



AGENDA

Henderson City Council Short Regular Meeting and Work Session
Monday 27 April 2015, 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, 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 Behavior¹ and Transparency in Governance². The Mayor now inquires as to whether any Council Member knows of any conflict of interest, or appearance of conflict, with respect to matters before the City Council. If any Council Members knows of a conflict of interest, or appearance of conflict, please state so at this time.

¹ **Core Value 4: Ethical Behavior:** We value the public trust and will perform our duties and responsibilities with the highest levels of integrity, honesty, trustworthiness and professionalism.

² **Core Value 10: Transparency in Governance:** We value transparency in the governance and operations of the City.

V. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA

VI. APPROVAL OF MINUTES

- a) 13 April 2015 Regular Meeting [See Notebook Tab 1]

VII. PUBLIC HEARING

- a) Consideration of Holding a Public Hearing on the Question of Annexation for Toyota Lane Pursuant to North Carolina General Statute 160-A-31. (CAF 15-09-B) [See Notebook Tab 2]
 - Public Hearing
- b) Consideration of Holding a Public Hearing on the Question of Annexation for Carey Chapel Village Pursuant to North Carolina General Statute 160-A-31. (CAF 15-28-B) [See Notebook Tab 3]
 - Public Hearing

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. Please review the Citizen Comment Guidelines that are provided below.³

IX. NEW BUSINESS

- a) Consideration of Approval of Resolution 15-34, Allowing Vance County Relay for Life to Place a Banner Across the Charles Street Overpass. (CAF 15-59) [See Notebook Tab 4]
 - Resolution 15-34

³ **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.

- b) Consideration of Approval of Tax Releases and Refunds for the Month of March 2015. (CAF 15-53) [See Notebook Tab 5]
- c) Financial Report – 1st Nine Months FY2015. [See Notebook Tab 6]
- d) Update on Several Projects (CM 15-06) [See Notebook Tab 7]

X. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may only speak on Non-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.⁴

XI. REPORTS

- a) Mayor/Mayor Pro-Tem
- b) City Manager
- c) City Attorney
- d) City Clerk
 - i. Meeting and Events Calendar [See Notebook Tab 8]
 - ii. Proclamation – Police Week
 - iii. Proclamation – Municipal Clerk’s Week

XII. CLOSED SESSION

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

⁴ **Citizen Comment Guidelines for Non-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.

XIII. REGULAR WORK SESSION

a) Consideration of Approval of Ordinance 15-09, FY15 Budget Amendment #27, Including the Amended Fee Schedule to Include Fire Hydrant Meter Usage Fees Relative to the Policy for the Usage of Fire Hydrant Meters. (CAF 15-26) [See Notebook Tab 9]

- Ordinance 15-09

b) Consideration of Approval of Resolution 15-36, Authorizing the Execution of a Construction Contract for the Mason Street and Reservoir Street Storm Sewer Replacement Project in the Amount of \$23,005 with H.G. Reynolds Co., Inc. (CAF 15-61) [See Notebook Tab 10]

- Resolution 15-36

XIV. ADJOURNMENT

City Council Minutes
Short Regular Meeting and Work Session
27 April 2015

PRESENT

Mayor James D. O'Geary, Presiding; and Council Members Michael C. Inscoe, D. Michael Rainey, Brenda Peace-Jenkins, Garry D. Daeke, Fearldine A. Simmons and George M. Daye.

ABSENT

Council Members James C. Kearney, Sr. and Sara M. Coffey.

STAFF PRESENT

Interim City Manager Edward A. Wyatt, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Kathy Brafford, Engineering Director Clark Thomas, Public Services Director Mike Ross, Assistant Finance Director Michelle Daniels, Human Resources Director Cathy Brown, Recreation and Parks Director Kendrick Vann, Development Services Director Corey Williams and Kerr Lake Regional Water Director Christy Lipscomb.

CALL TO ORDER

The 27 April 2015 Short Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:03 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 said it was a pleasure to welcome so many citizens. He said it is always good to see citizens in attendance.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. Council Member Rainey moved to accept the Agenda as presented. 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 13 April Regular Meeting minutes as presented. Motion seconded by Council Member Peace-Jenkins, and unanimously approved.

PUBLIC HEARING

Holding a Public Hearing on the Question of Annexation of Toyota Lane Pursuant to North Carolina General Statute 160A-31. (CAF 15-09-B)

Interim City Manager Wyatt said this annexation is exciting as annexations have been made difficult by the State.

With no discussion, Mayor O'Geary opened the Public Hearing by asking if anyone was present who wished to speak in favor of this annexation. No one came forward so Mayor O'Geary then asked if anyone was present who wished to speak in opposition to the annexation. No one came forward.

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

Council Member Rainey asked if this was for the new dialysis center. Assistant City Manager Frazier responded the annexation is for the dialysis center only (Toyota Lane was used to designate the area of the dialysis center).

Council Member Rainey moved the approval of *Annexation of Toyota Lane Pursuant to North Carolina General Statute 160A-31*. Motion seconded by Council Member Peace-Jenkins, and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney and Coffey.

Holding a Public Hearing on the Question of Annexation for Carey Chapel Village Pursuant to North Carolina General Statute 160A-31. (CAF 15-46-B)

Interim City Manager Wyatt said this is a great opportunity as this development will improve the population and meet housing needs.

With no discussion, Mayor O'Geary opened the Public Hearing by asking if anyone was present who wished to speak in favor of this annexation... No one came forward so Mayor O'Geary then asked if anyone was present who wished to speak in opposition to the annexation. No one came forward.

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

Council Member Peace-Jenkins moved the approval of *Annexation of Carey Chapel Village pursuant to North Carolina General Statute 160A-31*. Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney and Coffey.

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

Allowing Vance County Relay for Life to Place a Banner Across the Charles Street Overpass. (*Reference: CAF 15-59, Resolution 15-34*)

Interim City Manager Wyatt explained according to Section 16-11 of the City Code, approval by Council is necessary to place this banner across the Charles Street Overpass. The purpose of the sign is to inform citizens of the upcoming Relay for Life event.

Council Member Daeke inquired about safety issues and asked that the sign be checked weekly to insure it is properly attached. Development Services Director Williams said part of the permit process is to require proper attachment.

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

Council Member Rainey moved the approval of Resolution 15-34, *Allowing Vance County Relay for Life to Place a Banner Across the Charles Street Overpass*. Motion seconded by Council Member Inscoe, and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney and Coffey. (*See Resolution Book 4, p 209*)

Approval of Tax Releases and Refunds from Vance County for the Month of March 2015.
 (Reference: CAF 15-53)

March 2015 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Releases			
Noel, William W III	Personal Prop Billed in Error	2011	\$ 10.53
Noel, William W III	Personal Prop Billed in Error	2012	\$ 10.53
Vanegas, Jose	Personal Prop Billed in Error	2012	\$ 34.78
Noel, William W III	Personal Prop Billed in Error	2013	\$ 12.27
Vanegas, Jose	Personal Prop Billed in Error	2013	\$ 73.72
Cooper, Sandra	Correct Ownership	2014	\$ 68.27
Noel, William W III	Personal Prop Billed in Error	2014	\$ 12.28
Turner, Rowland G Jr.	Correct Ownership	2014	\$ (68.27)
Vance Construction Co.	Correct Situs	2015	\$ 8,110.46
Total R&P Prop. Releases			\$ 8,264.57
Real & Personal Property			
Refunds			
None			\$ -
Total R&P Prop. Refunds			\$ -
Total R&P Prop. Rel. & Refunds			\$ 8,264.57
Registered Vehicle Releases			
None			\$ -
Total Releases			\$ -
Registered Vehicle			
Refunds			
None			\$ -
Total Reg Veh Refunds			\$ -
Total Reg Veh Releases			
& Refunds			\$ -
Total All Releases & Refunds			\$ 8,264.57

Interim City Manager Wyatt said this is a routine housekeeping matter.

Council Member Daeke asked for a definition of *Correct Situs*. Finance Director said it means it was credited to the wrong position (i.e., it was credited to the City and should have been credited to the County).

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

Council Member Simmons moved the approval of *Tax Releases and Refunds from Vance County for the Month of March 2015*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Simmons, Daye and Inscoe. NO: None. ABSTAIN: None. ABSENT: Kearney and Coffey.

Financial Report – 1st Nine Months FY 2015. (Reference: CM 15-05)

Finance Director Brafford summarized the report pointing out specifically the sales tax amount represents seven of the twelve months. The garage sales are lower than anticipated at this time because repairs have been less; however, the next few months could significantly change this number.

Council Member Daeke asked when the State will send the beer/wine tax. Ms. Brafford said that normally comes once a year in May.

Council Member Inscoe asked if Ms. Brafford is aware if any of the extended warranties, purchased on new vehicles, have been reached. Ms. Brafford said she did not know but would be happy to follow up and will send a memo to Council with her findings.

Update on Several Projects. (Reference: CM 15-06)

Assistant City Manager Frazier said staff is aggressively trying to complete these projects and mentioned specifically Chavasse Avenue project which is scheduled for bid openings on May 13. The other projects in the report were: 1) Beckford Drive which will be brought before Council at the May 11 Council meeting; 2) HWRP construction which anticipates diversion into the new plant around the first or second week in May; 3) Sandy Creek Pump Station pumps are scheduled for delivery this week with construction resuming in May; 4) The new pump was delivered and is scheduled to be completely installed by mid-May for the Kerr Lake Regional Water Pump Replacement project; and 5) Staff is continuing to secure the remaining easements for the Elmwood Cemetery Sewer project.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised several citizens wished to address Council at this time.

Geraldine Champion, 309 Arch Street Henderson - Ms. Champion asked Council to reconsider the current no parking restrictions on Arch and William streets. She would like to see parking available on one side of the street as many homes do not have adequate driveway parking. She has spoken to the Police and also to Assistant City Manager Frazier about this issue.

Mayor O'Geary and Interim City Manager Wyatt both felt this was an issue that should be responded to in a timely manner. Mayor O'Geary said Ms. Champion should expect a response within the next few days.

Angela Hyson, 412 Keats Road, Manson - Ms. Hyson's concern regarded the IBT process. She was dismayed at what she called a lack of public hearings and asked Council to reconsider this process. She stated water is a valuable asset and said she is proud that the KLRWS shares water with Granville County, Warren County and Vance County. She specifically felt water should not be shared with Franklin County. Ms. Hyson also said tourism would diminish if the KLRWS draws more water from the Lake.

Jim Populorum, 1517 Peace Street, Henderson – Mr. Populorum said he does not understand this process and asked Council to delay its decision.

Deborah Ferruccio, 297 Davis-Hyman Road, Norlina – Ms. Ferruccio felt the parties involved are fast tracking this process largely to help Franklin County. She said she has spoken to Senator Bryant and Representative Baskerville, along with the NAACP. Ms. Ferruccio asked Council to rethink its decision in light of HB 795 which is currently being considered by the General Assembly. She felt as a Tier 1 community, this process will rob the region of potential resources.

Elissa Yount, 216 Chavasse Avenue, Henderson – Ms. Yount asked if Council has considered the long term repercussions and verified all aspects of the agreement. She felt a water authority with experienced engineers is needed to oversee the KLRWS. Ms. Yount added she did not want to see water going to Raleigh or Youngsville.

John Hyson, 412 Keats Road, Manson – Mr. Hyson agreed with all the prior comments. He felt the methods utilized were inappropriate citing the lack of official notice in the *Daily Dispatch*. He said although the drawdown is insignificant, it will have a cumulative effect, and he felt Council is missing the math. Mr. Hyson mentioned an alternative would be to reduce the flow over the dam which would reduce hydroelectricity and lastly asked Council not to provide water to Franklin County.

Leslie James, 1268 David Avenue, Henderson – Ms. James said she is in opposition to the permit as currently established. She asked what this will mean long-term and what is being done to market this community. Ms. James sees no reason to promote other counties. She believes Council wishes to do what is best for the community but asked Council to reconsider.

Suzanne O'Hatnick, 159 Oak Tree Lane, Manson – Ms. O'Hatnick agreed with the previous comments but said her heart breaks at the thought of what will be lost at the Lake where her extended family has resided since the mid-50's. She also asked about the economic impact to the area.

Mayor O'Geary thanked each citizen for expressing their concerns. He said there seems to be some misconceptions and assured everyone that Council will be open and honest about all aspects of this permit and the process.

REPORTS

a) Mayor/Mayor Pro-Tem (No Report)

b) Interim City Manager – Mr. Wyatt said he was heartened when a Council member came to him with a concern regarding “double taxation” regarding the E-911 agreement with the County.

Also, Raleigh is looking into establishing a method for municipalities to raise funds in lieu of lost privilege license fees so he feels there may be “some light” at the end of the tunnel.

c) City Attorney (No Report)

d) City Clerk – Ms. McCrackin thanked Council for the opportunity to attend the excellent Regional Clerk's Academy last Friday. She also reminded Council of a Business Before Hours event and a Business After Hours event coming up in the next week.

OTHER

Council Member Simmons praised the Police Department because of the compassion and concern she observed two officers show for a homeless person in distress. She said actions such as this goes a long way toward improving the community.

Mr. Wyatt said under the leadership of the Chief, cultural changes are happening. The Chief practices what he preaches and Ms. Simmons comments will be greatly appreciated.

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 Inscoc, and unanimously approved.

WORK SESSION

Amended Fee Schedule to Include Fire Hydrant Meter Usage Fees Relative to the Policy for the Usage of Fire Hydrant Meters. (Reference: CAF 15-26, Ordinance 15-09)

Public Services Director Ross said over the years the policy has been to allow temporary use of a fire hydrant meter to obtain potable water that cannot be regularly metered or is not immediately available on a construction site. However, it is time to regulate and place a value on the timeframe that the hydrant meter is used and the amount of water consumed. The proposed fees are consistent with other nearby municipalities and a \$5,000 fee is proposed for improper use of a hydrant. Mr. Ross added that regulating the use of hydrant meters will also help reduce damage to the hydrant as the policy includes proper assembly steps.

Council Member Daeke asked if a fine of \$5,000 is sufficient. Mr. Frazier said it will be impossible to stop all misuse but it is hoped the fine will be a deterrent.

Council Member Inscoe asked how the penalty will be enforced. There was a brief discussion and the City Attorney was asked to look into the possibility of making misuse of a hydrant a felony.

Mr. Frazier clarified that this policy does not deter voluntary fire departments from using the hydrants to put out fires.

Mayor O'Geary asked for a consensus of Council to carry this policy forward to the next meeting. The consensus was as follows: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney and Coffey.

Authorizing the Execution of a Construction Contract for the Mason Street and Reservoir Street Storm Sewer Replacement Project in the Amount of \$23,005 with H. G. Reynolds Co., Inc. (Reference: CAF 15-61, Resolution 15-36)

Interim City Manager Wyatt felt this storm sewer replacement project could be handled administratively as the funds are available.

There was no discussion so Mayor O'Geary asked for the consensus of Council. The consensus to handle this administratively was as follows: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney and Coffey.

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 Rainey, and unanimously approved. The meeting adjourned at 7:40 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk