



## AGENDA

Henderson City Council Regular Meeting

Monday, 8 October 2012, 6:00 p.m.

R. G. (Chick) Young, Jr. Council Chambers, Municipal Building

134 Rose Avenue

Henderson, North Carolina

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### Mayor and City Council Members

Mayor James D. O'Geary, Presiding

Councilmember James C. Kearney, Jr.

Councilmember Sara M. Coffey

Councilmember Michael C. Inscoc

Councilmember D. Michael Rainey

Councilmember Brenda G. Peace—Jenkins

Councilmember Garry D. Dacke

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

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 Behavior<sup>1</sup> and Transparency in Governance<sup>2</sup>. 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.

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<sup>1</sup> **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.

<sup>2</sup> **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) 24 September 2012 Short Regular Meeting [*See Notebook Tab 1*]
- b) 24 September 2012 Work Session

**VII. PUBLIC HEARING**

- a) Consideration of Denial of Ordinance 12-70, Rezoning a 1.96 +/- Tract Located on the Corner of Oxford Road and Ruin Creek Road from R15M (Moderate to Low Density Residential-HUD Code Home District) to O-I (Office Institutional Zoning District). (*CAF 12-122*) [*See Notebook Tab 2*]
  - Public Hearing
  - Ordinance 12-70
  
- b) Consideration of Approval of Ordinance 12-72, Rezoning a 0.20 +/- Tract Located at 1345 N. Garnett Street and a 0.154 +/- Tract Located at 1355 N. Garnett Street from B2A (Highway Commercial "A" Zoning District) to R6 (High Density Residential Zoning District). (*CAF 12-130*) [*See Notebook Tab 3*]
  - Public Hearing
  - Ordinance 12-72

**VIII. 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.<sup>3</sup>

**IX. NEW BUSINESS**

- a) Farmers Market Progress Update – Mr. Pete Burgess. (*No handout materials*)
  
- b) Consideration of Approval of Resolution 12-87, Authorizing Award of a Construction Contract for Interior Renovation Related to the Engineering Department Relocation at the Operations Center to Bridgeview Contractors, Inc. (*CAF 12-129*) [*See Notebook Tab 4*]
  - Resolution 12-87
  
- c) Consideration of Approval of Ordinance 12-69, Modifying City of Henderson's Code of Ordinances, Chapter 4, Relative to Elmwood Cemetery. (*CAF 12-125*) [*See Notebook Tab 5*]
  - Ordinance 12-69

- d) Consideration of Approval of Resolution 12-85, Relinquishing the Main Street Solutions Grant in the Amount of \$299,004 and Ordinance 12-75, FY 13, Budget Amendment #15, Closing Out the Grant Project. *(CAF 12-127) [See Notebook Tab 6]*
- Resolution 12-85
  - Ordinance 12-75
- e) Consideration of Approval of Resolution 12-88, Authorizing the Mayor and City Manager to Sign an Agreement and Documentation with Vance County, as Appropriate, Regarding the Transfer of Real Property Vis-à-Vis the Neighborhood Stabilization Program. *(CAF 12-131) [See Notebook Tab 7]*
- Resolution 12-88
- f) Consideration of Approval of Resolution 12-A-74, Rescinding Resolution 12-74 and Ordinance 12-A-67, FY 13, Budget Amendment #14, Amending the Economic Development Reserve Fund. *(CAF 12-A-83) [See Notebook Tab 8]*
- Resolution 12-A-74
- g) Consideration of Approval of Ordinance 12-73, FY 13 Budget Amendment #16, Appropriating Additional Funds to the Oxford-Henderson Aeronautics Authority. *(CAF 12-132) [See Notebook Tab 9]*
- Ordinance 12-73

## **X. CONSENT AGENDA**

All matters listed under the Consent Agenda have either been previously discussed by City Council during a previous meeting and/or are considered in the ordinary course of business by the City Council and will be enacted-on by one motion and a roll call vote in the form listed. If discussion is desired by either the Council or the Audience, the item in question will be removed from the Consent Agenda and considered separately after the revised consent agenda has been approved.

- a) Consideration of Approval of Ordinance 12-52, Amending the Provisions for Cuts and Excavations of Streets and for Right of Way Management. *(CAF 12-95) [See Notebook Tab 10]*
- Ordinance 12-52
- b) Consideration of Approval of Resolution 12-84, Supporting the Completion of the Widening of SR 1228 (Chavasse Avenue) From US 1 Business (Raleigh Road) to SR 1143 (S. William Street). *(CAF 12-124) [See Notebook Tab 11]*
- Resolution 12-84

- c) Consideration of Approval of Resolution 12-86, Adopting the 2012 North Carolina Municipal Records Retention and Disposition Schedule. (CAF 12-128) [See Notebook Tab 12]
- Resolution 12-86
- d) Consideration of Approval of 1) Ordinance 12-71, FY 12-13 Budget Amendment #13, Amending Fund 73: Economic Development Capital Reserve Fund; and 2) Resolution 12-A-16, Authorizing an Amendment to the Capital Reserves Economic Development Fund in Regards to the North Carolina RURAL Center and Golden Leaf Foundation Grants' Applications for Water Line for Economic Development Prospect 12-2; and Authorizing an Inter-Local Agreement with Vance County for Eligibility for Said Mentioned Grants. (CAF 12-126) [See Notebook Tab 13]
- Ordinance 12-71
  - Resolution 12-A-16
- e) Consideration of Approval of Tax Releases and Refunds from Vance County for the month of August 2012. (CAF 12-120) [See Notebook Tab 14]

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

Citizens may 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.<sup>3</sup>

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### <sup>3</sup> 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.

## **XII. REPORTS**

- a)** Mayor/Mayor Pro-Tem
- b)** City Manager
  - i. Declaration of Surplus Property *[See Notebook Tab 15]*
- c)** City Attorney
- d)** City Clerk
  - i. Calendar Notes and Schedule Update *[See Notebook Tab 16]*
  - ii. Various Departmental Reports
    - Henderson-Vance County 911
    - Henderson Fire Department
  - iii. Proclamations
    - National Chiropractic Health Month
  - iv. Special Called Meeting Dates
    - Monday 15 October 2012 at Noon – CDBG Public Hearing
    - Monday 29 October 2012 at 6:00 p.m. – CDBG Public Hearing

## **XIV. ADJOURNMENT**

**City Council Minutes**  
**Regular Meeting**  
**8 October 2012**

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**PRESENT**

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

**ABSENT**

Council Member Vernon Brown.

**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 Engineering Director Peter Sokalski.

**CALL TO ORDER**

The 8 October 2012 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 Peace-Jenkins led those in attendance in prayer and the Pledge of Allegiance.

Mayor O'Geary said he was glad to see so many citizens present and mentioned citizens are always welcome.

**ADJUSTMENTS TO/APPROVAL OF AGENDA**

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin said a *Closed Session* will be added at the end of the meeting in accordance with G.S. 143-318.11(a)(3) – *Consultation with the Attorney* for four items and G.S. 143-318-11(a)(5), a *Land Acquisition* issue. A *Presentation/Recognition* section was also added to introduce a new staff

member to Council. Council Member Inscoe moved to accept the Agenda as adjusted. Motion seconded by Council Member Rainey and unanimously approved.

### **APPROVAL OF MINUTES**

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Kearney moved to accept the minutes for 24 September 2012 Short Regular Meeting and 24 September 2012 Work Session Meeting minutes as presented. Motion seconded by Council Member Rainey and unanimously approved.

### **PRESENTATIONS/RECOGNITIONS**

City Manager Griffin asked Planning Director Erris Dunston to introduce the City's newest employee, Ms. Pamela Weathers-Hester. Ms. Dunston asked Ms. Weathers-Hester to join her at the podium saying she was very happy to be introducing Ms. Weathers-Hester as the new Main Street Manager. Ms. Weathers-Hester will begin work on October 15 and comes to the City with experience in retail, marketing and best of all --- she is a native of Henderson. Ms. Weathers-Hester introduced herself to each Council Member was warmly greeted by everyone.

### **PUBLIC HEARING**

**Rezoning a 1.96+/- Tract Located on the Corner of Oxford Road and Ruin Creek Road from R15M (Moderate to Low Density Residential-HUD Code Home District) to O-I (Office Institutional Zoning District).** (*Reference: CAF 12-122; Ordinance 12-70*)

City Manager Griffin said he understood the petitioner has verbally withdrawn this application; however, no written request has been received so the hearing will continue as planned. He then asked Planning Director Erris Dunston to present the Planning Board's recommendation.

Ms. Dunston said this issue came before the Planning Board on 10 September. She said comments from residents and members of the Board were considered and ultimately the Board felt this rezoning would not be in harmony with the community. The Planning Board recommends denial of the request.

Council Member Daeke confirmed that there was an oral request and Council Member Inscoe confirmed this Public Hearing would proceed as normal.

With no other 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.

**Chubby Thompson, 2000 Ruin Creek Road.** Mr. Thompson asked Council to disapprove the rezoning request saying this area was a nice close knit community, and they would like to maintain the current status.

**Ms. Mary Pegram, 2495 Ruin Creek Road.** Ms. Pegram said she owned the property adjacent to the property under discussion and asked that Council keep things the same. She mentioned the heavy traffic on Rte. 158 Business and asked Council to abide by the Planning Board's recommendation to deny the rezoning request.

**Mr. Tim Jenks, 1861 Ruin Creek Road.** Mr. Jenks said he moved to this area of the ETJ in 1994 and has enjoyed the closeness to the City and the beautiful neighborhood. He said the opposite end of Ruin Creek Road has businesses, and he said he was afraid if this is approved, the neighborhood will be lost. He asked Council to keep the area residential.

**Mr. Donald Strickland, 4080 Rte. 158 Business.** Mr. Strickland agreed that the area is a nice neighborhood and he would hate to see the integrity changed. He said the neighborhood blends well with the churches, school and rest home in the area. Mr. Strickland also said he appreciated hearing of the withdrawal of the request by the applicant.

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

Council Member Daeke asked for verification that a yes vote would be for the denial of the request. City Attorney John Zollicoffer said if the motion was to deny the request, then a yes vote would be to deny rezoning the tract located on the corner of Oxford Road and Ruin Creek Road.

Council Member Daeke then moved to deny approval of Ordinance 12-70, *Rezoning a 1.96+/- Tract Located on the Corner of Oxford Road and Ruin Creek Road from R15M (Moderate to Low Density Residential-HUD Code Home District) to O-I (Office Institutional Zoning District)*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke and Daye. NO: None. ABSTAIN: None. ABSENT: Brown. *(See Ordinance Book 8, p. 491)*

**Rezoning a 0.20 +/- Tract Located at 1345 North Garnett Street and a 0.154 +/- Tract Located at 1355 N. Garnett Street from B2A (Highway Commercial "A" Zoning District) to R6 (High Density Residential Zoning District).** *(Reference: CAF 12-130; Ordinance 12-72)*

City Manager Griffin asked Planning Director Erris Dunston to summarize the Planning Board's recommendation. Ms. Dunston said this applicant has applied for rezoning of these two properties from commercial back to residential. She said these properties are currently zoned for business and are located north of town where businesses have not been very unsuccessful. She said one property is currently rented as residential. The other property has been vacant for a period of time.

Council Member Kearney confirmed that this zoning change would change the use of the property back to residential use. Ms. Dunston said yes.

Council Member Inscoe confirmed that both tracts are currently zoned commercial business and asked about the surrounding properties. Ms. Dunston said both sides are currently commercial business; however, the back of the properties abut residential areas.

Council Member Coffey confirmed the request is for both tracts to be rezoned residential. Ms. Dunston said yes.

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

**Mr. Nathaniel Faucette, 1845 Summit Road.** Mr. Faucette said he is the owner of the two tracts and said he has been unable to lease the properties for any length of time due to lack of successful business and stated one property had been vacant for approximately 10 years.

City Attorney Zollicoffer asked if Mr. Faucette understood that if the properties are zoned residential, they cannot be rezoned commercial for a period of one year. Mr. Faucette said he understood.

No one else 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.

Council Member Coffey then asked for clarification regarding why the one property had been vacant for so long and it was stated because there was no business traffic.

Mayor O'Geary then asked for the pleasure of Council.

Council Member Kearney moved the approval of Ordinance 12-72, *Rezoning a 0.20 +/- Tract Located at 1345 North Garnett Street and a 0.154 +/- Tract Located at 1355 N. Garnett Street from B2A (Highway Commercial "A" Zoning District) to R6 (High Density Residential Zoning District)*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Daye and Kearney NO: None. ABSTAIN: None. ABSENT: Brown. (See Ordinance Book 8, p. 495)

## **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**

**Farmers Market Progress Update.** *(No background materials)*

Mr. Pete Burgess, committee chairman, gave Council a brief history regarding the need for the Farmers Market and said although this is a County function, it was a community project and wanted to update the City on its progress. Mr. Burgess said the project began in 2008. Since

then the committee has applied for several grants. The first grant provided \$75,000. The committee then began looking for available land and they found property costs more than anticipated. The Farm Bureau then stepped in and purchased the selected property (Beckford Drive) which has since been deeded to the County. This purchase greatly reduced the funds needed to build the structure and the committee has been successful in obtaining two other grants with a total of \$500,000 in grant dollars approved for the project. Mr. Burgess said they are currently waiting for the final drawings from the architect and anticipate bids to be put out later this month.

Mayor O'Geary thanked Mr. Burgess and the committee for their hard work. Council Member Rainey said he appreciated the effort and asked if within reason, local bids be considered to keep the work and funds within the County. Mr. Burgess said they would be taking local bids.

Council Member Coffey said she was glad to see this happening and Council Member Kearney asked if the building would be used for other events. Mr. Burgess said yes.

Mr. Burgess thanked the City for allowing the Farmers Market to use the Operations Center parking lot on Saturdays throughout the summer.

**Authorizing Award of a Construction Contract for Interior Renovation Related to the Engineering Department Relocation at the Operations Center to Bridgeview Contractors, Inc.** (Reference: CAF: 12-129; Resolution 12-87)

City Manager Griffin asked Assistant City Manager Frank Frazier to present this item.

Mr. Frazier said moving the Engineering Department to the Operations Center is a logical move because of the commonalities they have with the Water/Sewer/Street divisions of the Public Services Department. He said informal bids have been received from three businesses that have all worked on projects at the Operations Center, and Bridgeview Contractors submitted the lowest bid at \$24,640. Mr. Frazier did mention that the City failed to list this project on the web as they have done for previous projects.

Council Member Rainey asked about the location within the Operations Center and whether there would be a conflict with the Auxiliary 911 locating within the Operations Center. Mr. Frazier said no. He said E-911 is located at the opposite end of the building and that the area for the Engineering Department would be constructed in the right-middle portion of the building. Mr. Frazier stated the planning portion of this project was completed by the Engineering Department. Council Member Kearney asked if the Board of Elections would still have space for voting. Mr. Frazier said yes.

Council Member Inscoe asked for verification that the funds were allocated in the FY12-13 budget and said he would have liked to have seen the bidding opened so other contractors could have submitted bids. Mr. Griffin said the funds were budgeted and a list is being compiled of local contractors so they can be contacted regarding future projects. He reiterated that there was

a failure to put this project on the web and felt this list was another step toward better reaching out to the community.

Council Member Coffey said there have been previous conversations regarding how contractors could/should be notified of projects. She was disappointed this had not happened and asked that this be taken care of as soon as possible.

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

Council Member Daeke moved the approval of Resolution 12-87, *Authorizing Award of a Construction Contract for Interior Renovation Related to the Engineering Department Relocation at the Operations Center to Bridgeview Contractors, Inc.* Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: Brown. (See Resolution Book 3, p. 69)

**Modifying City of Henderson's Code of Ordinances, Chapter 4, Relative to Elmwood Cemetery.** (Reference: CAF 12-155; Ordinance 12-69)

City Manager Griffin said this is a tweak to the policy established when privatization of Elmwood cemetery was established. He then asked Assistant City Manager Frank Frazier to elaborate. Mr. Frazier said this modification strengthens the operations required by the Ordinance and look of the cemetery by requiring funeral homes or contractors to perform the necessary backfilling after a grave settles, and it also provides for proper ground cover.

Council Member Inscoe asked if a time frame should be included. Mr. Frazier said no time frame was included as the mounds settle at different times. Following a brief discussion, it was agreed that 60 days would be an appropriate time frame, and City Attorney Zollicoffer will rewrite that portion of the Ordinance.

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

Council Member Coffey moved the approval of Ordinance 12-69, *Modifying City of Henderson's Code of Ordinances, Chapter 4, Relative to Elmwood Cemetery.* Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Brown. (See Ordinance Book 8, p. 489)

**Relinquishing the Main Street Solutions Grant in the Amount of \$299, 004 and Closing Out the Grant Project.** (Reference: CAF 12-127; Resolution 12-85; Ordinance 12-75)

City Manager Griffin said a letter has been received from the Downtown Development Commission stating that it is unable to meet the grant requirements for the REEF Project (Zene Street Warehouse renovation) and have requested the City to relinquish the funds back to the

State. He said no dollars have been received and no dollars have been spent so the Ordinance simply closes out the Grant on the City books.

Council Member Rainey asked if this jeopardizes anything in the future. Mr. Griffin said no. He felt returning the grant now rather than waiting until the deadline should keep the City in good standing with the State.

Council Member Kearney expressed concern about the loss of job creation and asked what happened to the primary tenant. Mr. Griffin said he was not at liberty to discuss this issue at this time. Mr. Kearney said he was disappointed.

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

Council Member Rainey moved the approval of Resolution 12-85 *Relinquishing the Main Street Solutions Grant in the Amount of \$299, 004 and Ordinance 12-75, Closing out the Grant Project*. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Daeke, Daye, Kearney, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: Brown. (See Resolution Book 3, p 65; Ordinance Book 8, p 501)

*(Clerk's Note: Council Member Kearney abstained from voting, thus his vote counted as a yes vote. City Attorney Zollicoffer verified Mr. Kearney understood his abstention would be recorded as a yes vote.)*

**Authorizing the Mayor and City Manager to Sign an Agreement and Documentation with Vance County, as Appropriate, Regarding the Transfer of Real Property vis-à-vis the Neighborhood Stabilization Program.** (Reference: CAF 12-131; Resolution 12-88)

City Manager Griffin reminded Council that several years ago the City and County were awarded a grant through the Neighborhood Stabilization Program (NSP). In 2010 the City sold certain jointly owned tracts to the County to help implement the program and now the City has been required to sell four (4) additional lots to the County for continued NSP work. The lots are: 744 Rock Spring Street (2 lots – Parcel IDs 0069 04002 and 0069 04010); Eastway Drive (Parcel ID 0077 03003); and 815 Harriett Street (Parcel ID 0087-02002). Mr. Griffin said three (3) of the lots are vacant and one has a structure on it. As discussed during previous Council meetings, he recommends the funds received be allocated to the Code Compliance Department for property demolition.

Council Member Inscoe stated he would be abstaining from voting as he is a consultant with the Kerr-Tar Council of Governments for helping implement the NSP program for Vance County.

Council Member Kearney questioned the wording of the Resolution and following a short discussion, City Attorney Zollicoffer reworded the resolution to properly reflect the City is selling these properties to the County outright and will receive a check from the County as soon as the properties are deeded to the County.

Council Member Rainey asked if this agreement was for the four (4) lots only. Mr. Griffin said yes and went on to say the City/County attorneys are working on an inter-local agreement for all other jointly held properties, which hopefully will be presented to Council in November.

Mayor O'Geary then asked for the pleasure of Council.

*(Clerk's Note: Council Member Inscoe abstained from voting as he serves as a consultant with the Kerr-Tar Council of Governments for helping implement the NSP program for Vance County.)*

Council Member Rainey moved the approval of Resolution 12-88 *Authorizing the Mayor and City Manager to Sign an Agreement and Documentation with Vance County, as Appropriate, Regarding the Transfer of Real Property vis-à-vis the Neighborhood Stabilization Program.* Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Daeke, Daye, Kearney, Coffey, Rainey, Peace-Jenkins. NO: None. ABSTAIN: Inscoe None. ABSENT: Brown. *(See Resolution Book 3, p 71)*

**Rescinding Resolution 12-74 and Ordinance 12-A-67 FY 13 Budget Amendment #13, Amending the Economic Development Reserve Fund.** *(Reference: CAF 12-A-83; Resolution 12-A-74; Ordinance 12-A-67)*

City Manager Griffin said the proposed purchase of the economic development project approved at the last meeting has not come to fruition and it is appropriate to rescind Resolution 12-74 and to re-appropriate the dollars back into the economic development fund.

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

Council Member Coffey moved the approval of Resolution 12-A-74 *Rescinding Resolution 12-74 and Ordinance 12-A-67, FY 13, Budget Amendment #14, Amending the Economic Development Reserve Fund.* Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Daye, Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, and Daeke. NO: None. ABSTAIN: None. ABSENT: Brown. *(See Resolution Book 3, p 43-A; Ordinance Book 8, p 485-A)*

**Appropriating Additional Funds to the Oxford-Henderson Aeronautics Authority.** *(Reference: CAF 12-132, Ordinance 12-73)*

City Manager Griffin said this has been discussed during recent prior meetings and that Commissioner Thomas was present this evening to answer any remaining questions. Mr. Griffin said Council approved \$26,100 in the FY 12-13 budget and it is his recommendation to increase the dollars allotted the airport to the \$28,750 requested. He said Council could do this by the proverbial method of "robbing Peter to pay Paul." He also said he had recently attended a meeting with the airport commissioners and the other partners of the airport and felt matching the requested dollar amount was the right thing to do at this time.

Council Member Rainey asked Mayor O'Geary if Mr. Thomas could come forward and present whatever information he felt necessary.

Mr. Thomas said he appreciated Council revisiting this request and stated the airport has been in discussion with authorities for approximately eight (8) years in an effort to lengthen the runway. He said with Authority has worked hard toward this goal which will cost approximately \$2.5M - \$3M. The grant has been approved to move forward and with all the local partners contributing their portion, the match for the grant (\$25,000) can be met.

Council Member Rainey asked about flight volume. Mr. Thomas said he was not sure about volume but did say they have 40 airplanes parked in hangers and 4-5 parked outside. He said Eastern Aviation also uses the airport and explained they provide gas to many airports on the East Coast. Mr. Thomas believes the runway extension will offer relief to Raleigh flights and sees this as helping with local taxes.

Council Member Rainey asked how much longer the runway will be at the completion of the project. Mr. Thomas said the current runway is 5,005 feet and it will be extended to 5,500 feet. Council Member Inscoe asked what type of aircraft the extended runway will accommodate. Mr. Thomas gave the Gulfstream 3 as an example. He said the lengthened runway will accommodate incoming prison flights which often use Learjets and that driving from Henderson to Butner is more convenient than the airport the Federal Prison system currently uses.

Council Member Kearney inquired about operations/internal controls and said from the audit information provided it would seem there are no ethical issues or conflicts of interest. Mr. Kearney said he was pleased to see the Authority took immediate action to correct weaknesses identified in the audit.

Council Member Coffey asked when a more current audit would be available. Mr. Griffin said probably the first of the year. Ms. Coffey also asked if any flights from the prison system now come into the airport. Mr. Thomas said they have had a few.

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

Council Member Rainey moved the approval of Ordinance 12-73, *FY13, Budget Amendment #16, Appropriating Additional funds to the Oxford-Henderson Aeronautics Authority*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Daye, Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, and Daeke. NO: None. ABSTAIN: None. ABSENT: Brown. (*See Ordinance Book 8, p 497*)

## **CONSENT AGENDA**

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

- a) Amending the Provisions for Cuts and Excavations of Streets and for Right of Way Management.** This Ordinance provides modification and clarification to the schedule of

fees, as well as permitting issues. (Reference: CAF 12-95; Ordinance 12-52) (See Ordinance Book 8, p 455)

- b) **Supporting the Completion of the Widening of SR 1228 (Chavasse Avenue) from US 1 Business (Raleigh Road to SR 1143 (S. William Street).** The NCDOT requested a resolution from the City regarding its desire to complete the Chavasse Avenue Widening Project. (Reference: CAF 12-124; Resolution 12-84) (See Resolution Book 3, p 63)
- c) **1) Ordinance 12-71 FY 12-13 Budget Amendment #13, Amending Fund 73: Economic Development Capital Reserve Fund; and 2) Resolution 12-A-16, Authorizing an Amendment to the Capital Reserves Economic Development Fund in Regards to the North Carolina Rural Center and Golden Leaf Foundation Grants' Applications for Water Line for Economic Development Prospect 12-2; and Authorizing an Inter-Local Agreement with Vance County for Eligibility for Said Mentioned Grants..** Due to additional requirements for the project, the NC Rural Center is asking the City to increase its portion from \$954 to \$1,209. (Reference: CAF 12-126; Resolution 12—A-16; Ordinance 12-71) (See Resolution Book 2, p 259; Ordinance Book 8, p. 493)
- d) **Tax Releases and Refunds from Vance County for the Month of August.** These releases and refunds are found to be in order. (Reference: CAF 12-120)

Mayor O'Geary asked if anyone wished to remove an item from the Consent Agenda. No request was made so Mayor O'Geary then asked for a motion on the Consent Agenda as presented.

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

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

City Clerk McCrackin advised two (2) citizens wished to address City Council.

Mr. Britt Sams, 1140 Cedar Grove Dr. (owner of Sams Furniture). Mr. Sams said he was present to ask Council to consider repealing the sidewalk display ordinance passed in April. He said he was unaware of the ordinance and then gave a summary of his business experience. Mr. Sams said he opened in 2001 and felt the business had been good to him and he felt it was good for the City. He said the existing ordinance was amended in 2006 and he has paid his yearly fee of \$100.00 to have sidewalk displays. Mr. Sams said he often has items on the sidewalk because he only has the front door so often deliveries remain on the sidewalk. He also said he thought sidewalk displays kept business downtown. He apologized for not attending the

hearing in April and only realized it had passed when he was cited a few weeks ago. Mr. Sams asked Council to reconsider or re-amend the ordinance which he thought was unjust and unfair.

Mayor O'Geary then asked the City Manager to look into this matter.

**Dr. Wesley Crews, 197 Big Ruin Creek Lane.** Dr. Crews addressed a public respect issue stating he felt it was time the City addressed the low pants issue which is indecent, morally offensive and disrespectful. He said pants must be pulled up when they enter the Court House and felt Council should enforce a code that when individuals enter the County they have to pull up their pants. He suggested a penalty of \$5.00 for the first offense and \$5.00 plus public service for subsequent offenses.

Mayor O'Geary asked the City Manager and City Attorney to look into this issue. The City Attorney said he was aware of some legal issues with this request but he would follow up with the City Manager.

Council Member Kearney thanked Dr. Crews for his comments and asked Dr. Crews to leave his notes which are incorporated by reference and hereby made part of these minutes (*see Attachment A*). Mayor O'Geary agreed something should be done. Council Member Coffey said she has the same policy in her office as the Courts meaning they have to pull up their pants before entering her establishment and Council Member Inscoe agreed the issue is out of hand.

## REPORTS

- a) Mayor/Mayor Pro-Tem (No Report)
- b) City Manager – Mr. Griffin said the Surplus list was provided for Council's review and if there were no questions, the items would be declared surplus and auctioned on GovDeals.
- c) City Attorney (No Report)
- d) City Clerk – Ms. McCrackin reminded Council of the Two (2) Special Called meetings for Noon on Monday, October 15 and 6:00 p.m. on Monday, October 29.

Both Council Members Kearney and Coffey thanked Council for their support during the loss of family members during this past week.

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 Coffey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3) for four (4) Attorney-Client Privilege Matters, and G.S. §143-318.11(a)(5) for one

(1) Land Acquisition Matter. Motion seconded by Council Member Rainey and unanimously approved.

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

Mayor O'Geary asked if there were any other items of discussion before adjourning.

**ADJOURNMENT**

Council Member Kearney moved for adjournment. Motion seconded by Council Member Coffey and unanimously approved. The meeting adjourned at 8:47 p.m.

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James D. O'Geary  
Mayor

***ATTEST:***

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Esther J. McCrackin  
City Clerk

There are baffling problems of human conduct before us today, and our traditional moral standards seem unable to arbitrate the issue and lead on to clear convictions as to what is right and what is wrong. I am addressing the issue of young and some older members of our society that are wearing pants below their buttocks exposing their dirty and stained under wear, and exposing their back rear body parts.

Most people do not like or agree with this practice, because most do not dress this way. Most people agree that this practice is indecent, unacceptable and morally offensive. We don't like it and we know that it is blatantly disrespectful. No one can do anything about it. We currently cannot do anything about it, and they know it. They are defiant and challenge anyone to correct them.

Something can be done about it. Our courts do it every day. Before anyone of this persuasion can enter our court room, they must pull their pants over their buttocks and tuck their shirt in. One must pull their pants over their buttocks in the public courts but can pull them down below their butt in public. *Why the difference?* If it is disrespectful in our public courtrooms is it not also disrespectful in our public streets?

The judge makes the rules in the courtroom. The council makes the rules for the city. You're not telling people how to dress, but they cannot show their butt in Vance Co. public streets. We are living in extraordinary times. We are called to extraordinary things. When men forget or neglect their values and ideas, civilization tends to decline. Let's recover our moral insights of our culture and spiritual heritage. Let's put forth a public decency ordinance by forbidding such indecency.

We don't want to put people in jail, but rather pay a fine. If caught for a second offense, pay a fine but also do public service. Walk down the street with a sign saying pull your pants up in Vance Co.

Dr. Westley Crews  
Minister of Hughes St. Church of Christ  
President of M.A.D. (Making a Difference)