey asked when the budget process needed to complete. Mr. Griffin responded by the 24th of June. City Attorney Zollicoffer, Jr., said a special meeting could be scheduled prior to June 30 which is the deadline.

Council Member Kearney asked if the delay is being caused by something unusual. Mr. Griffin said it was a combination of being out of town and being ill for a week, along with lack of staffing.

City Manager Griffin said he will do his very best and suggested holding a special meeting on Monday 20 May for the proposed budget presentation.

Mayor O'Geary asked if this date was agreeable with everyone and there was no disagreement.

Mr. Griffin then suggested Work Sessions be scheduled for 23 May, 28 May and 30 May and the work sessions of 3 June, 4 June and 6 June as needed. Mayor O'Geary asked if this was agreeable and again, there was no disagreement.

Mayor O'Geary asked for Council's pleasure.

Council Member Peace-Jenkins moved the approval of Resolution 13-33, *Amending the FY 13-14 Budget Review Calendar and Schedule of Special Council Budget Work Sessions* with the date changes discussed. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (*See Resolution Book 3, p 167*)

Approving Acceptance of State Revolving Fund (SRF) Grant/Loan Funding for the Sandy Creek Pump Station Project No. CS370410-07. (*Reference: No CAF; Resolution 13-36*)

City Manager Griffin said this loan/grant arrived late this afternoon and is a technical revision to the original loan agreement. He said there are no changes in the \$900,000 principal forgiveness and \$900,000 loan amount.

Council Member Daeke asked for a reminder regarding the interest on this project. Assistant City Manager Frank Frazier said the interest is 0%.

There was no further discussion. Mayor O'Geary asked for the consensus and approval of Council as follows: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

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

Mr. Elbert Ouzts, 421 Fields Avenue Mr. Ouzts expressed concern regarding the derelict homes in his area, many within 1,000 yards of the L.B. Yancy school. He felt there were code violations and were endangering children. He said this area is in the ETJ but wondered what laws govern the school zone, what can be done. He asked if the taxes were being paid on these derelict properties.

Mayor O'Geary thanked Mr. Ouzts for bringing this before Council and asked the City Manager to have staff look into the situation. Mr. Griffin said he would follow up on this with staff.

Ms. Geraldine Champion, 325 Charles Street Ms. Champion expressed her concern regarding the Police Department. She said as an employee if she had as many complaints filed against her as the Police Department has against them, she would have been fired. Ms. Champion said her niece has a nine (9) year old child who is being stalked by a predator and that a warrant was taken out on her behalf. She said they have gone to the court house, the City Manager, the police department and people in authority have not stayed in contact. Ms. Champion understands the Council has no jurisdiction over court cases but she felt the Police Chief was unapproachable and asked the City Manager, Mayor and Council to step forward and have the Chief of Police do as he should by giving the courtesy of returning calls. She felt it was unacceptable to have to talk with a Captain or Lieutenant. She asked the City Manager to call her within 48 hours so she can know what can be done.

City Attorney Zollicoffer, Jr., said her concerns were shared but there are statutory provisions that govern actions regarding personnel issues.

REPORTS

- a) Mayor/Mayor Pro-Tem (No Report)
- b) City Manager – Mr. Griffin gave an update regarding Council Member Rainey request to look into closing basketball courts near churches during worship hours. An existing ordinance was found by City Attorney Zollicoffer, Jr. which restricts use of basketball courts within 500 feet of churches during worship, revivals or special events. Mr. Griffin asked Parks and Recreation Director Alan Gill to begin enforcing the ordinance and also mentioned churches should inform the City when they have special events.

Council Member Rainey thanked the Manager for the follow up and suggested signage be placed at basketball courts within the 500 feet of churches.

City Attorney Zollicoffer, Jr., suggested churches should also be notified of this ordinance.

- c) City Attorney – (No Report)
- d) City Clerk – Ms. McCrackin reminded Council of the Day of Prayer breakfast 2 May and also the Prayer service at City Hall at noon. She also reminded Council of the Ethics Class webinar on May 15.

Council Member Coffey thanked those who attended the Prayer Walk on Saturday and said over 300 participated.

Mayor O'Geary said the Litter Sweep was successful and thanked those who took part.

Mayor O'Geary then asked if Council was prepared to go into Closed Session and stated there would be no report following the session.

CLOSED SESSION

Council Member Daeke moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(5) for a Personnel 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 Kearney and unanimously approved.

Mayor O'Geary asked if Council was prepared to adjourn and move into the Work Session.

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Rainey and unanimously approved. The meeting adjourned at 7:38 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk