



AGENDA

Henderson City Council Regular Meeting

Monday 26 October 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

Mayor Elect Eddie Ellington

Councilmember James C. Kearney, Sr.

Councilmember Sara M. Coffey

Councilmember Michael C. Inscoc

Councilmember D. Michael Rainey

Councilmember Brenda Peace

Councilmember Garry D. Daeke

Councilmember Fearldine A. Simmons

Councilmember George M. Daye

City Officials

Frank Frazier, 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) 28 September 2015 Short Regular Meeting. *[See Notebook Tab 1]*

VII. PRESENTATIONS/RECOGNITIONS

- a) Mr. Michael Thomas Roberson, Sr. – Bennett Perry Museum

VIII. PUBLIC HEARING

- a) Consideration of Approval of: 1) Ordinance 15-18, Amending the Zoning Map to Rezone Property from R20 (Low Density Residential) to R11 (Moderate to Density Residential) 5.7 +/- Acres and 2) Ordinance 15-56, Rezone Remaining Tract From R11 (Moderate to Density Residential) to R20 (Low Density Residential) 8.1 Acres Located at Vicksboro Road (PIN #0536 02010). *(CAF 15-126) [See Notebook Tab 2]*

- Public Hearing
- Ordinance 15-18
- Ordinance 15-56

IX. 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

X. NEW BUSINESS

- a) Consideration of Approval of Ordinance 15-55, FY 15-16 Budget Amendment #10, Amending the Budget for the Triangle North Healthcare Foundation Grant in the Amount of \$20,000 to Complete the Development of the South Side Fox Pond Trail System. *(CAF 15-112-B) [See Notebook Tab 3]*

- Ordinance 15-55

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 Ordinance 15-39, FY16 Budget Amendment #11, to Establish the Budget for the Pipe Repair Project. (CAF 15-96) [See Notebook Tab 4]
- Ordinance 15-39
- c)** Consideration of Approval of Ordinance 15-40, FY16 Budget Amendment #12, to Close Out the Warren County Meter Relocation Project Budget. (CAF 15-97) [See Notebook Tab 5]
- Ordinance 15-40
- d)** Consideration of Approval of Resolution 15-77, Supporting Warren County's Efforts to Refinance the USDA Debt for Their Water/Sewer District II, Including the Portion Installed as a Part of the Water System Agreement. (CAF 15-119) [See Notebook Tab 6]
- Resolution 15-77
- e)** Consideration of Approval and/or Re-adoption of Multiple Resolutions (listed below), as a Requirement of the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Infrastructure; CDBG Infrastructure Project (Newton Dairy Road/Birch and Bobbitt Street Sewer Extension Project). (CAF 15-122) [See Notebook Tab 7]
- Resolution 15-78 Section 504 Grievance Procedure
 - Resolution 15-79 Antidisplacement and Relocation Assistance Plan 2015
 - Resolution 15-80 Citizen Complaint Procedure
 - Resolution 15-81 Citizen Participation Plan
 - Resolution 15-82 Fair Housing Plan
 - Resolution 15-83 LAP Language Access Plan
 - Resolution 15-84 Section 3 Jobs Initiative Plan
 - Resolution 15-85 Section 504 Self Evaluation
 - Resolution 15-86 Equal Opportunity and Procurement Plan
 - Resolution 15-87 Excessive Force Policy
- h)** Consideration of Approval of Ordinance 15-41, FY16 Budget Amendment #13, Establishing the Budget for the CDBG Infrastructure Project 14-I-2658 (Newton Dairy Road/Birch and Bobbitt Street Sewer Extension Project). (CAF 15-98) [See Notebook Tab 8]
- Ordinance 15-41
- i)** Consideration of Approval of Resolution 15-92, Authorizing the Mayor to Sign a Corporate Resolution for First Citizens Bank Updating Signatory Information. (CAF 15-130) [See Notebook Tab 9]
- Resolution 15-92

j) Consideration of Approval of Resolution 15-90, Adopting the 2016 City Council Meeting Schedule. (CAF 15-127) [See Notebook Tab 10]

- Resolution 15-90

k) Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of September 2015. (CAF 15-120) [See Notebook Tab 11]

XI. 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

XII. REPORTS

- a) Mayor/Mayor Pro-Tem
- b) City Manager
 - i. Declaration of Surplus Property. (CM 15-02)[See Notebook Tab 12]
- c) City Attorney
- d) City Clerk
 - i. Meeting and Events Calendar [See Notebook Tab 13]
 - ii. Fire Department Monthly Report

XIII. CLOSED SESSION

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

XIV. ADJOURNMENT

⁴ 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.

City Council Minutes

Short Regular Meeting

26 October 2015

PRESENT

Mayor James D. O'Geary, Presiding; and Council Members James C. Kearney, Sr., Sara M. Coffey, D. Michael Rainey, Michael C. Inscoe, Brenda Peace, Garry D. Daeke, George M. Daye and Mayor Elect Eddie Ellington

ABSENT

Council Member Fearldine A. Simmons

STAFF PRESENT

City Manager Frank Frazier, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Captain Perry Twisdale, Interim Fire Chief Steve Cordell, , Engineering Director Clark Thomas, Public Services Director Mike Ross, Recreation and Parks Director Kendrick Vann, Human Resources Director Cathy Brown, Development Services Director Corey Williams, Kerr Lake Regional Water Director Christy Lipscomb,

CALL TO ORDER

The 28 September 2015 Short Regular Meeting and Work Session 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 led those in attendance in a prayer and the Pledge of Allegiance.

WELCOME

Mayor O'Geary welcomed everyone to the meeting and 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 approved the addition of one agenda item: Consideration of Approval of Resolution 15-93, *Providing for the Disposition of Jointly Held Property by the City and County Identified as 701 Powell Street and Further Identified in Vance County Register of Deeds Book #01290, Page #361; Tax Parcel #0095-01009*. Council Member Rainey moved to accept the Agenda as adjusted. Motion was 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 Coffey moved the approval of the 28 September 2015 Regular Meeting minutes, as presented. Motion seconded by Council Member Daye, and unanimously approved.

PRESENTATIONS/RECOGNITIONS

Mayor O'Geary called Mr. Michael Thomas (Tommy) Roberson, Sr. forward to receive recognition for his collaborative efforts to coordinate donations, volunteers and tireless work in making the Bennett Perry Museum a reality. The Mayor thanked Mr. George and Sam Watkins for gifting the air conditioning/heating upgrade, the Corbitt Preservation members for their volunteer work, along with many other citizens. Mayor O'Geary then read and presented Mr. Roberson with a framed recognition.

Mr. Roberson thanked the Mayor and Council for the recognition and then recognized City Manager Frazier, Public Services Director Ross and City staff for their assistance with improving the sidewalk around the museum and also for the clean-up work which they completed.

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.

PUBLIC HEARING

Amending the Zoning Map to Rezone Property from R20 (Low Density Residential) to R11 (Moderate to Density Residential) 5.7 +/- Acres and Rezone Remaining Tract from R11 (Moderate to Density Residential) to R20 (Low Density Residential) 8.1 Acres Located at Vicksboro Road (PIN #0536 02010). (*Reference: CAF 15-126; Ordinance 15-18, Ordinance 15-56*)

City Manager Frazier said this rezoning is basically self-explanatory but asked Development Services Director Corey Williams to provide the details. Mr. Williams explained in 2014 this tract was re-zoned for an elderly housing project which has not come to fruition. As the original builder abandoned the project, Mr. Dennis Tharrington would now like to develop this tract with

the same intent. However, he would like to relocate the project to a different portion of the tract, thus the need for this re-zoning

Council Member Daeke asked about egress/ingress to which Mr. Williams said there is no anticipated problems.

There were no other questions so Mayor O'Geary opened the Public Hearing by asking if anyone was present who wished to speak in favor of this rezoning.

Mr. Dennis Tharrington, 430 Woodland Road Mr. Tharrington said he plans to build 56 units of elderly housing and would be happy to answer any of Council's questions.

There were no questions and no one else came forward to speak in favor of this re-zoning, so Mayor O'Geary 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 15-18, *Amending the Zoning Map to Rezone Property from R20 (Low Density Residential) to R11 (Moderate to Density Residential) 5.7 +/- Acres* and Ordinance 15-56, *Rezone Remaining Tract from R11 (Moderate to Density Residential) to R20 (Low Density Residential) 8.1 Acres Located at Vicksboro Road (PIN #0536 02010)*. Motion seconded by Council Member Peace, and APPROVED by the following vote: YES: Kearney, Coffey, Inscoc, Rainey, Peace, Daeke and Daye. NO: None. ABSTAIN: None. ABSENT: Simmons. (*See Ordinance Book 9, p 229 and 305*)

NEW BUSINESS

Amending the Budget for the Triangle North Healthcare Foundation Grant in the Amount of \$20,000 to Complete the Development of the South Side Fox Pond Trail System. (*Reference: CAF 15-112-B; Ordinance 15-55, Budget Amendment #10*)

City Manager Frazier explained this mechanism establishes a budget for the \$20,000 grant which was authorized by Council during the September 28, 2015 meeting.

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

Motion was made by Council Member Daeke to approve Ordinance 15-55, *Amending the Budget for the Triangle North Healthcare Foundation Grant in the Amount of \$20,000 to Complete the Development of the South Side Fox Pond Trail System*. Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Coffey, Inscoc, Rainey, Peace, Daeke, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: Simmons. (*See, Ordinance Book 9, p 303*)

Establish the Budget for the Pipe Repair Project. (Reference: CAF 15-96; Ordinance 15-39, Budget Amendment #11)

City Manager Frazier asked Kerr Lake Regional Water Director Christy Lipscomb to present this item. Ms. Lipscomb said repairs and re-coating of the main pipe and several booster stations is necessary to protect the water quality. This budget puts the dollars in the right account so the expenses can be properly tracked. The needed repairs were discussed at the August 10, 2015 KLRWS Advisory Board meeting and there were no objections noted from the partners. The cost of the repairs is estimated at \$100,000 which will be transferred from the Regional Water Reserve, leaving a balance of \$928,333.04.

There was no discussion, so Mayor O'Geary called for Council's pleasure.

Motion was made by Council Member Inscoe to approve Ordinance 15-39, *Establish the Budget for the Piper Repair Project*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Inscoe, Rainey, Peace, Daeke, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: Simmons. (See Ordinance Book 9, p 271)

Close Out the Warren County Meter Relocation Project Budget. (Reference: CAF 15-97; Ordinance 15-40, Budget Amendment #12)

City Manager Frazier explained the meter relocation to the Vance/Warren County line has been completed and thanks to the efforts of staff, there was a savings of \$720.50 remaining in the budget which will be transferred to the Regional Reserve account.

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

Motion was made by Council Member Kearney to approve Ordinance 15-40, *Close Out the Warren County Meter Relocation Project Budget*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Rainey, Peace, Daeke, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Simmons. (See Ordinance Book 9, p 275)

Supporting Warren County's Efforts to Refinance the USDA Debt for Their Water/Sewer District II, Including the Portion Installed as a Part of the Water System Agreement. (Reference: CAF 15-119; Resolution 15-77)

City Manager Frazier said a letter of support has been requested by Warren County's Manager, Linda Worth, as they attempt to refinance the County's debt with the USDA. As stated in the October 2, 2000, Water System Management Agreement, the City is currently reimbursing Warren County for a portion of water mains that were installed in Vance County for existing City water customers and if the County is successful in refinancing, the City's payments will be lowered. No costs will be incurred by the City and the length of the loan will not be extended.

Council Members Inscoe and Kearney asked what the new payment will be. Mr. Frazier said that is unknown at the current time.

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

Motion was made by Council Member Coffey to approve Resolution 15-77, *Supporting Warren County's Efforts to Refinance the USDA Debt for Their Water/Sewer District II, Including the Portion Installed as a Part of the Water System Agreement*. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Peace, Daeke, Daye, Kearney, Coffey, Inscoc and Rainey. NO: None. ABSTAIN: None. ABSENT: Simmons. (*See Resolution Book 4, p)*

Multiple Resolutions Required by the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Infrastructure; CDBG Infrastructure Project (Newton Dairy Road/Birch and Bobbitt Street Sewer Extension Project) (*Reference: CAF 15-122; Resolutions 15-78, 15-79, 15-80, 15-81, 15-82, 15-83, 15-84, 15-85, 15-86 and 15-87*)

City Manager Frazier asked Engineering Director Clark Thomas to give a brief overview of these resolutions. Mr. Thomas explained most of these policies are currently in place; however, NCDENR requires the policies to be updated every three years. Since the anticipated timeline for completion of this project is 2016 or 2017, staff felt it would be best to update all the necessary policies now.

Council Member Daeke asked if there were any differences from what was approved in 2013 and if so, what the difference are. Mr. Thomas said in general the new policies are geared toward making the information more available to citizens. He added information was displayed at the recent car show in an effort to become more transparent. Also, several of the 2013 policies were adopted from Vance County. The policies before Council this evening are all City policies.

Council Member Kearney asked if the policies are boilerplate forms from the State. Mr. Thomas said they are State forms with no changes.

Council Member Inscoc questioned if this grant is for a three (3) year completion. Mr. Thomas said that is correct.

Mr. Frazier concluded the discussion by saying the consultant has helped with making sure the City is compliant with all the State requirements.

Mayor O'Geary asked for the pleasure of Council.

Motion was made by Council Member Coffey to approve *Multiple Resolutions Required by the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Infrastructure; CDBG Infrastructure Project (Newton Dairy Road/Birth and Bobbitt Street Sewer Extension Project)* The Resolutions are as follows:

Resolution 15-78 Section 504 Grievance Procedure

Resolution 15-79 Anti-displacement and Relocation Assistance Plan 2015

Resolution 15-80 Citizen Complaint Procedure
Resolution 15-81 Citizen Participation Plan
Resolution 15-82 Fair Housing Plan
Resolution 15-83 LAP Language Access Plan
Resolution 15-84 Section 3 Jobs Initiative Plan
Resolution 15-85 Section 504 Self Evaluation
Resolution 15-86 Equal Opportunity and Procurement Plan
Resolution 15-87 Excessive Force Policy

Motion seconded by Council Member Inscoe, and APPROVED by the following vote: YES: Daeke, Daye, Kearney, Coffey, Inscoe, Rainey and Peace. NO: None. ABSTAIN: None. ABSENT: Simmons. (*See Resolution Book 4, pages 299 to 315*)

Establishing the Budget for the CDBG Infrastructure Project 14-I-2658 (Newton Dairy Road/Birch & Bobbitt Street Sewer Extension Project. (*Reference: CAF 15-98, Ordinance 15-41, Budget Amendment #13*)

City Manager Frazier said this is the mechanism for funding the CDBG grant and added the first engineering report has been submitted, as required by the grant.

There was no discussion so Mayor O'Geary as for Council's pleasure.

Motion was made by Council Member Daeke to approved Ordinance 15-41 *Establishing the Budget for the CDBG Infrastructure Project 14-I-2658 (Newton Dairy Road/Birch & Bobbitt Street Sewer Extension Project.* Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Daye, Kearney, Coffey, Inscoe, Rainey, Peace and Daeke. NO: None. ABSTAIN: None. ABSENT: Simmons. (*See Resolution Book 4, p 273*)

Authorizing the Mayor to Sign a Corporate Resolution for First Citizens Bank Updating Signatory Information. (*Reference: CAF 15-130; Resolution 15-92*)

City Manager Frazier said in light of the departure of Interim Finance Director Michelle Daniels on Friday, October 23, it is necessary to authorize another individual to sign checks, along with Mr. Frazier. If approved, Lisa Boyd, Accountant will be the second authorized signer on City checks.

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

Motion was made by Council Member Daeke to approve Resolution 15-92, *Authorizing the Mayor to Sign a Corporate Resolution for First Citizens Bank Updating Signatory Information.* Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Daye, Kearney, Coffey, Inscoe, Rainey, Peace and Daeke. NO: None. ABSTAIN: None. ABSENT: Simmons. (*See Resolution Book 4, p 323*)

Adopting the 2016 City Council Meeting Schedule. (Reference: CAF 15-127; Resolution 15-90)

City Manager Frazier received a request from several Council members to change the meeting schedule from twice a month to once a month. After speaking to several Council Members, Mr. Frazier found there were mixed thoughts and is bringing this before Council for consideration. He said the meetings may need to be rearranged to coincide with the needs of the Planning Board/Board of Adjustment and that it has been suggested a once a month meeting be limited to a timeframe of 9:00 p.m. with unheard items being either moved to another scheduled meeting or by recessing the meeting to a specific date.

Council Member Kearney suggested a trial period. Council Member Inscoe suggested since Council has the option to change the meeting schedule at any time that this is approved as presented.

There was no further discussion so Mayor O’Geary asked Council for its pleasure.

Motion was made by Council Member Rainey to approve Resolution 15-90, *Adopting the 2016 City Council Meeting Schedule*. Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Kearney, Inscoe, Rainey, Daeke and Daye. NO: Coffey and Peace. ABSTAIN: None. ABSENT: Simmons. (See Resolution Book 4, p 319)

Tax Releases and Refunds from Vance County for the Month of September 2015. The releases and refunds below are in order and recommended for approval. (Reference: CAF 15-120)

Sept 2015 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Releases			
Vaughn, Tokey Heirs	Taxes Lost to Foreclosure	2011	104.94
Hargrove, James Edward	Taxes Lost to Foreclosure	2012	168.37
Vaughn, Tokey Heirs	Taxes Lost to Foreclosure	2012	104.94
Hargrove, James Edward	Taxes Lost to Foreclosure	2013	178.45
Reid, Andre Lamont	Correct Ownership	2013	171.50
Reid, Shirely Ann	Correct Ownership	2013	(171.50)
Vaughn, Tokey Heirs	Taxes Lost to Foreclosure	2013	266.22
Hargrove, James Edward	Taxes Lost to Foreclosure	2014	178.45
Reid, Andre Lamont	Correct Ownership	2014	171.50
Reid, Shirely Ann	Correct Ownership	2014	(171.50)
Vaughn, Tokey Heirs	Taxes Lost to Foreclosure	2014	266.22

Hargrove, James Edward	Taxes Lost to Foreclosure	2014	178.45
Reid, Andre Lamont	Correct Ownership	2014	171.50
Reid, Shirely Ann	Correct Ownership	2014	(171.50)
Vaughn, Tokey Heirs	Taxes Lost to Foreclosure	2014	266.22
Boyd, Johnnie Mitchell	Correct Value	2015	821.31
Dunston, Mildred G	Correct Ownership	2015	416.84
Dunston, Phyllis, Consulting	Correct Ownership	2015	(416.84)
Hargrove, James Edward	Taxes Lost to Foreclosure	2015	178.45
Reid, Andre Lamont	Correct Ownership	2015	171.50
Reid, Shirely Ann	Correct Ownership	2015	(171.50)
Vaughn, Tokey Heirs	Taxes Lost to Foreclosure	2015	266.22
Total R&P Property Releases			2,533.57
Real & Personal Property			
Refunds	None reported		0.00
Total R & P Property Refunds			0.00
Total R&P Prop. Rel. & Ref.			\$ 2,533.57

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

Motion was made by Council Member Rainey to accept the *Tax Releases and Refunds from Vance County for the Month of September 2015*, as presented. Motion seconded by Council Member Peace, and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace, Daeke and Daye. NO: None. ABSTAIN: None. ABSENT: Simmons.

Providing for the Disposition of Jointly Held Property by the City and County Identified as 701 Powell Street and Further Identified in Vance County Register of Deeds Book #01290, Page #361; Tax Parcel #0095-01009. (Reference: CAF 15-131; Resolution 15-93)

City Manager Frazier explained this is a routine matter of transferring property to the County to be sold with the understanding that the proceeds will be shared on a pro-rata basis. The City has no liens against this property for weed abatement. The offer to purchase is \$9,900 and the assessed property tax value is \$39,920. Prior to foreclosure, the unpaid County taxes were \$5,952 and the unpaid City taxes were \$3,358.

Council Member Kearney and Daeke asked if the purchaser is current on all taxes. Mr. Frazier said as far as we can tell they are current.

Council Member Daeke asked if the property/structure is rehabilitated if the tax value will be reassessed. Mr. Inscoe said the issuance of a permit automatically creates a reassessment.

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

Motion was made by Council Member Inscoe to approve Resolution 15-93, *Providing for the Disposition of Jointly Held Property by the City and County Identified as 701 Powell Street and Further Identified in Vance County Register of Deeds Book #01290, Page #361; Tax Parcel #0095-01009*, as presented. Motion seconded by Council Member Peace, and APPROVED by the following vote: YES: Inscoe, Rainey, Peace, Daeke, Daye, Kearney and Coffey. NO: ABSTAIN: None. ABSENT: Simmons. (See Resolution Book 4, p 325)

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

The City Clerk advised the Mayor and Council Members that one citizen wished to address to Council.

Robert & Dina Davis, 2027 Oxford, Road Mr. and Mrs. Davis expressed frustration over the certified letter they received from the City relating to Ordinance 15-49 which was passed at the last Council Meeting. The Davis' feel they are being treated unfairly and Mr. Davis said he has received no satisfaction from the City regarding the issue of plants at intersections. Mr. Davis also expressed frustration about a neighbor and asked the City to stop the neighbor from harassing them.

Mayor O'Geary asked the City Manager to look into the concerns expressed and to discuss his findings directly with Mr. Davis.

Council Member Daeke asked who has authority over the right-of-way. Mr. Frazier said the NCDOT has authority over Oxford Road and the City has authority over the intersection. Mr. Frazier said the City ordinance used wording taken from the NCDOT ordinance so he will discuss the issue with Mr. Carpenter with the NCDOT to understand the differences.

Council Member Coffey said there is more to this issue than meets the eye.

Jackie Wright 1203 N. Pinkston Street Ms. Wright addressed Council at its last meeting regarding her neighbor's barking dogs. Since that time one dog has been removed; however, she has issues with the barking of the remaining dog and the stench from its pen. She thought the petition she presented at the last meeting would elicit more than a letter of investigation from the Police Chief and said a violation is a violation and wanted to know why a warrant has not been taken out against her neighbor.

Council Member Coffey asked if the dog is penned. Ms. Wright responded it is in a pen which according to her is less than 20 feet from her bedroom window.

Council Member Kearney asked why nothing has been done as safety issues regarding the pen were expressed when Ms. Wright spoke to Council originally.

Council asked the City Manager to resolve this issue and to also look into updating the City Code relative to animal control.

REPORTS

- a) Mayor/Mayor Pro-Tem – Mayor Pro-Tem Rainey gave kudos to everyone involved in bringing the Vietnam War Traveling Wall to Henderson. He also asked if it would be possible for the City to consider making the area where the wall was displayed (near the American Legion) into a City Park.

Council Member Inscoe said that parcel is owned by the railroad and to date, they have been unwilling to sell the land to several prospective buyers.

b) City Manager –

- i. A positive letter from Deputy County Manager McMillen has been received in response to the City's logical growth corridor.
- ii. The Annie Bullock scholarship at Vance-Granville Community College has been awarded to 10 students with 3 or 4 of those being children of City employees. This will be discussed further during budget deliberations for FY16-17.
- iii. The City/County is in agreement regarding occupied jointly owned property and the need to move quickly.
- iv. A request has been received by Mr. and Mrs. Henry Crews regarding the hoop houses they plan to build in conjunction with the Community Gardens. Mr. Frazier asked Council for their input regarding the request to waive the \$450 Special Use fee, as he does not have authority to waive this fee.

Following a discussion, Council was in agreement that this is a worthy project which the City has supported from the start and that the fees should be waived.

Council Member Daeke cautioned that without a policy in place, the waiving of fees could get out of hand.

City Attorney Edwards said the ordinance says a fee *shall* be required; however, Council has the option to waive the requirement. He suggested guidelines be developed.

Motion was made by Council Member Kearney to waive the \$450 Special Use Fee for each permit up to ten (10) lots. Motion was seconded by Council Member Daeke and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace, Daeke and Daye. NO: None. ABSTAIN: None. ABSENT: Simmons.

- v. The 2" watermain project is complete and there is approximately \$25,000 left in the budget, mainly thanks to City staff carefully overseeing the project. It was stated that all State funds have been spent and the remaining funds are local dollars which, with Council's permission, Mr. Frazier would like to use those funds for improvements on Vicksboro Road, as well as other areas with water issues.
- vi. The NCDOT is completing work on Chavasse Avenue. Mr. Frazier will send a letter of thanks to former representative James Crawford who was instrumental in securing funds for this project.

- vii. Mr. Frazier thanked staff for their excellent work in preparing for the car show, the museum opening and setting up the Vietnam War Traveling Wall.
- viii. At a prior meeting, Mr. Frazier mentioned Change Order #6 was not signed off on by the contractor regarding work at the Henderson Water Reclamation Facility. There were four items on this change order that have to be completed and were given the okay to proceed. Even though the change order was not signed by the contractor, there is needed asphalt replacement work in the amount of \$53,122.98 that needs to be done and was part of the change order. The contractor requested 22 days on the contract. After removing the other items originally listed that will not be done, the change order will amount to \$112,000.37. There were no objections from Council.
- ix. Mr. Frazier mentioned the list of items included in the agenda packet going to GovDeal from the Henderson Reclamation Center and asked if Council had any concerns. No concerns were expressed.

c) City Attorney (No Report)

d) City Clerk – Reminded Council of the United Way Campaign.

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)(6) for a Personnel Matter. Motion seconded by Council Member Kearney, and unanimously approved.

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

OTHER

Council Member Coffey expressed her gratitude to Northstar Transport for their staff and the manner in which they treated her when she was taken to the hospital. She said she is very glad they are moving to Henderson.

Mayor O’Geary said he spoke to Ms. Simmons son today who told him she is at home and doing better.

With no further discussion, Mayor O’Geary asked if Council was prepared to adjourn and move into the Work Session.

ADJOURNMENT

Council Member Coffey moved for adjournment. Motion seconded by Council Member Daye, and unanimously approved. The meeting adjourned at 7:50 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk