

City Council Minutes

Short Regular Meeting

22 July 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, Interim Police Chief Marcus Barrow, Code Compliance Director Corey Williams, Engineering Director Peter Sokalski, Human Resources Director Cathy Brown, and Zoning Administrator Sherry Moss.

CALL TO ORDER

The 22 July 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 welcomed everyone saying it was nice to see citizens present.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin said an item under New Business will be added regarding the Strategic Planning Meeting scheduled for August. Council Member Peace-Jenkins moved to accept the Agenda as adjusted. 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 Rainey moved the approval of the 8 July 2013 minutes as presented. Motion seconded by Council Member Kearney and unanimously approved.

PUBLIC HEARING

Amending Zoning Ordinance Section 619B.3 to Include Mental Health Counseling as a Service to be Allowed as a Home Occupation by Special Use Permit. (*Reference: CAF 13-33-A: Ordinance 13-17*)

City Manager Griffin asked Zoning Administrator Sherry Moss to apprise Council of this request.

Ms. Moss reminded Council that this was originally brought before the Planning Board on 4 March where it received unanimous approval. When brought before Council on 8 April, the City Attorney, who was not at the Planning Board meeting, expressed concerns and Council remanded this back to the Planning Board for further research. Ms. Moss said the planning Board met on 20 June with Attorney Zollicoffer, Jr., in attendance and after careful review, the Planning Board again approved this request unanimously.

City Attorney John Zollicoffer, Jr., added the property under discussion will be considered for rezoning from R-15 to R-6 as it is adjacent to the R-6 zoning area and then would meet the criteria for a home occupation.

Council Member Coffey asked how soon this would be brought back before the Zoning Board. Ms. Moss said the August 5th meeting.

Council Member Inscoe asked if there were parking restrictions. Attorney Zollicoffer, Jr. responded there are none in the R-6 zone.

Council Member Kearney asked if this amendment pertained only to mental health counseling. The response was yes.

With no further discussion, Mayor O'Geary opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment.

Frances Finamore, 710 Parham Street Ms. Finamore stated she was the individual applying for the special use permit. She stated she has all the necessary licensures and wishes to provide services to the citizens of Henderson; specifically the veterans in the area. Ms. Finamore said she is waiting to see the results of her request.

No other citizen came forward so Mayor O'Geary then asked if anyone was present who wished to speak in opposition to the amendment. No one came forward.

Mayor O'Geary then closed the Public Hearing and asked for Council's pleasure.

Council Member Rainey asked for clarification of the action. Attorney Zollicoffer, Jr., summarized saying this amendment allows mental health counseling in the same areas as other home occupations are allowed but does not allow for home occupations in R-15.

Motion was made by Council Member Peace-Jenkins to approve Ordinance 13-17, *Amending Zoning Ordinance Section 619B.3 to Include Mental Health Counseling as a Service to be Allowed as a Home Occupation by Special Use Permit*. Motion seconded by Council Member Coffey 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 553*)

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

Appropriating Fund Balance to Cover the Repairs to the Shelter at the Police Training Center. (*Reference: CAF 13-87; Ordinance 13-44*)

City Manager Griffin asked Interim Police Chief Marcus Barrow to address Council. Chief Barrow said on 30 March 2013, a fire damaged the cooking shelter along with its contents (grills, coolers, etc.) at the Police Training Center. A Forestry Service representative inspected the fire and was unable to determine the origin; however, it was felt it was cause by four-wheelers trespassing on the property. A claim was filed with the NC League of Municipalities under the terms of the City's property and liability insurance policy and a check has been received in the amount of \$29,678.24. The anticipated cost to replace the items lost will be covered by the funds received.

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

Motion was made by Council Member Coffey to approve Ordinance 13-44, *Appropriating Fund Balance to Cover the Repairs to the Shelter at the Police Training Center*. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Coffey, Inscoc,

Rainey, Peace-Jenkins, Daeke, Brown, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9 p 9)

Continuation of Privilege Licenses (For Businesses Who are Moving Their Location) From the City Council to the Finance Director to Insure Their Good Financial Standing with the City of Henderson. (Reference: CAF 13-88; Ordinance 13-45)

City Manager Griffin asked City Attorney Zollicoffer, Jr., to present this ordinance. Attorney Zollicoffer, Jr., said businesses within the City are required to acquire privilege licenses. Under the current code, Council must approve any business license transfer from one address to another or from one firm to another if it continues to operate under the same name. This proposal moves the authority to the Finance Director who would have the authority to approve if there is no account delinquency, a license exists and it meets all requirements such as with ABC.

There was no discussion; however, Council Member Kearney asked the City Manager to add at a future date a discussion regarding enforcement of privilege licenses.

Mayor O'Geary then asked for Council's pleasure.

Council Member Rainey moved the approval of Ordinance 13-45, *Continuation of Privilege Licenses (For Businesses Who are Moving Their Location) From the City Council to the Finance Director to Insure Their Good Financial Standing with the City of Henderson*. Motion seconded by Council Member Inscoe, and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 11)

Appointments to the Henderson Community Appearance Commission, Perry Memorial Library Board of Trustees, Henderson-Vance Human Relations Commission, Henderson Zoning Board of Adjustment and Henderson Planning Board. (Reference: CAF 13-81; Resolution 13-59)

City Manager Griffin asked the City Clerk to summarize these appointments. City Clerk McCrackin said the Boards and Commissions Committee met on 11 July and all applicants for consideration were re-appointments except one. The one new applicant – Mr. Charles Douglas - expressed interest in serving on several committees. The Committee elected to appoint Mr. Douglas as an *Alternate* on the Planning Board. She stated his application indicated he represented Ward 3; however the address provided is in Ward 1. Ms. McCrackin said there are still a few vacancies on several committees but overall, the Committee has more seats filled currently than in recent history.

Council Member Daeke, Chairperson of the Boards and Commissions Committee added the committee is working hard to establish staggered terms to help the boards, committees and commissions work effectively and efficiently. He thanked the City Manager and Clerk for their assistance with this process.

Council Member Rainey asked to be excused from voting as his application is one of those under consideration. There was no objection by Council.

Attorney Zollicoffer, Jr., asked for someone to contact the County to emphasize the importance of filling the vacant seat(s) on the Board of Adjustment.

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

Council Member Peace-Jenkins moved the approval of Resolution 13-59, *Appointments to the Henderson Community Appearance Commission, Perry Memorial Library Board of Trustees, Henderson-Vance Human Relations Commission, Henderson Zoning Board of Adjustment and Henderson Planning Board*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Brown, Daye, Kearney, Coffey and Inscoc. NO: None. ABSTAIN: Rainey. ABSENT: None. (See Resolution Book 3, p 219)

Strategic Planning Meeting

City Manager Griffin sent out a questionnaire last week asking if Council wished to hold a mid-year planning meeting in August. He asked the City Clerk to present the results which indicated five (5) Council members preferred to cancel the August meeting; two (2) preferred to hold the August meeting and one indicated they had no preference.

Council Member Kearney indicated he would be unable to attend in August due to scheduled surgery.

The Mayor then asked for a consensus to cancel the August Mid-Year Strategic Planning Meeting with the following results: YES (indicating to cancel): Kearney, Coffey, Inscoc, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: None.

CONSENT AGENDA

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

Awarding of Departmental Handgun and Badge to Retiree Senior Police Officer Alvis L. Hawkins. (Reference: CAF 13-83; Resolution 13-61) As with previous retirees, the City is awarding these items in accordance with NCGS 20-187.2. Officer Hawkins has been with the police force since January 1989 and will retire effective 31 July 2013. (See Resolution Book 3, p 223)

Re-Budgeting Lease Purchase Items Not Delivered Prior to 30 June 2013. (Reference: CAF 13-84; Ordinance 13-43) The purchase of a new dump truck and service truck was not completed prior to 1 July 2013. Therefore the funds need to be re-appropriated into the FY13-14 fiscal year to cover the cost at delivery. (See Ordinance Book 9, p 7)

Tax Releases and Refunds from Vance County for the Month of June 2013. (*Reference: CAF 13-86*) The Finance Director reviewed the tax releases and refunds and found them to be in order. (*See Below*)

June 2013 Tax Releases			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Releases			
E & L Associates, LLC	Taxes Lost to Foreclosure	2009	17.32
E & L Associates, LLC	Taxes Lost to Foreclosure	2010	17.32
E & L Associates, LLC	Taxes Lost to Foreclosure	2011	17.32
DLP Maria Parham Medical	Org. Billed County only/ This is the City portion	2012	-363,812.49
E & L Associates, LLC	Taxes Lost to Foreclosure	2012	17.32
Total R&P Property Releases			-363,743.21
Real & Personal Property			
Refunds			
Total R & P Property Refunds			0.00
Total R&P Prop. Rel. & Ref.			\$ (363,743.21)

Vehicle Releases			
Blacknall, Elizabeth Young	Pro-Rated	2012	15.79
Bryant, Alice Faye	Pro-Rated	2012	1.06
Campos, Tomas Rodriguez	Correct Situs	2012	28.25
Daye, Thurston Glenn	Pro-Rated	2012	11.50
Green, Chez Darnell	Pro-Rated	2012	65.66
Grice, Deborah Regina	Pro-Rated	2012	2.54
Harris, Paul William	Org. Billed County only/ This is the City portion	2012	-187.02
Kearney, Connie Elaine	Pro-Rated	2012	15.56
The Salvation Army	Non-Profit Exemption	2012	163.03
Trujillo, Oxcr Machado	Pro-Rated	2012	3.24
Venable, Angela Lovell	Pro-Rated	2012	36.82
Alliance Rehabilitative Care	Charitable Organization	2013	95.64
Brewer, Thomas Britt	Pro-Rated	2013	68.78
Bullock, Ray Anthony	Correct Situs	2013	85.52
Dale, Josephine	Reg. Veh Billed in Error	2013	12.75
Daughtrey, Richard Anthony	Correct Value	2013	42.30
Drakeford, Freddie Jam	Correct Situs	2013	110.27
Faulkner, Roy Hurst	Pro-Rated	2013	6.40
Franklin, Vance Warren Opp Inc	Government	2013	64.93
Harris, Sheldon Alphonso	Pro-Rated	2013	3.42
Hilliard, Tom Edward	Pro-Rated	2013	5.40
Lassiter, Gloria Jean	Transfer Out	2013	123.96
Lee, Carolyn Fay	Correct Situs	2013	100.44
Lewis, Edward Genatiou	Pro-Rated	2013	51.80
Moore, Kathryn Dena	Pro-Rated	2013	40.98
Pulley, David William	Pro-Rated	2013	6.19
Ragland, Kimarlo Anto	Org. Billed County only/ This is the City portion	2013	-18.78
Royster, Thomas Lee	Correct Value	2013	11.67
Scana/ PSNC Energy	State Assessed	2013	71.83
Shukair, Rand Adnan	Correct Situs	2013	61.53
Stevenson, John Richard	Correct Value	2013	43.00
Strickland, Taryn Michelle	Correct Value	2013	22.91
Sutton, Sandra Bullock	Pro-Rated	2013	4.13
Turner, William Durward	Pro-Rated	2013	15.13
Wassum, Douglans Eugene	Pro-Rated	2013	24.72
Williams, George Edward	Correct Situs	2013	128.40
Williams, Pattie Lee	Correct Situs	2013	41.94
Total Vehicle Releases			\$ 1,381.69

Vehicle Refunds			
Gill, Donna Ann	Pro-Rated	2012	7.75
Granger, Steven Theodore	Pro-Rated	2012	24.66
Johnson, John Henry, Jr.	Pro-Rated	2012	1.43
Mackenzie, Robert Paul	Pro-Rated	2012	7.88
Phillip, Dale Meador MD	Pro-Rated	2012	36.80
Stokes, Mirian Josefina	Pro-Rated	2012	1.52
Talley, Shaneka Shanelle	Pro-Rated	2012	2.95
Watkins, George Rose, Jr.	Pro-Rated	2012	12.25
Williams, Sharon Pledger	Pro-Rated	2012	47.43
Williams, Burchette Tameeka Las	Pro-Rated	2012	8.80
Total Vehicle Refunds			151.47
Tot. Veh. Rel. & Ref.			\$ 1,533.16
Total All Releases & Refunds			\$ (362,210.05)

Mayor O'Geary asked if anyone wished to remove an item from the Consent Agenda. There were no requests. Mayor O'Geary asked for a motion to approve the consent Agenda

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

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

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

Geraldine Champion, 508 Owen Street Ms. Champion simply asked for support of Council for a Legal Aid Clinic being held on 24 July in the Farm Bureau Room at the Perry Memorial Library. She said she would appreciate it if Council Members would drop in anytime between 10 am and 1 p.m.

Tracy Dalton, 524 Mason Street Ms. Dalton signed in to address Council as Sklar Troxler-Crowder but said her name was Tracy Dalton when she stepped to the podium. Ms. Dalton said they both (she and her daughter) live at 524 Mason Street, Henderson and began by stating she has concerns regarding the water department. She said she came in to pay what she could on the water bill this morning and asked for a promissory note to pay the balance in two days when she is paid. She said two levels of supervisors were out of the office and she was told there was no one else for her to talk with about this situation. Ms. Dalton said she now is required to pay \$135 (including late fees) plus an additional deposit. Ms. Dalton said other utilities work with customers and felt the City was taking unfair advantage.

Council Member Rainey asked about the deposit. City Manager Griffin said he would need to look into the situation and asked Ms. Dalton what name the account is under. He said he was sorry she was not directed to him and if she knew who she spoke with this morning. She gave a description and Mr. Griffin said he would look into the situation first thing Tuesday morning and would then call Ms. Dalton.

REPORTS

- a) Mayor/Mayor Pro-Tem – Mayor Pro-Tem Rainey complimented the Henderson Rec Players for an exceptional performance of *The Sound of Music*. He said if citizens did not see the play, they missed one of the best. Mr. Rainey thanked the City/County for the free tickets. Mayor O'Geary agreed and said the players are already working on a performance of *Cabaret*.
- b) City Manager –
 - i. Final Tax Reform Impacts – Mr. Griffin said thank you to the Council Members who contacted legislative representatives in regard to the proposed

State tax reform. The final agreement is better than expected and averts the City from losing up to three quarters of a million dollars in FY15. Mr. Griffin added the news today indicates a compromise in the General Assembly to extend hold harmless which is also good news. He told Council he will keep them updated as more information is received regarding the reform bill.

c) City Attorney – Attorney Zollicoffer, Jr., also complimented the players for an excellent performance.

d) City Clerk (No Report)

Council Member Coffey thanked Mr. Griffin for providing the list of loans extended by the Kerr-Tar Council of Governments (COG) and asked if judgments are filed for the defaulted loans. Mr. Griffin said he did not know but would contact Ms. Cox at the COG to inquire.

On another note, Council Member Coffey said she, along with Council Member Peace-Jenkins attended the recently held business conference at Vance-Granville Community College. Ms. Coffey said it was an excellent time of sharing and learning.

Council Member Inscoe asked about the status and a timeline for two projects: widening Beckford Drive and Chavasse. City Manager Griffin said Assistant City Manager Frazier will be addressing projects during the Work Session.

Council Member Brown asked about repairs needed at the railroad crossing on Rock Spring Street. Assistant City Manager Frazier said CSX has been contacted and that he received a letter several weeks ago from CSX saying the repairs had been completed. Mr. Frazier said he inspected the area and found repairs had not been done and had called CSX to let them know work was still needed. City Attorney Zollicoffer, Jr. added the railroad moves at its own pace and it is very hard to get them to respond in a timely manner. Mr. Frazier said he would contact CSX again but the City cannot do repairs without authorization from CSX.

Council Member Daeke said he understood the frustration with the railroad but felt there is a safety issue along with the needed repairs being a nuisance. He asked if the Mayor and/or Council could send a letter to CSX expressing concern. The Mayor agreed to send a letter.

Council Member Coffey asked who determines which lots are mowed by the City and how they are billed. Code Compliance Director Corey Williams responded by saying the wards are routinely patrolled and if grass exceeds the appropriate height, citations are mailed. After two notices, the City cuts the grass. He said the banks of some foreclosed property take care of grass mowing while others do not. Mr. Williams said the majority of overgrown lots are either foreclosures or vacant properties. City Attorney Zollicoffer, Jr. said the code is 12” or higher. Ms. Coffey requested a list of how much the City is spending. The City Manager and Code Compliance Director will work to compile a list for Council. Mr. Williams added a lien is

placed on the property when mowing is done so he does not have an accurate method for tracking.

Council Member Rainey said he has various complaints in the Davis Street area.

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

CLOSED SESSION

Council Member Coffey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(4) regarding an Economic Development Prospect and G.S. §143-318.11(a)(4), regarding two Attorney/Client Privilege matters. Motion seconded by Council Member Rainey and unanimously approved.

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

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

Council Member Daeke moved for adjournment. Motion seconded by Council Member Daye and unanimously approved. The meeting adjourned at 7:40 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk