



AGENDA

Henderson City Council Short Regular Meeting
Monday, 25 March 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. Inscoe
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) 11 March 2013 Regular Meeting [See Notebook Tab 1]

VII. 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

VIII. OLD BUSINESS

a) Consideration of Approval of 1) Ordinance 13-03, Demolition of 301 Charles Street; 2) 13-04, Demolition of 309 Charles Street; 3) 13-05, Demolition of 315 Charles Street; and 4) 13-06, Demolition of 318 Roland Street. (CAF 13-09) [See Notebook Tab 2]

- Ordinance 13-03
- Ordinance 13-04
- Ordinance 13-05
- Ordinance 13-06

IX. NEW BUSINESS

a) Consideration of Approval of Resolution 13-27, Awarding Departmental Handgun and Badge to Retiree Sergeant James Ragland. (CAF 13-34) [See Notebook Tab 3]

- Resolution 13-27

b) Consideration of Approval of Resolution 13-22, Ratifying the Members of the Henderson Zoning Board of Adjustment. (CAF 13-11) [See Notebook Tab 4]

- Resolution 13-22

c) Consideration of Approval of Ordinance 13-16, FY13 Budget Amendment #27, Amending and/or Closing Out Various 44: CIP Fund Projects: 660: Non-Departmental; 840: Sanitary Sewer Replacement Project; 850: UV Replacement Project and 852: Spring Street Sewer Project; 31 Sewer Fund; and Fund 55-203: 2012 BJA Bullet Proof Vest Grant. (CAF 13-32) [See Notebook Tab 5]

- Ordinance 13-16

IX. 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

XI. REPORTS

- a) Mayor/Mayor Pro-Tem
- b) City Manager
 - i. Code Compliance Report *[See Notebook Tab 6]*
- c) City Attorney
- d) City Clerk
 - i. Calendar Update *[See Notebook Tab 7]*

XII. 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
25 March 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, Human Resources Director Cathy Brown, Code Compliance Director Corey Williams and Recreation and Parks Director Alan Gill.

CALL TO ORDER

The 25th March 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 gave a warm welcome to all.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. The City Clerk said a Closed Session will be added regarding G.S. §143.318.11(a)(4), a Personnel Matter and G.S. §143.318.11(a)(4), an Economic Development matter. Council Member Peace-Jenkins moved to accept the adjusted Agenda. 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 Daeke moved the approval of the 11 March 2013 minutes as presented. Motion seconded by Council Member Rainey and unanimously approved.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

The City Clerk advised the Mayor and Council Members that one citizen wished to speak to Council on agenda matters.

Jack Blackburn, 418 Woodland Road. Mr. Blackburn, speaking on behalf of Luis and Veronica Medina who own the four (4) properties being considered for demolition this evening, asked that the demolition be postponed. Mr. Blackburn said the realtor, Mr. Terry Garrison, has been authorized to reduce the sale price of properties and that removal of the demolished structures has been delayed due to the soil being soft because of the wet weather. Both Mr. Garrison and Mr. Corbit Cash were present and willing to answer any questions.

OLD BUSINESS

Demolition of 301 Charles Street; 309 Charles Street; 315 Charles Street; and 318 Rowland Street. (*Reference: CAF 13-09; Ordinances 13-03, 13-04, 13-05, 13-06*)

City Manager Griffin asked Code Compliance Director Corey Williams to present an update to Council regarding the demolition status. Mr. Williams reminded Council that in August 2012, a *Stay Agreement* for ninety (90) days was issued to allow the owners, Luis and Veronica Medina to bring these four (4) properties up to code. In December 2012 Council chose to issue a second *Stay Agreement*. Mr. Williams received an email from Mr. Medina on Friday and the hard copy of the signed second *Stay Agreement* today. A copy of the email is incorporated by reference and hereby made part of these minutes (see Attachment A) sets forth Mr. Medina's commitment to keep the properties up to code as he works with Mr. Garrison to sell the properties. Mr. Williams said the order to demolish is currently on the table for Council's consideration and he recommends proceeding with same.

Council Member Rainey asked what percent of the needed work had been completed for each property and if any work had been completed inside the structures. Mr. Williams responded

maybe 20% for each structure. As far as inside work, Mr. Williams did not indicate work had been started.

Council Member Daeke asked for an approximation of what demolition of the structures might cost. Mr. Daeke also asked if there was a budget for these demolitions and if the interiors were up to code. Mr. Williams responded approximately \$7,000-\$8,000 per structure and said currently there is a backlog of structures needing to be demolished

Council Member Inscoe asked if an environmental assessment had been done. Mr. Williams responded no.

Council Member Coffey said she did not find these structures as bad as others and asked if anyone knew how much had been spent to bring the structures up to the current 20% compliance. Mr. Williams said the steps for demolition begin well before coming before Council (about three (3) years) and in most cases people just walk away. Ms. Coffey said the Medina's have not walked away which makes them different than most citizens.

Council Member Brown commented that the structures must be well built as they look to remain in the fairly good shape compared to other properties in the City and said he would like to hear from Mr. Garrison regarding the selling possibilities.

Council Member Kearney asked what other legal steps needed to be taken to proceed with the demolitions. City Attorney Zollicoffer, Jr., said the steps have already been taken and nothing further needed to be done at this time. Mr. Kearney also asked about neighborhood impact and what the budgetary implications would be to keep the properties maintained by the City until they could be demolished. Mr. Williams said he had no recorded log but said there had been many complaints. He also said the main costs would be grass cutting which might cost \$100 each cutting.

Council Member Rainey felt just enough work was being done to make the properties presentable and Council Member Coffey said she thought it was a good sign that the Medina's continued to keep current with their mortgage payments. She also asked if the demolition was approved if someone could still purchase the properties.

City Attorney Zollicoffer, Jr. said the *lis pendens* was already in place.

At this time, Mayor O'Geary asked Mr. Terry Garrison to come forward and Council Member Brown asked Mr. Garrison about the possibilities of the properties being sold. Mr. Garrison said the buildings are structurally sound and with the price reduction of more than half the original asking price, he felt there was a good possibility of them being sold soon. Mr. Garrison also mentioned the loss of tax dollars if the structures are demolished.

City Attorney Zollicoffer, Jr. asked if any of the investment groups such as WW Group or the Rodgers group had expressed interest. Mr. Garrison indicated no.

The discussion then turned to what conditions should remain if Council chose to extend the demolition order.

A motion was made by Council Member Coffey to extend the demolition of 301 Charles Street, 309 Charles Street, 315 Charles Street and 318 Rowland Street until the 25 June 2013 and be brought back before Council at the 25 June 2013 meeting. This motion includes all the existing conditions, as listed in the prior *Stay Agreements*. Motion was seconded by Council Member Daye and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: None.

NEW BUSINESS

Awarding of Departmental Handgun and Badge to Retiree Sergeant James Ragland. (Reference: None)

City Manager Griffin said since compiling this item, it was learned that Sergeant Ragland is not retiring but is resigning from the City. (Sgt. Ragland learned subsequent to filing for retirement that he was not yet qualified for retirement). Therefore, CAF 13-34 and Resolution 13-27 which were prepared prior to this meeting are no longer necessary. Due to the length of service, Police Chief Sidwell would like to present Sgt. Ragland with his badge and service weapon. After speaking with the City Attorney, it was felt the service weapon could be declared surplus property and will be purchased by the Department's personnel to present Sgt. Ragland. There was no discussion. Mayor O'Geary asked for the pleasure of Council

Motion was made by Council Member Coffey to approve, *Allowing the Henderson Police Department to declare the service weapon of Sergeant James Ragland as surplus property.* Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None.

Ratifying the Members of the Henderson Zoning Board of Adjustment. (Reference: CAF 13-11; Resolution 13-22)

City Manager Griffin asked City Attorney John Zollicoffer, Jr. to present this item. Attorney Zollicoffer, Jr., said the City should only appoint four (4) members to the Henderson Board of Adjustment due to the additional City member being automatically appointed from the Planning Board. As Council Member Coffey was the last appointment to the Board of Adjustment from Alternate status, this ratification returns Ms. Coffey to Alternate status.

As there was no discussion, Mayor O'Geary asked for Council's pleasure.

Council Member Daeke moved the approval of *Resolution 13-22, Ratifying the Members of the Henderson Zoning Board of Adjustment*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (*See Resolution Book 3, p 145*)

FY 13 Budget Amendment #27, Amending and/or Closing Out Various 44: CIP Fund Projects: 660: Non Departmental; 840: Sanitary Sewer Replacement Project; 850: UV Replacement Project and 852: Spring Street Sewer Project; 31 Sewer Fund; and Fund 55-203; 2012 BJA Bullet Proof Vest Grant. (*Reference: CAF 13-30; Ordinance 13-16*)

City Manager Griffin said this is another routine financial management housekeeping item that is periodically brought before Council to close out/amend grant and/or capital projects.

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

Council Member Rainey moved the approval of *Ordinance 13-16, FY 13 Budget Amendment #27, Amending and/or Closing Out Various 44: CIP Fund Projects: 660: Non Departmental; 840: Sanitary Sewer Replacement Project; 850: UV Replacement Project and 852: Spring Street Sewer Project; 31 Sewer Fund; and Fund 55-203; 2012 BJA Bullet Proof Vest Grant*. Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Brown, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: None. (*See Ordinance Book 8, p 551*)

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised one citizen wished to address City Council.

Mr. Horace Bullock, 129 S. Bullock St. Mr. Bullock expressed concern regarding the rail crossings at East Andrews Avenue and East Rock Spring Street, as both are in dire need of repair and asked who is responsible for the upkeep.

City Manager Griffin said East Andrews Avenue is a State highway and stated several requests have been sent to the State regarding this crossing. He also said Rock Spring Street is one of the crossings being considered for closure with the High Speed Rail project. He also said he understood the need for safety and would follow up with the State regarding the status of crossings.

City Attorney Zollicoffer, Jr. said work permission is also needed from the railroad which is often slow in coming.

Council Member Daeke asked that confirmation be requested on what can be done and Council Member Kearney asked that other crossing issues on City maintained roads/streets be considered.

REPORTS

- a) Mayor/Mayor Pro-Tem (No Report)
- b) City Manager – For informational purposes, Mr. Griffin provided copies of the financial audits for both the Perry Memorial Library and the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance.

Mr. Griffin also reviewed the memo from Code Compliance Director Williams regarding a complaint heard by Council last month by Ms. Ellen Faines.

Mr. Griffin also mentioned the photo in a recent edition of *The Dispatch* showing the demolition of the Knights Inn. Mr. Griffin complimented the Code Compliance team responsible for bringing positive resolution to this matter. He specifically thanked Code Compliance Director Corey Williams, Fire Chief Danny Wilkerson, Police Chief Keith Sidwell, Planning Director Erris Dunston and Customer Service Supervisor Shay Bennett. Mayor O’Geary said for those who had not driven by, a good portion is no longer standing.

- c) City Attorney – (No Report)
- d) City Clerk - The City Clerk said the retirees from 2012 and first quarter of 2013 will be recognized April 19 at 9:30 a.m. at City Hall (more details to come) and asked who would be available for Ethics Training in May. She will send out more details in the near future.

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 Kearney moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(5) for a Personnel Matter and G.S. §143-318.11(a)(4) for an Economic Development matter. Motion seconded by Council Member Daye and unanimously approved.

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

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

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Coffey and unanimously approved. The meeting adjourned at 7:25 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk

Williams, Corey

From: Medina, Luis CIV (US) <luis.medina5.civ@mail.mil>
Sent: Monday, March 25, 2013 2:08 PM
To: Williams, Corey
Subject: FW: Luis Medina
Attachments: D00003.PDF

Sending these again. Just in case it did not go through last week. Also, today you should have received the hard copies of these Notarized forms.

Thanks.

-----Original Message -----

From: Medina, Luis CIV (US)
Sent: Friday, March 22, 2013 10:28 AM
To: 'CWilliams@ci.henderson.nc.us'
Cc: Iblackburn3@nc.rr.com
Subject: Luis Medina

Mr. Corey William,

I appreciate all that you have done for me and my wife thus far during these trying times.

In this e-mail is the attached scanned forms my wife and myself signed in front of a Notary representative. I will send a hard copy via Priority Mail now.

1. I will continue to work with Mr. Terry Garrison to expedite the sale of the homes.
 - We recently authorized him to drop the asking price to improve our odds. -From what Mr. Garrison has informed me is that this is a tough market at this time.

2. Working with Mr. Corbit Cash to:
 - Continually maintain the landscaping of the homes -Begin to paint the exterior of the homes as needed
 - Fix items that need to be fixed to present an appealing look to the neighborhood -Continue to ensure the homes are secure which would limit unwanted access to homes.
 - Finish the removal of the debris left behind from the taking down of the sheds (this has been somewhat of a challenge in the face of Mother Nature, but we will get it done)

Thank you for all your support and understanding Luis & Veronica Medina