



REVISED AGENDA

Henderson City Council Regular, Short Meeting

Monday, 23 April 2012, 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 G. Peace—Jenkins
Councilmember Garry D. Daeke
Councilmember Lonnie Davis, Jr.
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) 9 April 2012 Meeting [See Notebook Tab 1]

VII. RECOGNITIONS/PRESENTATIONS

- a) Leadership Vance Class of 2012 (Rachel Hedrick)*
- b) Week of the Young Child Presentation (Carolyn Paylor)*
- c) Comprehensive Transportation Plan (Mike Ciriello)*

VIII. PUBLIC HEARING

- a) Consideration of CM 12-06, CDBG Infrastructure Hook-Up Grant. (See Notebook Tab 2)*
 - Public Hearing
- b) Consideration of Approval of Ordinance 12-A-19, Amending Sections of Zoning Codes for the City of Henderson to Provide for Bed & Breakfast Homes, and Ordinance 12-B-19, Amending Sections of Zoning Codes for the City of Henderson to Provide for Bed & Breakfast Inns. (CAF 12-A-33) [Formerly Tab 7]*
 - Ordinance 12-A-19
 - Ordinance 12-B-19
- c) Consideration of Approval of an Ordinance Amending City Code Section 16-16 Sidewalk Sales Permits in the Downtown B-1 Zoning District.*

IX. PUBLIC COMMENT PERIOD 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

X. NEW BUSINESS

- a) Consideration of Approval of Resolution 12-35, Awarding Audit Contract for FY 11-12. (CAF 12-56) [See Notebook Tab 3]*
 - Resolution 12-35
- b) Consideration of Approval of Tax Releases and Refunds from Vance County for the Months of March 2011, April 2011, May 2011 and June 2011. (CAF 12-12) [See Notebook Tab 4]*

- c) Consideration of Approval of Resolution 12-11, Endorsing the Vance County Hazard Mitigation Plan. (CAF 12-30) [See Notebook Tab 5]
- Resolution 12-11
- d) Consideration of Approval of Resolution 12-37, Authorizing an Informal Bid Award for Birch Circle Storm Drain Repair to Harris Equipment Company in the Amount of \$39,640. (CAF 12-A-28) [See Notebook Tab 6]
- Resolution 12-37
- e) See Public Hearing Item b)
- f) Consideration of Approval of 1) Ordinance 12-32, FY 11-12 Budget Amendment # 41, Amending CIP Sewer Fund 44: 2) Ordinance 12-33, FY 11-12 Budget Amendment # 42, Amending the CIP Powell Bill Fund 42 and Powell Bill Fund 11: 3) Ordinance 12-34, FY 11-12 Budget Amendment # 43, Amending CIP General Fund 41, General Fund 10 and Elmwood Cemetery Fund 5: 4) Ordinance 12-31, FY11-12 Budget Amendment #44, Amending the Regional Water Fund and the 2011 Revenue Refunding Bond Account: 5) Ordinance 12-35, FY 12-12 Budget Amendment #45, Amending Capital Reserves Utilities Fund 79 and Rate Stabilization Fund 79. (CAF 12-55) [See Notebook Tab 8]
- Ordinance 12-32
 - Ordinance 12-33
 - Ordinance 12-34
 - Ordinance 12-31
 - Ordinance 12-35
- g) Consideration of Approval of Resolution 12-38, Awarding a Contract with ECS Carolinas, LLP Relative to Subsurface Exploration and Geotechnical Engineering Services Needed in Conjunction with Improvements at the Henderson Water Reclamation Facility. (CAF 12-59) [See Notebook Tab 9]
- Resolution 12-38

XI. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may only speak on non-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. Please review the Citizen Comment Guidelines that are provided on the last page of this Agenda.³

³ Citizen Comment Guidelines

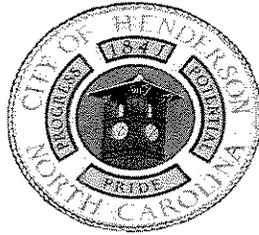
The Mayor and City Council welcome and encourage citizens to attend City Council meetings and to offer comments on matters of concern to them. Citizens are requested to review the following public comment guidelines prior to addressing the City Council.

XII. REPORTS

- a)** Mayor/Mayor Pro-Tem
- b)** City Manager
- c)** City Attorney
- d)** City Clerk
 - i. Calendar Notes and Schedule Update [*See Notebook Tab 10*]
 - ii. Code Compliance Department Report
 - iii. Child Abuse Month Proclamation
 - iv. Public Health Month
 - v. Week of the Young Child

ADJOURNMENT

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- 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.



AGENDA

**Henderson City Council Work Session
Monday, 23 April 2012 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. Inscoe
Councilmember D. Michael Rainey

Councilmember Brenda G. Peace—Jenkins
Councilmember Garry D. Daeke
Councilmember Lonnie Davis, Jr.
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) There are no items for this Work Session

- V. ADJOURNMENT**

City Council Minutes
Regular Short Meeting
23 April 2012

PRESENT

Mayor James D. O'Geary, Presiding; and Council Members James C. Kearney, Sr., Sara M. Coffey, Michael C. Inscoe, D. Michael Rainey, Brenda G. Peace-Jenkins, Garry D. Daeke, Lonnie Davis, Jr. 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, Planning Director Erris Dunston, and Henderson Water Reclamation Facility Director Tom Spain.

CALL TO ORDER

The 23 April 2012 Short Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:05 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

Mayor O'Geary opened the meeting by saying how good it was to see a full Chamber. He stated Council is always willing to listen to any concerns citizens may have and thanked everyone for coming.

ROLL CALL

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin advised there would be a Closed Session in Accordance with G.S. §143-318.11(1)(3) regarding an Attorney-Client Matter and G.S. §143-318.11(1)(6) regarding a Personnel Matter. Council Member Inscoe moved to accept the adjusted Agenda. Motion seconded by Council Member Davis and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Peace-Jenkins moved the approval of the following minutes as presented: 9 April 2012 Regular Meeting. Motion seconded by Council Member Rainey and unanimously approved.

RECOGNITIONS/PRESENTATIONS

Mayor O'Geary recognized the Leadership Vance Class of 2012. Executive Director Barnes said the class was glad to be in attendance and shared that the director of the class, Rachel Hedrick, was unable to attend as she had been hospitalized. Mayor O'Geary then asked the class to introduce themselves to Council and finally, welcomed them to the meeting.

Mayor O'Geary then presented a proclamation for the Week of the Young Child to Ms. Carolyn Paylor, Director of the Franklin-Granville-Vance Smart Start program. Ms. Paylor thanked the Mayor and Council for their willingness to recognize the importance of children.

Mayor O'Geary then asked Mike Ciriello from the Kerr-Tar Council of Government (COG) to update Council regarding the NCDOT Comprehensive Transportation Plan. Mr. Ciriello stated Loren Nichols, representing the NCDOT Planning Department was present and had a quick update. Ms. Nichols said no adoption or decision was required at this time. The DOT simply requested permission to hold two public forum drop-in sessions for citizen input regarding finishing the outer loop, I-85 interchange improvements and the Dabney Drive proposal. Ms. Nichols stated they have planned the forums for May 15 and 16 at the Kittrell Fire Station and the COG office respectively between 4 and 7 p.m. There were no questions or objections from Council.

PUBLIC HEARING

CDBG Infrastructure Hook-Up Grant. (Reference: CM 12-06)

City Manager Griffin stated the COG has asked that action on this grant be continued until the 14 May 2012 meeting to allow more time to receive applications. To date, only two applications have been received.

With no discussion, Mayor O'Geary opened the Public Hearing by asking if anyone was present who wished to speak in favor of this grant. No one came forward so Mayor O'Geary then asked if anyone was present who wished to speak in opposition to the grant. No one came forward.

Mayor O'Geary then closed the Public Hearing and stated the CDBG Infrastructure Hook-Up Grant would be continued to 14 May 2012.

Amending Sections of Zoning Codes for the City of Henderson to Provide for Bed & Breakfast Homes, and Amending Sections of Zoning Code for the City of Henderson to Provide for Bed & Breakfast Inns. (CAF 12-A-33)

City Manager Griffin asked Planning Director Erris Dunston and City Attorney John Zollicoffer to brief Council on these amendments. Ms. Dunston stated the Planning Board revisited the Bed and Breakfast changes as discussed during the previous Council meeting and worked diligently to address concerns while protecting the character of bed and breakfasts. She said the Board found State regulations that were reviewed and are included in these changes. She said an *inn* differs from a *home* in that an *inn* is a larger business facility located in a business zoning district where a *home* is located in a private, single family detached residence for a smaller number of guests and are located in residential zoning districts. Attorney Zollicoffer said these ordinances are compatible with State regulations.

Council Member Coffey asked about the number of people vs. number of rooms for the *inns*. Attorney Zollicoffer said that was in compliance with State regulations.

Council Member Daeke asked about the 10% ownership for *homes* and also wondered about the number of bathrooms per bedroom. Attorney Zollicoffer said the percentage was set in case of ownership split (i.e., an heir situation). Mr. Daeke felt the percentage should be 25 or 50%. Regarding bathrooms, Attorney Zollicoffer said it was acceptable to share a bathroom and it would keep the historical value of the home.

Council Member Kearney asked if the ordinances dealt with all points discussed previously. Ms. Dunston stated each item on the list, such as signage, lighting, restaurants were reviewed with some being changed and some kept the same.

Council Member Daeke asked for feedback from Council Members regarding the 10% ownership issue and stated part of his concern was maintaining the integrity of the neighborhood. Mayor O'Geary polled the Members with Council Members Kearney, Coffey, Inscoc, Rainey, Peace-Jenkins, Davis and Daye all agreeing that 10% was sufficient.

With no further discussion, Mayor O'Geary opened the Public Hearing by asking if anyone was present who wished to speak in favor of Bed and Breakfasts. No one came forward so Mayor O'Geary then asked if anyone was present who wished to speak in opposition to Bed and Breakfasts. No one came forward.

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

Council Member Coffey moved the approval of Ordinance 12-A-19 and Ordinance 12-B-19, *Amending Sections of Zoning Codes for the City of Henderson to Provide for Bed & Breakfast Homes and Bed & Breakfast Inns*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye and Kearney. NO: None: ABSTAIN: None: ABSENT: None. *(See Ordinance Book 8, p 389-A-1 and 389-B-1)*

Amending City Code Section 16-16, Eliminating Downtown Sidewalk Sales and Displays.
(CAF 12-A-15)

City Manager Griffin asked Planning Director Erris Dunston to brief Council. Ms. Dunston said extensive work has been done regarding this Ordinance and that the Planning Board voted to remove the encroachment by removing the three paragraphs added in 2007, essentially eliminating downtown sidewalk displays and sales. In so doing, sidewalk sales would now be considered an "event."

Council Member Rainey asked when this Ordinance would go into effect. City Attorney Zollicoffer stated with the date of passage, however, if a permit exists, it would be good until the expiration date (June 2012) and new permits would not be granted.

Mayor O'Geary then opened the Public Hearing by asking if anyone was present who wished to speak in favor of this change. No one came forward, so Mayor O'Geary then asked if anyone was present who wished to speak in opposition to the change.

With no further discussion, Mayor O'Geary closed the Public Hearing and asked for Council's pleasure.

Council Member Peace-Jenkins moved the approval of Ordinance 12-36, *Eliminating Downtown Sidewalk Sales and Displays*. Motion seconded by Council Member Coffey APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

The City Clerk advised the Mayor and Council Members that no citizen wished to speak on agenda matters.

NEW BUSINESS

Award of Audit Contract between the City of Henderson and William L. Stark and Company. (Reference: CAF 12-56; Resolution 12-35)

City Manager Griffin reminded Council that the services of Phillips, Dorsey, Thomas, Waters & Brafford, P.A. can no longer be used due to the hiring of Finance Director Brafford. Ms. Brafford assured the City Manager that no bifurcation will be needed to complete the audit. Mr. Griffin stated proposals were requested for audit services for FY12, FY13 and FY14. Two proposals were received; 1) Winston, Williams, Creech, Evans Company, LLP from Oxford and 2) William L. Stark and Company from Henderson. It is recommended that the firm of William L. Stark and Company be awarded the \$34,750 contract.

Council Member Coffey inquired about the three-year proposal. Mr. Griffin responded consistency is important, thus the request for three years. He said the amount may vary each year from the original proposal but Council approval will be requested for each year.

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

Council Member Inscoe moved the approval of Resolution 12-35, *Award of Audit Contract between the City of Henderson and William L. Stark and Company*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Davis, Daye, Kearney, Coffey and Inscoe. NO: None: ABSTAIN: None: ABSENT: None (See Resolution Book 2, p 319)

Tax Releases and Refunds from Vance County for the Months of March 2011, April 2011, May 2011 and June 2011. (Reference: CAF 12-12)

City Manager Griffin said Finance Director Brafford is catching up on tax releases and refunds for March, April, May and June 2011 (see below), and thanked the County Tax Office Director, Porcha Brooks for her assistance. Ms. Brafford has reviewed the releases and refunds and has found them to be in order. Mr. Griffin said Ms. Brafford has assured him that these releases/refunds will be brought up to date before the end of this fiscal year.

Mayor O'Geary asked for Council's pleasure.

Council Member Rainey moved the approval of *Tax Releases and Refunds from Vance County for the Months of March 2011, April 2011, May 2011 and June 2011*. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Davis, Daye, Kearney, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None: ABSENT: None.

March, 2011

NAME	REASON FOR REFUND	TAX YEAR	AMOUNT OF REFUND
Burks, Gina Giddings	Vehicle Sold	2010	10.43
Jackson, Dena Lee	Vehicle Sold	2010	23.13
Joseph, Jiji Rachel	Vehicle Sold	2010	58.13
Lazar, John Valentine	Vehicle Sold	2010	29.34
Lozano, Maria Isabel	Vehicle Sold	2010	2.58
Total			\$123.61

April, 2011

NAME	REASON FOR RELEASES	TAX YEAR	AMOUNT OF RELEASE
Vaughan, Tessie M.	Correct Value	2010	236.92
E Clips LLC		2009	35.10
Evans Famous Bar-B-Que		2006	95.49
Fast Tax	Correct Value	2006	79.06
Fast Tax	Correct Value	2007	60.30
Fast Tax	Correct Value	2008	47.46
Fast Tax	Correct Value	2009	45.63
Fast Tax	Correct Value	2010	42.12
West, Benjamin Dale	Pro-rate	2010	62.24
Barnett, David Morrison	Pro-rate	2010	59.32
City of Henderson	Pro-rate	2010	143.96
Davis, Maddie Fuller	Pro-rate	2010	74.76
Demetriades, Gus Peter	Pro-rate	2010	24.22
Diogo, David Anthony	Pro-rate	2010	139.40
Foster, Macy Arnold	Pro-rate	2010	37.77
Goodson's Mobile Home	Pro-rate	2010	110.97
Gregory, Caroline Terry	Pro-rate	2010	54.46
Johnson, Wilfort Ferre	Pro-rate	2010	14.04
Kreitzer, Richard Char	Pro-rate	2010	83.71
Littleton, Samuel Jess	Pro-rate	2010	5.69
M.R. Williams, Inc.	Pro-rate	2010	226.33
Moss, Elizabeth Ann	Pro-rate	2010	60.60
Patel, Bhikhubhai Vall	Pro-rate	2010	30.54
Powell, Robert Henry	Pro-rate	2010	25.38
Rainey, Wilbert Earl Jr.	Pro-rate	2010	90.67
Ranes, Connie Spruill	Pro-rate	2010	110.27
Ranes, William Ray	Pro-rate	2010	9.31
Roberson, Donald Ray	Pro-rate	2010	14.43
Stevenson, William Dee	Pro-rate	2010	13.10
Waverly, Walter Gene	Pro-rate	2010	1.34
Wimbush, Dorothy Jones	Pro-rate	2010	10.30
Total			2,044.89

April, 2011

NAME	REASON FOR REFUND	TAX YEAR	AMOUNT OF REFUND
Hermosillo, Rafael Garcia	Vehicle Sold	2009	13.82
Hermosillo, Rafael Garcia	Vehicle Sold	2010	10.83
Hermosillo, Rafael Garcia	Vehicle Sold	2010	8.52
Hogge, Lena Johnson	Vehicle Sold	2010	15.46
Jones, Richard Wilson	Vehicle Sold	2010	14.33
Total			\$62.96

May, 2011

NAME	REASON FOR RELEASES	TAX YEAR	AMOUNT OF RELEASE
Barbera, Raul	Personal Property	2010	38.90
Krider, Charonica	Personal Property	2010	37.58
Mera, Ilda	Personal Property	2010	40.16
Strickland, Skylar	Correct Value	2010	137.30
Ayscue, Michael Kevin	Pro-rate	2009	1.56
Bullock, Yvonne Peace	Pro-rate	2009	7.36
Almand, Sally Barnett	Correct Value	2010	7.64
Carter, Clifton Edward	Correct Situs	2010	47.91
Carter, Clifton Edward	Correct Situs	2010	1.76
Hardee, William Curtis	Correct Situs	2010	14.91
Hargrove, Carolyn Bern	Pro-rate	2010	9.91
Hargrove, Jacqueline T	Correct Situs	2010	36.09
Harper Carolina Holdings	Remove Late Listing Penalty	2010	1,602.71
Harris, Alice Walker	Correct Situs	2010	38.02
Hoyt, Stephanie Willis	Pro-rate	2010	11.65
Hunt, Francis Taylor	Correct Situs	2010	26.79
Ingham, Nancy Lee	Pro-rate	2010	27.30
Jefferson Green, Inc.	Correct Situs	2010	46.09
Kasey, Brent Henry	Reg Veh Billed	2010	10.73
Kemp, Kellie Araadia	Pro-rate	2010	2.85
Linton, Michael Curtis	Pro-rate	2010	28.03
Long, Timothy Glenn	Correct Value	2010	27.49
Mitchell, Julius Charles	Pro-rate	2010	22.38
Mooring, Jody Ray	Pro-rate	2010	27.85
Morton, Floyd Thomas	Correct Situs	2010	50.13
Peace, Kimberly Denise	Pro-rate	2010	2.34
Royster, Haley Peace	Pro-rate	2010	15.52
Venable, Michael Anthony	Pro-rate	2010	1.75
Whitt, William Coleman	Correct Value	2010	104.87
Winston, Kathryn Cushi	Pro-rate	2010	54.41
Wynn, Roslyn Chanette	Pro-rate	2010	27.19
Wynn, Roslyn Chanette	Pro-rate	2010	33.46
Zuniga Dagoberto Rosa	Correct Situs	2010	44.92
Zuniga Dagoberto Rosa	Correct Situs	2010	212.23
Total			2,799.79

May, 2011

NAME	REASON FOR REFUND	TAX YEAR	AMOUNT OF REFUND
Chavis, Mary Charles	Vehicle Sold	2010	2.65
Dunston, Michelle Kearney	Vehicle Sold	2010	67.51
Howard, Veronica Monique	Vehicle Sold	2010	44.35
McCaskill, Samuel Gault	Vehicle Sold	2010	2.36
Obery, Thurston	Vehicle Sold	2010	2.13
Stevenson, James McMillan	Vehicle Sold	2010	0.57
Total			119.57

June, 2011

NAME	REASON FOR RELEASES	TAX YEAR	AMOUNT OF RELEASE
Sanchez, Deni	Personal Property	2010	34.78
Wiggins, Crystal Marie	Old Vehicle Bill	2006	56.44
Wiggins, Crystal Marie	Discharged Bankruptcy	2007	53.48
Overby, Beverly Colber	Pro-rate	2009	1.98
Aiston, Josephine Beatrice	Pro-rate	2010	8.49
Bailey, Lynwood Roger	Correct Situs	2010	26.20
Bailey, Lynwood Roger	Correct Situs	2010	86.36
Bates, Sylvia Anita	Pro-rate	2010	2.90
Cawthorne, William Glenn	Correct Situs	2010	12.93
Choice Property Associates	Correct Situs	2010	147.48
Clark, Tameka Shianett	Reg Vehicle Billed	2010	16.22
Cousin, Lawrence Gardner	Correct Situs	2010	18.72
Evans, Thelma Sykes	Pro-rate	2010	6.71
Faines, Ellen Thomas	Pro-rate	2010	5.24
Faulkner, Harris Mary Kathleen	Pro-rate	2010	11.55
Giddings, Regina Shekita	Pro-rate	2010	3.74
Greystone Concrete Products	Correct Situs	2010	378.37
Greystone Concrete Products	Correct Situs	2010	523.57
Greystone Concrete Products	Correct Situs	2010	568.38
Lassiter, Kevin Rucien	Pro-rate	2010	6.35
Newman, Irving Jr.	Pro-rate	2010	0.44
Olearo, Christopher Robert	Correct Situs	2010	27.08
Olearo, Christopher Robert	Correct Situs	2010	26.03
Perry, Carter Lamont	Correct Situs	2010	65.28
Perry, Wanda Coffield	Pro-rate	2010	23.52
Pettaway, Bryan Oneal	Military Exemption	2010	151.51
Ranes, Elizabeth Kathryn	Correct Value	2010	22.09
Reid, Reginal Patrick	Correct Situs	2010	18.07
Reid, Reginal Patrick	Correct Situs	2010	32.11
Reid, Reginal Patrick	Correct Situs	2010	44.46
Reid, Reginal Patrick	Correct Situs	2010	5.09
Ruggles, David Abbott	Pro-rate	2010	82.33
Salem Leasing Corp	Correct Situs	2010	362.64
The Bailey Company	Correct Situs	2010	66.92
Total			2,897.46

June 2011

NAME	REASON FOR REFUND	TAX YEAR	AMOUNT OF REFUND
Allen, Joseph Jr.	Vehicle Sold	2010	0.98
Clever, Katha Roesnick	Vehicle Sold	2010	10.94
Davis, Phyllis Holmes	Vehicle Sold	2010	1.20
Davis, Phyllis Holmes	Vehicle Sold	2010	5.93
Evans, Thelma Sykes	Vehicle Sold	2010	2.91
Evans, Thelma Sykes	Vehicle Sold	2010	5.75
Grey stone Concrete Products	Correct Situs	2010	323.98
Grey stone Concrete Products	Correct Situs	2010	187.88
Grey stone Concrete Products	Correct Situs	2010	200.97
Grey stone Concrete Products	Correct Situs	2010	95.72
Grey stone Concrete Products	Correct Situs	2010	27.55
Grey stone Concrete Products	Correct Situs	2010	270.92
Grey stone Concrete Products	Correct Situs	2010	395.11
Grey stone Concrete Products	Correct Situs	2010	375.51
Grey stone Concrete Products	Correct Situs	2010	142.82
Grey stone Concrete Products	Correct Situs	2010	121.89
Grey stone Concrete Products	Correct Situs	2010	254.89
Grey stone Concrete Products	Correct Situs	2010	318.44
Grey stone Concrete Products	Correct Situs	2010	312.23
Hauter, Alexander Nagi	Vehicle Sold	2010	3.44
Jeffcoat, Huel Davis	Vehicle Sold	2010	13.41
Mathis, Velma Simmons	Vehicle Sold	2010	4.23
Reid, Sheila Anderson	Vehicle Sold	2010	8.88
Smith, Rhonda Mistien	Vehicle Sold	2010	6.36
Total			3,091.94

Endorsing the Vance County Hazard Mitigation Plan. (Reference: CAF 12-30; Resolution 12-11)

City Manager Griffin asked Emergency Operations Director Brian Short to briefly explain the plan. Mr. Short, along with Planning/Development Director, Jordan McMillen, addressed Council. Mr. Short stated the plan was originally adopted in 2004 and that Federal and State regulations mandate periodic review. The purpose is to identify major areas of impact and develop plans with hazard analysis as the cornerstone of the plan. The Plan incorporates the City of Henderson, Kittrell and Middleburg. Mr. McMillen clearly stated this plan is not considered a regulatory plan.

Council had no questions so Mayor O'Geary asked Council for its pleasure.

Council Member Coffey moved the approval of Resolution 12-11, *Endorsing the Vance County Hazard Mitigation Plan*. Seconded by Council Member Daeke and APPROVED by the following vote: YES: Daeke, Davis, Daye, Kearney, Coffey, Inscoc, Rainey and Peace-Jenkins. NO: None: ABSTAIN: None: ABSENT: None. (See Resolution Book 2, p 271)

Authorizing an Informal Bid Award for Birch Circle Storm Drain Repair to Harris Equipment Company in the Amount of \$39,640. (Reference: CAF 12-A-28; Resolution 12-37)

City Manager Griffin asked Assistant City Manager Frank Frazier to brief Council. Mr. Frazier stated on 26 March 2012 Council authorized funds for various street repair projects, including Birch Circle. The installation of approximately 200 linear feet of 36" pipe, storm drain structures, property restoration and stabilization of the road shoulder are all necessary for Birch Circle. Bids were received as follows: 1) Harris Equipment Co. - \$39,650; 2) H. G. Reynolds Co. - \$46,796 and 3) City's Estimate - \$45,000. Staff recommend Harris Equipment Co. be awarded the contract.

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

Council Member Daeke moved the approval of Resolution 12-37, *Authorizing an Informal Bid Award for Birch Circle Storm Drain Repair to Harris Equipment Company in the Amount of \$39,640*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Davis, Daye, Kearney, Coffey, Inscoc, Rainey, Peace-Jenkins and Daeke. NO: None: ABSTAIN: None: ABSENT: None. (See Resolution Book 2, p 323)

Approval of: 1) Ordinance 12-32, FY 11-12 Budget Amendment # 41, Amending CIP Sewer Fund 44: 2) Ordinance 12-33, FY 11-12 Budget Amendment # 42, Amending the CIP Powell Bill Fund 42 and Powell Bill Fund 11: 3) Ordinance 12-34, FY 11-12 Budget Amendment # 43, Amending CIP General Fund 41, General Fund 10 and Elmwood Cemetery Fund 5: 4) Ordinance 12-31, FY 11-12 Budget Amendment #44, Amending the Regional Water Fund and the 2011 Revenue Refunding Bond Account: 5) Ordinance 12-35, FY 12-12 Budget Amendment #45. Amending Capital Reserves Utilities Fund 79 and Rate Stabilization Fund 79. (Reference: CAF 12-55; Ordinance 12-32, 12-33, 12-34, 12-31 & 12-35)

City Manager Griffin stated these are housekeeping items and he expects more budget amendments to be brought to Council in both May and June.

Council Member Kearney asked if these are bringing actuals in-line. Mr. Griffin said some close out projects – others clarify and reconcile accounts. He said in doing this now, the accounts will be cleaner going forward.

With no other questions, Mayor O'Geary asked for the pleasure of Council.

Council Member Kearney moved the approval of: 1) *Ordinance 12-32, FY 11-12 Budget Amendment # 41, Amending CIP Sewer Fund 44: 2) Ordinance 12-33, FY 11-12 Budget Amendment # 42, Amending the CIP Powell Bill Fund 42 and Powell Bill Fund 11: 3) Ordinance 12-34, FY 11-12 Budget Amendment # 43, Amending CIP General Fund 41, General Fund 10 and Elmwood Cemetery Fund 5: 4) Ordinance 12-31, FY 11-12 Budget Amendment*

#44, Amending the Regional Water Fund and the 2011 Revenue Refunding Bond Account: 5) Ordinance 12-35, FY 12-12 Budget Amendment #45. Amending Capital Reserves Utilities Fund 79 and Rate Stabilization Fund 79. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Daye, Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke and Davis. NO: None: ABSTAIN: None: ABSENT: None. (See Ordinance Book 8, p 413 - 421)

Awarding a Contract with ECS Carolinas, LLP Relative to Subsurface Exploration and Geotechnical Engineering Services Needed in Conjunction with Improvements at the Henderson Water Reclamation Facility. (Reference: CAF 12-59, Resolution 12-38)

City Manager Griffin asked Assistant City Manager Frank Frazier and Henderson Water Reclamation Facility Manager Tom Spain to update Council. Mr. Frazier said this work is necessary in conjunction with the plant upgrade and asked Mr. Spain to provide details. Mr. Spain stated geotechnical work needed to be completed for the new equipment and the proposal offered by ECS Carolinas, LLP included both a rock clause and location of underground utilities. Neither of the other two proposals included the costs for location of utilities or a rock clause. The proposals received were as follows: 1) ECS Carolinas, LLP - \$9,650; 2) Terracon - \$10,200 and 3) S&ME - \$16,000. It is recommended that the contract be awarded to ECS Carolinas, LLP. There is an existing account set up in the HWRP Project budget for this work.

Council Member Coffey asked if any of these companies have performed prior work for the City. Mr. Spain responded yes to all three. Council Member Inscoe asked why the existing account was so large for this project. Assistant City Manager Frazier responded the established account dollars include the entire construction phase of this portion of the project.

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

Council Member Inscoe moved the approval of Resolution 12-38, *FY 11-12 Geotechnical Engineering Services Needed in Conjunction with Improvements at the Henderson Water Reclamation Facility*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis and Daye: None: ABSTAIN: None: ABSENT: None. (See Resolution Book 2, p 325)

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk advised two citizens requested an opportunity to address City Council on no-agenda items.

Mr. Muhammad Mumbarez, 214 North Shank Street. Mr. Mumbarez stated he has unsuccessfully attempted to obtain a taxi cab permit for the last three months. He asked why.

City Attorney Zollicoffer said he did not bring his file to respond since he did not know this issue would be brought to Council this evening but he did say that in 1972 the code was rewritten

however, the code certainly needs updating. He stated a proposed revision was compiled approximately 10 years ago but it was never followed through on and to his knowledge, Mr. Mumbarez is the first person to apply for a permit since the revision was proposed.

Council Member Kearney asked if there were State regulations. Attorney Zollicoffer said there are some State regulations and if he remembered correctly, a taxi cab service could be established under the Zoning Code as a home occupation – with limitations. Mr. Kearney suggested the existing taxi ordinance in the City Code be suspended, modified, repealed to comply with State regulations and to allow Mr. Mumbarez to support his family. Attorney Zollicoffer said that would be done during this meeting if it was the consensus of Council.

Council Member Daeke asked if there are existing taxis in Henderson and if so, are they in compliance. Council Member Coffey stated she knew of at least one and Council Member Davis concurred.

Council Member Coffey said she felt repealing the existing ordinance should happen this evening and steps should be presented to Mr. Mumbarez so he could establish his business. Council Member Daye commented that he thought special vehicle tags are required.

Attorney Zollicoffer said as far as he remembered, in a home occupation, there could be no more than two employees with one cab and stated he would verify this information and make sure of the process. He directed Mr. Mumbarez to speak with the City Zoning Administrator and the Department of Motor Vehicles.

Council Member Peace-Jenkins inquired about those with existing permits, if any exist. Attorney Zollicoffer said they would be grandfathered in for no more than a period of one (1) year if a new ordinance is ever adopted.

With no further discussion, Mayor O'Geary asked for the pleasure of Council.

Council Member Rainey moved that the Chapter of the City Code relating to Taxis be repealed and that the City Attorney be provided an Ordinance number to repeal the existing ordinance. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None.

Ms. Margaret J. Peck, 243 Ridge Road. Ms. Peck had two issues she wanted to bring before Council. The first regarded her understanding that the State has mandated recycling and since she lives in an apartment she wanted to know if apartment complexes had to provide recycling bins.

Mayor O'Geary asked Assistant City Manager Frazier to look into this and get back with Ms. Peck.

Her second issue was Animal Advocacy. She invited Council members to attend their meeting on May 1st at 6:30 p.m. at the Maria Parham Medical Center Auditorium. She asked that the City of Henderson consider obtaining a grant for spaying and neutering cats and thanked Council for their time.

REPORTS

- a) Mayor/Mayor Pro-Tem/Chairman Pro-Tem (No Report)
- b) City Manager (No Report)
- c) City Attorney (No Report)
- d) City Clerk McCrackin reminded Council of the National Day of Prayer Breakfast on May 4 at 8:00 a.m. at First Presbyterian Church

Before going into Close Session, Mayor O'Geary again expressed his thanks to the Leadership Vance Class for their participation in City Day and asked if the full class was in attendance. Mr. Barnes stated there were 21 members in the class.

With no further discussion, 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 Rainey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3) for an Attorney-Client Privilege Matters, and a Personnel Matter, pursuant to G.S. §143-318.11(a)(6). Motion seconded by Council Member Daye and unanimously approved.

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

ADJOURNMENT

Council Member Daeke moved for adjournment. Motion seconded by Council Member Coffey and unanimously approved. As there were not items for the Work Session, the meeting adjourned at 8:27 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin, City Clerk