



## AGENDA

Henderson City Council Regular Meeting

Monday 13 April 2015, 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, Sr.  
Councilmember Sara M. Coffey  
Councilmember Michael C. Inscoe  
Councilmember D. Michael Rainey

Councilmember Brenda Peace-Jenkins  
Councilmember Garry D. Daeke  
Councilmember Fearldine A. Simmons  
Councilmember George M. Daye

### City Officials

Edward A. Wyatt, Interim City Manager  
D. Rix Edwards, 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) 23 March 2015 Regular Meeting and Work Session [See Notebook Tab 1]

**VII. 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. Please review the Citizen Comment Guidelines that are provided below.<sup>3</sup>

**VIII. NEW BUSINESS**

a) Consideration of Approval of Ordinance 15-22, FY15 Budget Amendment #23, Amending the General Fund to Appropriate the Balance of the Donations Received for the Restoration of the Bennett H. Perry, Jr. Museum. (CAF 15-54) [See Notebook Tab 2]

- Ordinance 15-22

b) Consideration of Approval of Resolution 15-08-A, 1) Issuance of Certificate of Sufficiency; and 2) Fixing Date of Public Hearing on Question of Annexation Pursuant to NCGS §160A-31. (CAF 15-09-A) [See Notebook Tab 3]

- Resolution 15-08-A

c) Consideration of Approval of Resolution 15-28-A, 1) Issuance of Certificate of Sufficiency; and 2) Fixing Date of Public Hearing on Question of Carey Chapel Village Annexation Pursuant to NCGS §160A-31 (CAF 15-46-A) [See Notebook Tab 4]

- Resolution 15-28-A

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<sup>3</sup> **Citizen Comment Guidelines for Agenda Items**

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.

- d) Consideration of Approval of Ordinance 15-24, FY15 Budget Amendment #26, Amending the General Fund to Budget the Proceeds of an Insurance Reimbursement to Offset the Costs of Repairs to the Concession Stand at Fox Pond Park. (CAF 15-56)[See Notebook Tab 5]
  - Ordinance 15-24
- e) Consideration of Approval of Ordinance 15-25, Providing for Four Additional Handicap Parking Spaces on Sunday Near the First Presbyterian Church. (CAF 15-57) [See Notebook Tab 6]
  - Ordinance 15-25
- f) Consideration of Approval of Resolution 15-33, Authorizing the Submission of an Application to the Bureau of Justice Assistance Office for the FY15 Bulletproof Vest Program Grant for the Police Department. (CAF 15-58) [See Notebook Tab 7]
  - Resolution 15-33
- g) Consideration of Approval of Ordinance 15-23, FY 15 Budget Amendment #25, Transferring Funds from Sewer Fund Contingency to the Elmwood Cemetery Outfall Project for the Acquisition of Land and Easements. (CAF 15-55) [See Notebook Tab 8]
  - Ordinance 15-23

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

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### **<sup>4</sup> Citizen Comment Guidelines for Non-Agenda Items**

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- 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.

**X. REPORTS**

- a)* Mayor/Mayor Pro-Tem
- b)* City Manager
- c)* City Attorney
- d)* City Clerk
  - i. Meeting and Events Calendar [*See Notebook Tab 9*]
  - ii. E-911 Monthly Report
  - iii. Fire Department Monthly Report

**XI. CLOSED SESSION**

- a)* Pursuant to G.S.§143-318.11 (a)(6) regarding a Personnel Matter

**XII. ADJOURNMENT**

**City Council Minutes**  
**Regular Meeting**  
**13 April 2015**

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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, Fearldine A. Simmons, and George M. Daye.

**ABSENT**

None.

**STAFF PRESENT**

Interim City Manager Edward A. Wyatt, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Engineering Director Clark Thomas, Finance Director Kathy Brafford, Public Services Director Mike Ross, Recreation and Parks Director Kendrick Vann, Police Chief Marcus Barrow and Development Services Director Corey Williams.

**CALL TO ORDER**

The 13 April 2015 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 Peace-Jenkins led those present in a prayer and the Pledge of Allegiance.

**OPENING COMMENTS**

Mayor O'Geary welcomed everyone, including special guests – the Leadership Vance Class of 2015. The Mayor asked Mr. John Barnes, President of the Henderson-Vance Chamber of Commerce to come forward and say a few words.

Mr. Barnes thanked the City for its partnership with the Chamber and said the class is looking forward to City Day which will take place tomorrow. He then recognized Ms. Annette Roberson, Director of Membership Services and asked each member of the class to stand and introduce themselves. Participants this year come from WIZS Radio, Maria Parham Medical Center, Vance-Granville Community College, Century Link, Vance County Schools, Animal Control and Planning & Development, Perry Memorial Library, Walmart, Carolina Country Snacks and the City of Henderson.

Mayor O'Geary thanked Mr. Barnes and told the Class he is looking forward to having them learn about the City.

### **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 Kearney, and unanimously approved.

### **APPROVAL OF MINUTES**

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Coffey moved to approve the 23 March 2015 Short Regular Minutes as presented. Motion seconded by Council Member Simmons, and unanimously approved.

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

The City Clerk advised the Mayor and Council Members that no citizen wished to address Council at this time.

### **NEW BUSINESS**

**Amending the General Fund to Appropriate the Balance of the Donations Received for the Restoration of the Bennett H. Perry, Jr. Museum.** (*Reference: CAF 15-54; Ordinance 15-22; Budget Amendment #23*)

Interim City Manager Wyatt said the City signed an agreement on March 26, 2015, for the Corbitt Preservation Association to lease the property to be used solely for the purpose of creating, operating and maintaining a museum regarding the history and culture of the City and County. The lease stipulated unspent donated funds to the City be used to assist the Association in paying renovation costs. The amount being appropriated to the Corbitt Association is \$25,145. Mr. Wyatt commended Council Member Inscoe for his fine work in helping to preserve this building as a museum.

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

Council Member Inscoe moved the approval of Ordinance 15-22, *Amending the General Fund to Appropriate the Balance of the Donations Received for the Restoration of the Bennett H. Perry, Jr. Museum*. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 237)

**Issuance of Certificate of Sufficiency and Fixing Date of Public Hearing on Question of Annexation Pursuant to NCGS §160A-31.** (Reference: CAF 15-09-A; Resolution 15-08-A; FY)

Interim City Manager Wyatt said the Clerk has completed, and the City Attorney has reviewed, the investigation of sufficiency regarding the area described as the intersection of Toyota Lane and Ruin Creek Road (S.R. 1128). The next step is to set a public hearing which will occur on April 27, 2015 at 6:00 p.m. in Council Chambers. Mr. Wyatt said he is pleased annexations are taking place since they are so difficult to accomplish in accordance with current State requirements.

There were no questions. Mayor O'Geary asked for Council's pleasure.

Council Member Rainey moved the approval of Resolution 15-08-A, *Issuance of Certificate of Sufficiency and Fixing Date of Public Hearing on Question of Annexation Pursuant to NCGS §160A-31*. Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 157-A)

**Issuance of Certificate of Sufficiency and Fixing Date of Public Hearing on Question of Carey Chapel Village Annexation Pursuant to NCGS §160A-31.** (Reference: CAF 15-28-A; Resolution 15-28-A)

Interim City Manager Wyatt said the Clerk has completed, and the City Attorney has reviewed, the investigation of sufficiency regarding the area described as the intersection of Toyota Lane and Ruin Creek Road (S.R. 1128). The next step is to set a public hearing which will occur on April 27, 2015 at 6:00 p.m. in Council Chambers.

Council Member Daeke asked how many lots are anticipated for this annexation. Development Services Director said 54 lots are anticipated.

Council Member Kearney said it is always nice to be adding rooftops to the City.

There were no other questions so Mayor O'Geary asked for the pleasure of Council.

Council Member Coffey moved the approval of Resolution 15-28-A, *Issuance of Certificate of Sufficiency and Fixing Date of Public Hearing on Question of Carey Chapel Village Annexation Pursuant to NCGS §160A-31*. Motion seconded by Council Member Simmons, and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 197-A)

**Amending the General Fund to Budget the Proceeds of an Insurance Reimbursement to Offset the Costs of Repairs to the Concession Stand at Fox Pond Park.** (*Reference: CAF 15-56, Ordinance 15-24, Budget Amendment #26*)

Interim City Manager Wyatt explained a tree fell on the concession stand at Fox Pond Park on February 17, 2014. The insurance claim of \$4,600 has been received and will be used to offset the cost of repairs.

Council Member Daeke asked what the total anticipated cost is for the repair. Recreation and Parks Director Vann said two bids have been received ranging from \$9,600 to \$10,100. He is currently looking for ways to lower the bids.

Council Member Rainey asked if the bids were from local businesses and why the bids were so much more than the insurance proceeds. Mr. Vann said yes, the bids were local and there was a \$5,000 deductible on the concession stand.

Council Member Inscoe asked if the concessions are under contract or done in-house. Mr. Vann said concessions have been under contract with a third-party but he is looking at moving them in-house as a revenue builder. Council Member Daeke asked if using non-profits is a possibility. Mr. Vann said he still has a lot of “homework” to do on this issue.

Mr. Wyatt commended Mr. Vann for working on a variety of ways to raise funds for the recreation center and added it may be best to bring the concession in-house.

Mayor O’Geary asked for the consensus of Council as there was no further discussion.

Council Member Daeke moved the approval of Ordinance 15-24, *Amending the General Fund to Budget the Proceeds of an Insurance Reimbursement to Offset the Costs of Repairs to the Concession Stand at Fox Pond Park*. Motion seconded by Council Member Kearney, and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: None. (*See Ordinance Book 9, p 241*)

**Providing for Four Additional Handicap Parking Spaces on Sunday Near the First Presbyterian Church.** (*Reference: CAF 15-57, Ordinance 15-25*)

Interim City Manager Wyatt said a request was submitted for four (4) additional handicap parking spaces near the First Presbyterian Church for Sunday’s only. It is anticipated the cost of the poles and signs will be \$40, excluding labor costs. He recommends the additional handicap parking spaces for approval by Council.

There were no questions so Mayor O’Geary asked for Council’s pleasure

Council Member Rainey moved the approval of Ordinance 15-25, *Providing for Four Additional Handicap Parking Spaces on Sunday Near the First Presbyterian Church*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey, Inscoc and Rainey. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 243)

**Authorizing the Submission of an Application to the Bureau of Justice Assistance Office for the FY15 Bulletproof Vest Program Grant for the Police Department.** (Reference: CAF 15-58, Resolution 15-33)

Interim City Manager explained this is an annual grant request. This year the grant will provide reimbursement up to 50% of all expenditures (including shipping) for the purchase of ten (10) law enforcement body armor vests and carriers. The anticipated cost is \$7,560 with the City's portion being \$3,780.

There were no questions so Mayor O'Geary asked for the pleasure of Council.

Council Member Peace-Jenkins moved the approval of Resolution 15-33, *Authorizing the Submission of an Application to the Bureau of Justice Assistance Office for the FY15 Bulletproof Vest Program Grant for the Police Department*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Daeke, Simmons, Daye, Kearney, Coffey, Inscoc, Rainey and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 207)

**Transferring Funds from Sewer Fund Contingency to the Elmwood Cemetery Outfall Project for the Acquisition of Land and Easements.** (Reference: CAF 15-55, Ordinance 15-23, Budget Amendment #25)

Interim City Manager said the cost of obtaining easements and securing two properties via fee simple are excluded in the loan. The estimated cost to secure the easements and process the legal documents is \$25,000.

Council Member Kearney asked why the need for the easements/acquisitions since an existing line is being upgraded. Assistant City Manager Frazier said due to new buffer requirements, and the design changes to make the line more efficient, it was felt it would be best to go through this process.

Council Member Inscoc asked if the original contingency will remain the same. Mr. Frazier said the \$154,450 currently in the contingency fund will remain intact and that the estimated cost of \$25,000 will come from Sewer Fund.

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

Council Member Daeke moved the Approval of Ordinance 15-23, *Transferring Funds from Sewer Fund Contingency to the Elmwood Cemetery Outfall Project for the Acquisition of Land and Easements*. Motion seconded by Council Member Simmons, and APPROVED by the following vote: YES: Simmons, Daye, Kearney, Coffey, Inscoc, Rainey, Peace-Jenkins and Daeke. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 239)

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

The City Clerk advised the Mayor and Council Members that no citizen wished to address Council at this time.

## **REPORTS**

- a) Mayor/Mayor Pro-Tem (No Report)
- b) Interim City Manager - Mr. Wyatt updated Council on the Green Rural Re-development Organization and its progress in obtaining a grant. The group is interested in several lots and more information will be brought to Council as it becomes available.

Mayor O'Geary asked the Green Rural Re-development representatives to stand and thanked them for their efforts and added he looks forward to seeing the gardens throughout the City.

Mr. Wyatt updated Council on the pro-active measures Mr. Vann has made with the Recreation and Parks Department and mentioned the African-American Quiz Bowl, Campus to Campus visits, fitness and arts programs/

Mayor O'Geary thanked Mr. Vann for reaching out to the young people of the community.

Mr. Wyatt read the following press release from the National Association of Police Organizations which recognizes Lieutenant Alan Hedgepeth:

**NORTH CAROLINA**  
Lieutenant Alan Hedgepeth  
*Henderson Police Department*

Resident Agent in Charge Timothy L. Sloan  
Special Agent Timothy S. Graden  
*Bureau of Alcohol, Tobacco, Firearms and Explosives*

They called themselves the Money Gang Mob ("MGM") and for years they exerted control over a small and violent area of Henderson, North Carolina. The street gang would traffic firearms and stolen property to contacts in Newark, New Jersey in exchange for heroin that they'd bring back and then distribute. Authorities

believed the gang was responsible for several homicides, multiple home invasion robberies, drive by shootings, sexual assaults, etc. Basically they needed to be stopped.

That's when agents at the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as well as at the Henderson P.D., teamed up in order to take this violent gang down. With agents Timothy Sloan and Timothy Graden from ATF and Lieutenant Alan Hedgepeth from the Henderson P.D. leading the charge, an intense investigation was launched and concluded in the summer of 2014 with the arrest and convictions of nearly forty MGM members or known associates. As a result of this joint investigation, violent crime was reduced by at least 30% in Henderson, and the community became a much safer place with several of the gang's most violent members now behind bars.

Mayor O'Geary thanked Police Chief Barrow for all he and the police officers are doing to make a difference within the city.

Lastly, Mr. Wyatt said the Finance Department has received the Certificate of Achievement Award for the 23<sup>rd</sup> year in the row. This award is presented by the Government Finance officers Association and is the highest form of recognition in governmental accounting and financial reporting.

c) City Attorney (No Report)

d) City Clerk – Ms. McCrackin reminded Council of the Leadership Vance City day tomorrow at the Aycock Recreation Center.

## **OTHER**

Council Member Coffey asked if any progress had been made with her request for a new flag pole to fly the Purple Heart flag. Mr. Frazier said the pole has been ordered and will be installed shortly.

Council Member Kearney reported that as a result of the Retreat discussions regarding the EDC, the Police Chief is now a strategic partner with the EDC and attended the last meeting. Mr. Kearney also echoed the Mayor in saying he is excited about seeing the gardens around town and said he will continue to assist in any way possible.

Interim City Manager Wyatt mentioned Owen Davis Park, better known as the Flint Hill Park has been adopted by Clearview Baptist Church and there will be a clean-up event this Saturday from 11:00 a.m. to 3:00 if anyone would like to participate. Council Member Peace-Jenkins said she appreciates the efforts being put into this park.

With no further discussion, Mayor O'Geary asked if Council was prepared to go into Closed Session and stated there would be no report following the session.

**CLOSED SESSION**

Council Member Rainey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(6) for a Personnel Matter, Motion seconded by Council Member Daye and unanimously approved.

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

With no further business Mayor O'Geary asked if Council was prepared to adjourn

**ADJOURNMENT**

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Peace-Jenkins, and unanimously approved. The meeting adjourned at 7:24 p.m.

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James D. O'Geary  
Mayor

***ATTEST:***

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Esther J. McCrackin  
City Clerk