

# **City Council Minutes**

## **Short Regular Meeting**

### **28 October 2013**

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#### **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, George M. Daye and Council Member-Elect Fearldine Simmons.

#### **ABSENT**

None.

#### **STAFF PRESENT**

City Manager Ray Griffin, City Attorney John Zollicoffer, Assistant City Manager Frank Frazier, City Clerk Esther J. McCrackin, Finance Director Kathy Brafford, Planning & Community Development Director Erris Dunston, Code Compliance Director Corey Williams, and Human Resources Director Cathy Brown.

#### **CALL TO ORDER**

The 28 October 2013 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**

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.

#### **OPENING COMMENTS**

Mayor O'Geary welcomed everyone to the meeting and said thank you to those who voted during the recent election. Mayor O'Geary congratulated Ms. Fearldine Simmons on being elected to Ward 4 seat and he also congratulated Council Members Coffey, Inscoe and Daeke who were all re-elected to their respective seats. He said it is with sadness that we will soon bid

Council Member Brown goodbye as he retires from Council. More will be said when the new Council is seated on 9 December 2013.

### **ADJUSTMENTS TO/APPROVAL OF AGENDA**

Mayor O'Geary asked if there were any adjustments to the Agenda. Council Member Peace-Jenkins moved to accept the Agenda as presented. Motion seconded by Council Member Coffey 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 9 September 2013 minutes as presented. Motion seconded by Council Member Daye and unanimously approved.

### **PRESENTATIONS AND RECOGNITIONS**

Retired Police Officer Alvis Hawkins was to be recognized this evening; however, he was unable to attend and the Human Resources Department will see that he receives the Proclamation and gifts recognizing his years of service to the City of Henderson.

Finance Director Kathy Brafford shared with Council that for the 21<sup>st</sup> consecutive year the Finance Department has received the *Government Finance Officers Association Award* for financial reporting. City Manager Griffin added this is the highest recognition for financial excellence awarded in the nation to local governments.

### **PUBLIC HEARING**

**Amending City of Henderson Zoning Ordinance Section 304B.1, Limiting Certain Façade Requirements to New Construction, Façade Improvements or Modifications.** (*Reference: CAF 13-105; Ordinance 13-59*)

City Manager Griffin said the items for Public Hearing this evening belong mainly to the Planning Department and asked Planning and Community Development Director Dunston to describe this amendment. Ms. Dunston explained this amendment clarifies the wording of the existing ordinance regarding façade requirements. It is believed that adding to the first sentence of Section 304B.1 of the Zoning Code sufficiently clarifies the requirements. Zoning Ordinance Section 304B.1 pertains to new construction only.

City Attorney John Zollicoffer, Jr. added that with this amendment the wording of the ordinance now matches the title of the ordinance in a clearer manner.

Council Member Daeke asked if this ordinance has ever been utilized. Ms. Dunston responded no.

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. No one 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.

Motion was made by Council Member Rainey to approve Ordinance 13-59, *Amending City of Henderson Zoning Ordinance Section 304B.1, Limiting Certain Façade Requirements to New Construction, Façade Improvements or Modifications*. Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: None. (*See Ordinance Book 9, p 39*)

**Amending Zoning Ordinance Section 408 Relative to Off Premises Advertising.** (*Reference: CAF 13-112; Ordinance 13-30*)

Planning and Community Development Director Dunston explained this amendment expands the signage ordinance to all signs off premise as long as they are within a government sponsored program. She gave an example of a City sponsored program to improve the planters on Garnett Street and said this would allow for citizens/businesses who donate to the cause to have a sign placed in that name.

Council Member Inscoe asked if the signs would be permanent or for an indefinite time, how they would be maintained and who would control the size. He also asked if Council would need to approve the signs for each program. Council Member Daeke asked the same question about size and timeframe. He also questioned if there would be a fee, noting private enterprise would receive free advertising. Council Member Coffey said she would like more information about the size of signage.

Ms. Dunston said the signs would be uniform and approved by the program.

City Manager Griffin suggested this amendment be remanded back to the Planning Board for further consideration and brought back to the 25<sup>th</sup> November Council Work Session and to continue the Public Hearing until the 9 December 2013 Council Meeting.

Council Member Kearney said he agreed with the concept as it is a positive way to promote programs but agreed there should be some type of regulation.

A motion was made by Council Member Rainey to continue the Public Hearing to the 9 December 2013 meeting with further discussion during the Work Session on 25 November. Motion was seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None

**Rezoning Nine (9) Tracts Located in the Oak Street and Cypress Drive Area from R15M (Moderate to Low Density Residential Zoning District) to R8 (Moderate to High Density Residential Zoning District).** (*Reference: CAF 13-109; Ordinance 13-63*)

Planning and Community Development Director Dunston explained that this is part of the continuous effort to align land use with the zoning map. Currently these nine (9) tracts do not meet the R15M restrictions. All but one of the tracts (1517 Cypress Dr) meet the R8 restrictions and because the City does not have a zoning district that 1517 Cypress Drive would fully qualify for, it most closely meets the restrictions of R8, thus creating improved overall conformity.

Mayor O'Geary asked if this rezoning would have any effect on West End Baptist Church. Ms. Dunston responded no.

Council Member Kearney asked if any of the tracts were vacant. Ms. Dunston responded at this time there is one vacant.

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

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

Motion was made by Council Member Coffey to approve Ordinance 13-63, *Rezoning Nine (9) Tracts Located in the Oak Street and Cypress Drive Area from R15M (Moderate to Low Density Residential Zoning District) to R8 (Moderate to High Density Residential Zoning District)*. 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 47*)

**Providing for Limited Enforcement in the Extra-Territorial Jurisdiction Area (ETJ), Pursuant to Section 40 of the City Charter.** (*Reference: CAF 13-18-C; Ordinance 13-42*)

Planning and Community Development Director Erris Dunston asked Code Compliance Director Corey Williams to join her at this time. Ms. Dunston explained this ordinance clarifies and further defines what can and cannot be enforced by the City and asked Mr. Williams to explain the enforcement limitations.

Mr. Williams reminded Council that this discussion began 9 September 2013. He said due to lack of staffing and dollars, the focus is on City enforcement rather than the ETJ which is in the County. He explained the ETJ is approximately 3 times larger than the City and unless there is a safety issue to City residents or grants become available, this ordinance helps define the City's limited capacity to enforce in the ETJ area.

Council Member Peace-Jenkins asked if this means citizens living in the ETJ now fall through the proverbial crack.

City Manager Griffin said those residents in the ETJ are already *in the crack* as sufficient funds are not even available for enforcing the code within the City. He added there are some properties that fall within the City and the ETJ such as a hotel on the North side of the City and said Mr. Williams will certainly continue to work with such properties if safety issues arise.

Council Member Coffey agreed with the need for clarity and asked if Vance County was taking care of any of the problems in the ETJ. She felt citizens in the ETJ pay taxes and receive services from the County so they should be held to the same standards.

Council Member Kearney asked about staffing and finances.

City Manager Griffin reminded Council the Code Compliance monies come from the sanitation fee and without grant dollars there is no other source of income. Mr. Griffin asked Council Member Inscoe how many structures were demolished with a recent grant through the Council of Governments (COG). Mr. Inscoe responded four (4) with two (2) more set to be demolished.

Council Member Rainey asked if there was any recourse with the County for funding. He said it was a shame that the City was 98% responsible for the ETJ and felt the County should have more responsibility. Mr. Griffin said not at this time; however, there has been discussion about proposing a joint program.

City Attorney Zollicoffer, Jr. added if this ordinance is passed, the County will have authority over the ETJ area.

Council Member Kearney felt this allows for better definition so the general public would know who to contact with problems/concerns.

Council Member Inscoe asked if the County has a minimum housing code. Mr. Williams responded he thought they had something but was unsure of the details.

Mayor O'Geary asked if Council had any other questions or comments. With no response, Mayor O'Geary opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment. No one 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.

Motion was made by Council Member Coffey to approve Ordinance 13-42, *Providing for Limited Enforcement in the Extra-Territorial Jurisdiction Area (ETJ), Pursuant to Section 40 of the City Charter*. Motion seconded by Council Member Rainey 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 9, p 5)

## 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

### **Approving Official Results for Municipal Election Held 8 October 2013 and Action to Receive by Council and File with the City Clerk. (Reference: CAF13-111: Resolution 13-75)**

City Manager Griffin said the Board of Elections has certified the election results from 8 October 2013, and this is just a routine function.

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

Motion was made by Council Member Peace-Jenkins to approve Resolution 13-75, *Approving Official Results for Municipal Election Held 8 October 2013 and Action to Receive by Council and File with the City Clerk*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Brown, Daye, Kearney, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 251)

## CONSENT AGENDA

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

**Creating No Parking Zones on Peachtree Street. (Reference: CAF 13-100, Ordinance 13-56)**  
This ordinance prohibits parking for 161 ft. on the north side and 127 ft. on the south side of Peachtree Street from the William Street intersection which will allow for safer traffic flow. (See Ordinance Book 9, p 33)

**Tax Releases and Refunds from Vance County for the Month of September 2013. (Reference: CAF 13-107)** This is a routine monthly process.

September 2013 Tax Releases			
Name	Reason	Tax Year	Amount
<b>Real &amp; Personal Property</b>			
<b>Releases</b>			
Burwell, Joseph M	Taxes Lost to Foreclosure	2003	33.49
Hargrove, Olivia Heirs	Taxes Lost to Foreclosure	2003	270.09
Burwell, Joseph M	Taxes Lost to Foreclosure	2004	35.14
Hargrove, Olivia Heirs	Taxes Lost to Foreclosure	2004	4,765.66
Burwell, Joseph M	Taxes Lost to Foreclosure	2005	36.78
Davis, Kevin A	Taxes Lost to Foreclosure	2005	141.70
Hargrove, Olivia Heirs	Taxes Lost to Foreclosure	2005	31.90

**Tax Releases & Refunds September 2013- Continued**

Burwell, Joseph M	Taxes Lost to Foreclosure	2006	36.78
Davis, Kevin A	Taxes Lost to Foreclosure	2006	161.07
Hargrove, Olivia Heirs	Taxes Lost to Foreclosure	2006	31.90
Burwell, Joseph M	Taxes Lost to Foreclosure	2007	36.78
Davis, Kevin A	Taxes Lost to Foreclosure	2007	161.07
Hargrove, Olivia Heirs	Taxes Lost to Foreclosure	2007	31.90
Burwell, Joseph M	Taxes Lost to Foreclosure	2008	44.80
Hargrove, Olivia Heirs	Taxes Lost to Foreclosure	2008	42.94
Burwell, Joseph M	Taxes Lost to Foreclosure	2009	46.39
Davis, Kevin A	Taxes Lost to Foreclosure	2009	128.29
Hargrove, Olivia Heirs	Taxes Lost to Foreclosure	2009	44.46
Burwell, Joseph M	Taxes Lost to Foreclosure	2010	46.39
Davis, Kevin A	Taxes Lost to Foreclosure	2010	128.29
Hargrove, Olivia Heirs	Taxes Lost to Foreclosure	2010	44.46
Joyner, Stephanie	Personal Property Billed in Error	2010	34.78
Burwell, Joseph M	Taxes Lost to Foreclosure	2011	46.39
Davis, Kevin A	Taxes Lost to Foreclosure	2011	128.27
Hargrove, Olivia Heirs	Taxes Lost to Foreclosure	2011	44.43
Joyner, Stephanie	Personal Property Billed in Error	2011	34.78
Allgood, Benjamin F Heirs	Taxes Lost to Foreclosure	2012	89.10
B W & Company Properties LLC	Taxes Lost to Foreclosure	2012	66.25
Burwell, Joseph M	Taxes Lost to Foreclosure	2012	46.39
Davis, Amanda Heirs	Taxes Lost to Foreclosure	2012	29.23
Davis, Kevin A	Taxes Lost to Foreclosure	2012	128.27
Davis, Queen Esther Heirs	Taxes Lost to Foreclosure	2012	76.98
Hargrove, Olivia Heirs	Taxes Lost to Foreclosure	2012	44.43
Joyner, Stephanie	Personal Property Billed in Error	2012	34.78
Mendoza, Porfiro Rodriguez	Personal Property Billed in Error	2012	20.01
Allgood, Benjamin F Heirs	Taxes Lost to Foreclosure	2013	94.43
B W & Company Properties LLC	Taxes Lost to Foreclosure	2013	70.22
Bailey, Jackie C	To Correct Billing Error	2013	(650.07)
Brame, Leah B. Heirs	Taxes Lost to Foreclosure	2013	22.32
Braxton, J V LLC	To Correct Billing Error	2013	(334.26)
Bullock, Annie	Taxes Lost to Foreclosure	2013	49.60
Burnette, William Thomas	Correct Value	2013	29.14
Burwell, Joseph M	Taxes Lost to Foreclosure	2013	143.58

**Tax Releases & Refunds September 2013- Continued**

Carolina Telephone & Telegraph	State Assessed	2013	51.46
Carter, A T Estate & Clark J W	Taxes Lost to Foreclosure	2013	8.70
Classic Graphics, Inc	Personal Property Billed in Error	2013	4,014.15
Crews, William Thomas	Taxes Lost to Foreclosure	2013	24.60
Cross, Samuel Lee	Correct Value	2013	(244.20)
Davis, Amanda Heirs	Taxes Lost to Foreclosure	2013	30.98
Davis, Georgia S Heirs	Taxes Lost to Foreclosure	2013	22.88
Davis, Hallie Heirs	Taxes Lost to Foreclosure	2013	20.44
Davis, Kevin A	Taxes Lost to Foreclosure	2013	135.94
Davis, Queen Esther Heirs	Taxes Lost to Foreclosure	2013	81.57
DLP Maria Parham Medical	To Correct Billing Error	2013	(1,654.69)
E & L Associates, LLC	Taxes Lost to Foreclosure	2013	18.36
Ellington, Verla J	Correct Value	2013	12.05
Evans, Cornell G Estate	Taxes Lost to Foreclosure	2013	35.34
Finch, Joseph Crawford	To Correct Billing Error	2013	244.20
Hargrove, Olivia Heirs	Taxes Lost to Foreclosure	2013	47.09
Henderson Fruit & Produce	To Correct Billing Error	2013	(11.16)
Henderson-Daye Marvis	To Correct Billing Error	2013	650.07
Joyner, Stephanie	Personal Property Billed in Error	2013	36.86
Orgega, Maria	Personal Property Billed in Error	2013	36.87
Redbox Dollar General	Remove Late List	2013	81.09
Redbox Wilco Hess	Remove Late List	2013	77.96
Robinson, Marvin Alan	Correct Value	2013	85.93
Rose Gin & Supply Company	Correct Value	2013	7,236.19
Rose Oil Company, Inc	To Correct Billing Error	2013	(4,290.97)
Sprint	State Assessed	2013	1.86
Tucker, Edward Furman	To Correct Billing Error	2013	334.26
United Prayer of Faith Church	Religious	2013	300.33
Williams, Jeremy C	Correct Value	2013	40.41
<b>Total R&amp;P Property Releases</b>			<b>\$ 13,977.90</b>
<b>Real &amp; Personal Property</b>	<b>None</b>		<b>0.00</b>
<b>Refunds</b>			
<b>Total R&amp; P Property Refunds</b>			0.00
<b>Total R&amp;P Prop. Rel. &amp; Ref.</b>			<b>\$ 13,977.90</b>

**Tax Releases & Refunds September 2013- Continued**

<b>Vehicle Releases</b>			
Alston, Josephine	Pro-Rate	2012	1.30
Branch Exterminating	Correct Situs	2012	312.09
Brandon, Shirley	Pro-Rate	2012	0.41
Foster, Ralph Ronnie	Pro-Rate	2012	12.68
Horton, Mary Anna	Pro-Rate	2012	1.51
Meadows, Ada Lewis	Pro-Rate	2012	282.20
Pernell, Sidney Larry	Pro-Rate	2012	17.50
Russell, Isabelle Bullock	Pro-Rate	2012	0.68
Wood, Barbara Embert	Transfer Out	2012	19.65
Barnette, David Morrison	Correct Value	2013	1.10
Candelaria Tomasa Romero	Correct Situs	2013	47.56
Carolina Telephone & Telegraph	State Assessed	2013	64.70
Carter, Raymond Frederick	Correct Situs	2013	26.74
Cross, Samuel Lee	Pro-Rate	2013	47.57
First Baptist Church	Religious	2013	106.61
Gupton, Robert Bunyon	Pro-Rate	2013	33.19
Hudson, Arlene Renee	Pro-Rate	2013	4.44
Humphries Construction	Pro-Rate	2013	56.16
Jones, Priscilla Perry	Pro-Rate	2013	35.81
Linton, Michael Curtis	Transfer Out	2013	84.96
Ramsey, Deborah Jeffcoat	Transfer Out	2013	74.88
Roberson, Michael Thomas	Correct Situs	2013	144.77
Rodriguez, Stacia Regina	Pro-Rate	2013	9.74
Stanback, Levi Jr.	Transfer Out	2013	102.31
Strayhorn, Roy Bruce Jr.	Correct Situs	2013	17.55
Tucker, David Jackson	Correct Value	2013	37.50
West End Baptist Church	Religious	2013	328.94
Williams, Reginald Darryl	Transfer Out	2013	127.70
<b>Total Vehicle Releases</b>			<b>\$ 2,000.25</b>
<b>Vehicle Refunds</b>			
Dunston, Mildred Geneva	Pro-Rate	2012	5.29
Edmonds, William Payne Jr.	Pro-Rate	2012	0.84
Person, Joshua	Pro-Rate	2012	56.82
Small, Dechelle Lasha	Pro-Rate	2012	8.05
Williams, Alethea Sharon	Pro-Rate	2012	2.15
Mercer, Lucette M	Correct Value	2013	22.64
M R Williams, Inc.	Pro-Rate	2013	48.35
Overton, Gary Wilson	Pro-Rate	2013	36.27
<b>Total Vehicle Refunds</b>			<b>\$ 180.41</b>
<b>Tot. Veh. Rel. &amp; Ref.</b>			<b>\$ 2,180.66</b>
<b>Total All Releases &amp; Refunds</b>			<b>\$ 16,158.56</b>

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

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

## **PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS**

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

**Ms. Geraldine Champion, 508 Owen Street** Ms. Champion had three issues she wished to bring before Council all of which arise from her campaign discussions with citizens:

- What is the cost to tap into the Vance County water line? Mayor O'Geary said Ms. Champion should contact the County Manager or Assistant Manager for that information.
- Ms. Champion said a citizen felt the ratio of white to black officers during the night was largely white and wondered why. City Manager Griffin said he would discuss the matter with Police Chief Barrow.
- Ms. Champion wanted to know why the City Manager continued to receive raises when the employees do not. City Manager Griffin said Council has not awarded him a raise at any time over employees.

Ms. Champion thanked Council for listening.

**Ms. Denise Skipwith, 415 South College Street** Ms. Skipwith expressed a concern about street lighting. She said on three occasions there have been drive by shootings, and the street lights have been shot out numerous times. Ms. Skipwith said she spoke with Duke Energy and was told the City was not paying for more lights.

City Manager Griffin said the City has a process for evaluating the need for street lights and will ask that South College Street be reviewed. He will also speak with the police and get back with Ms. Skipwith.

## **REPORTS**

- a) Mayor/Mayor Pro-Tem – Mayor Pro-Tem Rainey said he represented the Mayor at the Domestic Violence event. He said the message was great and there was a good turnout.
- b) City Manager – Mr. Griffin said the Human Resources Committee met to discuss the new dress code. The Committee did not make any changes and there is no recommendation for Council's consideration at this time.

c) City Attorney (No Report)

d) City Clerk – Ms. McCrackin reminded Council of several upcoming EDC events and said the pledge cards for the United Way Campaign are due back no later than 25 November.

With no further discussion, Mayor O’Geary asked if Council was prepared to go into Closed Session pursuant to G.S. §143-318.11(a)(6) for two (3) Personnel Issues and stated there would be no report following the session.

**CLOSED SESSION**

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

Council Member Kearney moved to adjournment. Motion seconded by Council Member Daye and unanimously approved. The meeting adjourned 7:29 p.m.

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James D. O’Geary  
Mayor

***ATTEST:***

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Esther J. McCrackin  
City Clerk