



AGENDA

Henderson City Council Regular Short Meeting
Monday, 23 January 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 January 2012 Regular Meeting [See Notebook Tab 1]

VII. PRESENTATIONS AND RECOGNITIONS

VIII. PUBLIC COMMENT PERIOD ON AGENDA ITEMS

Citizens may only speak on 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, 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. NEW BUSINESS

a) Consideration of Resolution 12-06, Authorizing the Submission of the 2012 NC Governor's Crime Commission Grant Application for the Community Revitalization Initiative (CRI) for the Police Department. (CAF 12-19) [See Notebook Tab 2]

- Resolution 12-06

b) Consideration of Approval of Ordinance 12-14, Demolition of 250 Lowery Street. (CAF 12-20) [See Notebook Tab 3]

- Ordinance 12-14

c) Consideration of Approval of Ordinance 12-15, Demolition of 913 Lamb Street. (CAF 12-21) [See Notebook Tab 4]

- Ordinance 12-15

d) Consideration of Approval of Ordinance 12-16, Demolition of 705 Jefferson Street. (CAF 12-22) [See Notebook Tab 5]

- Ordinance 12-16

e) Consideration of Approval of Resolution 12-07, Authorizing the Mayor to Sign and Submit an Application to the Clean Water Management Trust Fund (CWMTF) for Future Funding Relative to Improvements at the Henderson Water Reclamation Facility. (CAF 12-23) [See Notebook Tab 6]

- Resolution 12-07

X. 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. CLOSED SESSION

- a) Pursuant to G.S. §143-318.11 (a)(4) Economic Development Matter.

XIII. REPORTS

- a) Mayor/Mayor Pro-Tem
- b) City Manager
- c) City Attorney
- d) City Clerk
 - i. Calendar Notes and Schedule Update [*See Notebook Tab 7*]

XIV. 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
Regular Short Meeting
23 January 2012

PRESENT

Mayor James D. O'Geary, Presiding; and Council Members James C. Kearney, Sr., Sara M. Coffey, D. Michael Rainey, Brenda G. Peace—Jenkins, Garry D. Daeke, Lonnie Davis, Jr., and George M. Daye.

ABSENT

Council Member Michael C. Inscoc.

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, Assistant City Manager Frank Frazier, Finance Director Katherine Brafford, Engineering Director Peter Sokalski, Planning & Community Development Director Erris Dunston, and Code Compliance Director Corey Williams.

CALL TO ORDER

The 23 January 2011 Short Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:00 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

Deputy City Clerk Frazier 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. No requests were made to adjust the Agenda. Mayor O'Geary asked for the pleasure of Council. Council Member Rainey moved to accept the Agenda as presented. Motion seconded by Council Member Kearney 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: 9 January 2012 Regular Meeting. Motion seconded by Council Member Daye and unanimously approved.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

The City Clerk advised the Mayor and Council Members no one had signed up to speak on agenda matters.

NEW BUSINESS

Authorizing the Submission of the 2012 NC Governor's Crime Commission Grant Application for the Community Revitalization Initiative (CRI) for the Police Department.
(Reference: CAF: 12-19; Resolution 12-06)

Chief Sidwell advised the City Council this application for funding is the third such grant in as many years that will provide for overtime to address high crime issues as well as for training classes and programs, wireless body microphones for officers. The application is for \$53,666.10 with a local match of \$17,888.70.

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

Council Member Coffey moved the approval of *Authorizing the Submission of the 2012 NC Governor's Crime Commission Grant Application for the Community Revitalization Initiative (CRI) for the Police Department*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Kearney, Coffey, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: None. ABSTAIN: None. ABSENT: Inscoc. (See Resolution Book 2, p.261)

Demolition of 250 Lowry Street. (Reference: CAF: 12-20; Resolution 12-14)

Code Compliance Director Williams advised Council that the proper enforcement procedures have been followed in accordance with Section 21A and NC General Statutes §160A-429, 433 and 445. Approval by Council is needed to move forward with this demolition.

Council Member Kearney asked if funding was available to demolish the unit. Mr. Williams responded no and that it would be next fiscal year unless Council appropriated funding during the remainder of FY12. Council Member Rainey inquired about the costs to demolish. Mr. Williams advised the average cost per residential structure was between \$6,000 and \$8,000. Council Member Daeke asked how many units were on the list for demolition. Mr. Williams advised thirteen (13).

Mayor O'Geary asked for the pleasure of Council.

Council Member Daeke moved the approval of Ordinance 12-14, ***Demolition of 250 Lowry Street***. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Coffey, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: None. ABSTAIN: None. ABSENT: Inscoc. (*See Ordinance Book 8, p. 379*)

Demolition of 913 Lamb Street. (*Reference: CAF: 12-21; Resolution 12-15*)

Code Compliance Director Williams advised Council that the proper enforcement procedures have been followed in accordance with Section 21A and NC General Statutes §160A-429, 433 and 445. He advised this unit is several houses up from 250 Lowry Street, the unit previously condemned by Council. Approval by Council is needed to move forward with this demolition.

Council Member Daeke inquired if the owner of this property was one that had previously owned several properties condemned by Council. Mr. Williams responded yes. Council Member Coffey asked if there was any way to keep this owner and/or his business from buying houses in the city in the future. Mr. Zollicoffer responded no. Council Member Daeke asked how a future buyer would know if the property was condemned. Mr. Williams advised he records condemnation orders, and thus any title search would reveal the condemnation. Council Member Kearney asked City Attorney Zollicoffer if the City enforces a lien process and if so, could the City pursue a judgment if the lien isn't paid. Mr. Zollicoffer responded the City cannot collect the difference between foreclosure proceeds and lien amount given the manner in which State Statutes are written. Council Member Coffey asked if the properties purchased by this owner had been occupied after they were purchased by him. Mr. Williams responded that they had been occupied.

Subsequent to Council discussion, Mayor O'Geary called for a motion.

Council Member Rainey moved the approval of Ordinance 12-15, ***Demolition of 913 Lamb Street***. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Davis, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: Inscoc. (*See Ordinance Book 8, p. 381*)

Demolition of 705 Jefferson Street. (*Reference: CAF: 12-22; Resolution 12-16*)

Code Compliance Director Williams advised Council that the proper enforcement procedures have been followed in accordance with Section 21A and NC General Statutes §160A-429, 433 and 445. Approval by Council is needed to move forward with this demolition.

There was no discussion from Council and Mayor O'Geary asked for a motion.

Council Member Peace-Jenkins moved the approval of Ordinance 12-16, ***Demolition of 705 Jefferson Street***. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Davis, Daye, Kearney, Coffey and Rainey. NO: None. ABSTAIN: None. ABSENT: Inscoc. (*See Ordinance Book 8, p. 383*)

Authorizing the Mayor to Sign and Submit an Application to the Clean Water Management Trust Fund (CWMTF) for Future Funding Relative to Improvements at the Henderson Water Reclamation Facility. *(Reference: CAF: 12-23; Resolution 12-07)*

Assistant City Manager Frazier advised Council on the opportunity to apply for funding for the Water Reclamation Facility's planned improvements. On 14 February 2011, Council approved submission of a State Revolving Fund application for improvements to the Henderson Water Reclamation Facility. The City received notification on 1 April 2011 that a low interest loan of \$16,615,000 was available. Other funds can be pursued with the Clean Water Management Trust Fund, Rural Center and any other grant/loan opportunities and Council is asked to authorize submission of a Clean Water Management Trust Fund application at this time. The maximum potential grant/loan would be \$600,000.

There was no discussion from Council Members and Mayor O'Geary asked for the pleasure of Council regarding this matter.

Council Member Daeke moved the approval of Resolution 12-07, *Authorizing the Mayor to Sign and Submit an Application to the Clean Water Management Trust Fund (CWMTF) for Future Funding Relative to Improvements at the Henderson Water Reclamation Facility.* Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Daeke, Davis, Daye, Kearney, Coffey, Rainey, and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: Inscoc. *(See Resolution Book 2, p. 263)*

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Deputy City Clerk Frazier advised no one had signed up to address City Council. Mayor O'Geary advised that someone had come in late that wanted to speak and asked the pleasure of Council. It was the consensus of Council to allow Ms. Ruby Fisher, a county resident, to address the Council.

Ms. Fisher spoke to Council about an incident she had with City Police on the evening of 12 January 2012 in the vicinity of Crossroads Shopping Center and Waffle House on West Andrews Avenue. She alleged improper treatment given her by an officer. Mayor O'Geary thanked Ms. Fisher for her comments and asked City Manager Griffin to look into this matter and advise Council of his findings.

CLOSED SESSION

Mayor O'Geary asked for a motion for Council to go into closed session pursuant to NCGS 143-318.11 (a)(4) Economic Development Matter. Council Member Rainey moved for Council to convene in closed session for the stated purpose. Motion seconded by Council Member Peace-Jenkins and approved unanimously on a voice vote. City Manager Griffin advised there would probably be an announcement after the closed session. *(Council convened in closed session at 6:37 p.m.)*

Council Member Rainey moved Council come out of closed session. Motion seconded by Council Member Kearney and approved unanimously on a voice vote. *(Council reconvened in open session at 7:24 p.m.)*

An Authorizing Resolution by the Henderson City Council in Support of a North Carolina Building Restoration and Reuse Grant Program for Economic Development Prospect 12-1.
(Reference: Resolution 12-08 (there was no prepared CAF for this item))

City Manager Griffin advised that Council has been requested by the Economic Development Commission to support a NC Building Restoration and Reuse grant program application for Economic Development Prospect 12-1. The local match would be provided by the County at 75% and City at 25%. The City's match requirement would not exceed \$800. Additionally, Vance County would be the grant administrator for the project since it is a project of the Economic Development Commission.

Mayor O'Geary asked for discussion among Council Members. There being none, he requested a motion.

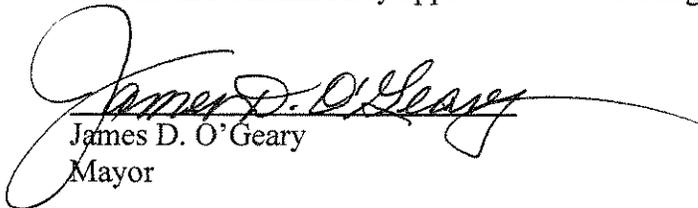
Council Member Kearney moved the approval of Resolution 12-08, *An Authorizing Resolution by the Henderson City Council in Support of a North Carolina Building Restoration and Reuse Grant Program for Economic Development Prospect 12-1*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Davis, Daye, Kearney, Coffey, Rainey, Peace-Jenkins and Daeke. NO: None. ABSTAIN: None. ABSENT: Inscoc. *(See Resolution Book 2, p. 265)*

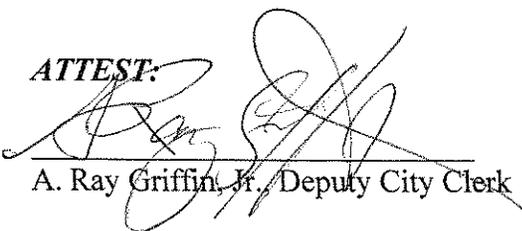
REPORTS

- a) Mayor/Mayor Pro-Tem/Chairman Pro-Tem - Mayor O'Geary expressed his delight at having Council Member Davis back with Council this evening.
- b) City Manager - Mr. Griffin advised Council of Retreat reading material provided to Council and asked they call him should they have questions. He reminded Council the Retreat is scheduled for Thursday, 26 January at 7:30 a.m. at Aycock Recreation Center.
- c) City Attorney (No Report)
- d) City Clerk (No Report)

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Peace-Jenkins and unanimously approved. The meeting adjourned at 7:27 p.m.


 James D. O'Geary
 Mayor

ATTEST:

 A. Ray Griffin, Jr., Deputy City Clerk