



## AGENDA

**Henderson City Council Short Regular Meeting**  
**Monday 28 September 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  
Councilmember Garry D. Daeke  
Councilmember Fearldine A. Simmons  
Councilmember George M. Daye

### **City Officials**

Frank W. 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 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) 14 September 2015 Regular Meeting [*See Notebook Tab 1*]

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

Citizens may only 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 below.<sup>3</sup>

## **VIII. OLD BUSINESS**

- a) Further Discussion and Consideration of the Three Water Applications Approved During the September 14, 2015 Meeting. (*Resolutions 15-52, 15-75 and 15-76*)

*New Resolutions and Additional Information to be Submitted at the Council Meeting*

## **IX. NEW BUSINESS**

- a) Consideration of Approval of: 1) Resolution 15-69, Authorizing the Execution of Amendment #4 to the Contract with CH<sub>2</sub>MHILL for IBT Services for the Regional Water System and; 2) Ordinance 15-47, FY16 BA #7 Authorizing the Appropriation of \$50,000 from the Contingency Line to the Engineering Line of the Inter Basin Transfer Budget for the Regional Water System. (*CAF 15-100*)[*See Notebook Tab 2*]

- Resolution 15-69
- Ordinance 15-47

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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.

- b)** Consideration of Approval of: 1) Resolution 15-62, Authorizing the Acceptance and Support of a Grant from the NC Industrial Development Fund Relative to Funding Assistance for a Water and Sewer Main Extension for Jerry's Artarama; and 2) Resolution 15-70 Authorizing an Agreement with Kerr-Tar Regional Council of Governments for Administration of Above Mentioned Grant. (CAF 15-107) [See Notebook Tab 3]
- Resolution 15-62
  - Resolution 15-70
- c)** Consideration of Approval of Resolution 15-71, Awarding of Departmental Handgun and Badge to Retiree Detective John M. Hammond. (CAF 15-109) [See Notebook Tab 4]
- Resolution 15-71
- d)** Consideration of Approval of Resolution 15-67, Revising Logical Growth Corridor and Developing Plans for Possible Future Water Main Extension. (CAF 15-110) [See Notebook Tab 5]
- Resolution 15-67
- e)** Consideration of Approval of Resolution 15-65, Declaring Intent to Close Two Alleys Located Off of Sims Street Being Designated on the Site Map and Application as L-4 and L-5. (CAF 15-113) [See Notebook Tab 6]
- Resolution 15-65
- f)** Consideration of Approval of Resolution 15-66, Providing for the Appointment of Deputy City Clerks. (CAF 15-117) [See Notebook Tab 7]
- Resolution 15-66
- g)** Consideration of Approval of Resolution 15-39-A, Accepting the 2015 BJA Grant in the Amount of \$15,994.00; and Ordinance 15-53, FY16 Budget Amendment #8 Establishing the 2015 BJA Grant Project Budget. (CAF 15-66-A) [See Notebook Tab 8]
- Resolution 15-39-A
  - Ordinance 15-53

*h)* Consideration of Approval of Resolution 15-73-A, Authorizing Acceptance of the Triangle North Healthcare Foundation Grant Award in the Amount of \$20,000 to Complete the Development of the South Side of the Fox Pond Trail System, Phase III. (CAF 15-112-A) [See Notebook Tab 9]

- Resolution 15-73-A

*i)* Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of August 2015. (CAF 15-111) [See Notebook Tab 10]

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

Citizens may only 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 below.<sup>4</sup>

## **XI. REPORTS**

- a)* Mayor/Mayor Pro-Tem
- b)* City Manager
- c)* City Attorney
- d)* City Clerk
  - i.* Meeting and Events Calendar [See Notebook Tab 11]
  - ii.* Monthly Fire Report for August 2015

## **XII. WORK SESSION**

*There are No Work Session Items.*

## **XIII. ADJOURNMENT**

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### **<sup>4</sup> Citizen Comment Guidelines**

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- 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.

# **City Council Minutes**

## **Short Regular Meeting**

### **28 September 2015**

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#### **PRESENT**

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

#### **ABSENT**

Council Member Sara M. Coffey

#### **STAFF PRESENT**

City Manager Frank Frazier, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Police Chief Marcus Barrow, Interim Fire Chief Steve Cordell, Battalion Chief Tim Twisdale, Interim Finance Director Michelle Daniels, 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, Henderson Water Reclamation Director Tom Spain and Executive Assistant Patricia Pearson

#### **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 Simmons led those in attendance in a prayer and the Pledge of Allegiance.

#### **WELCOME**

Mayor O'Geary greeted everyone and asked the City Clerk to proceed with the meeting.

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

Mayor O'Geary asked if there were any adjustments to the Agenda. Council Member Peace moved to accept the Agenda as presented. Motion was 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 Daeke moved the approval of the 14 September 2015 Regular Meeting minutes, as presented. Motion seconded by Council Member Kearney, and unanimously approved.

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

The City Clerk advised the Mayor and Council Members that no citizen wished to speak to Council.

## **OLD BUSINESS**

### **Further Discussion and Consideration of the Three Water Applications Approved During the September 14, 2015 meeting. (Reference: Resolutions 15-52, 15-75 and 15-76)**

City Manager Frazier reviewed the three project locations: 1) Knoll Terrace Mobile Home Park; 2) Young Avenue and Several Surrounding Streets; and 3) Highway 158 and Beckford Drive. He then explained the reason for further discussion that the previously approved resolutions had to be revised and even though the Council can accept or reject the loan in the future, the State would like cities to proceed if awarded grants and/or loans. Therefore, staff felt it was important to bring these back for additional consideration. The grants/loans will still be brought back to Council for final approval if awarded. Mr. Frazier then asked Engineering Director Clark Thomas to come forward to explain the differences and to review the anticipated costs of each project.

Mr. Clark began by saying each resolution has been reworded to include the City's *intent* to go forward with the project. He then summarized the Young Avenue project by saying this area has experienced multiple leaks. The estimated project cost is \$1,548,000. If a loan is awarded at the arbitrary interest rate of 2% for 20 years, the yearly payment would be \$94,600 that would correlate to a 3.4% increase in water rates.

The Knoll Terrace Mobile Home Park project is anticipated to cost \$460,000 and again with an arbitrary interest rate of 2% for 20 years, the yearly payment would be \$28,000 and a 1% increase in water rates.

The US158/Beckford Drive project, which has been submitted and refused twice before, is anticipated to cost \$900,000 with an arbitrary interest rate of 2% for 20 years, making the yearly payment \$51,000 and a 1.8% increase in water rates.

Council Member Kearney asked if these calculations are for loans only. Mr. Thomas said yes.

Council Member Inscoe said the mobile home park is within city limits that would add additional customers and growth to the water system. He calculated an average water bill of \$60.00 x 111 lots x 12 months = \$79,900 in revenue that would generate approximately a .035% return on the investment of the project cost of \$460,000. Mr. Inscoe reminded Council of the pending IBT permit and possible 20MGD plant expansion that will incur an additional \$12,000,000 expense as the City's portion of the project and felt Council should be careful not to incur more debt than necessary at this time. He would be willing to consider the Knoll Terrace Mobile Home Park at this time but was not sure about the other two projects. There was also discussion relative to whether the owners of the mobile home park would be willing to incur a portion of the costs

Council Member Kearney thanked Mr. Inscoe for his comments but felt no decision could be made until the State awarded the projects as either loans or grants and the interest rate is known. He thought applications should be submitted for all three projects with the Young Avenue project being a priority as it is a problem area.

Council Member Rainey asked if the Mobile Home Park is at 100% occupancy. Mr. Thomas said there are 111 lots and at last count there were 108 trailers in the Park. Mr. Thomas also said his water rate calculations were based on inside city rates, so the revenue may be less.

Council Member Daeke felt both Mr. Inscoe and Mr. Kearney had valid comments but said committing to all three projects would be too much to take on at this time. He said he'd like to pursue the Young Avenue and Knoll Terrace projects.

City Manager Frazier advised the applications have a place to indicate intent to proceed in the event no grant funds are awarded and when Council Member Rainey asked for the deadline for submitting the applications and if we are required to go forward if the loan/grant is awarded, Mr. Frazier responded September 30 is the deadline and Council is not required to accept the award.

There was a brief general discussion and then Mayor O'Geary called for the pleasure of Council.

Motion was made by Council Member Kearney to approve *submission of an application for both the Knoll Terrace Mobile Home Park project and the Young Avenue and Several Surrounding Streets project*. Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Kearney, Inscoe, Rainey, Peace, Daeke, Simmons, and Daye. NO: None. ABSTAIN: None. ABSENT: Coffey.

## **NEW BUSINESS**

**Authorizing the Execution of Amendment #4 to the Contract with CH2MHILL for IBT Services for the Regional Water System and Authorizing the Appropriation of \$50,000 from the Contingency Line to the Engineering Line of the Interbasin Transfer for the Regional Water System.** (Reference: CAF 15-100; Resolution 15-69, Ordinance 15-47, Budget Amendment #7)

City Manager Frazier explained if the Interbasin Transfer certificate is approved during the upcoming meeting of the State Environmental Management Commission, certain requirements

will need to be met within 90 days of the approval. As has been done in prior years, it is now necessary to transfer \$50,000 from the Regional Water Interbasin Transfer CIP Budget Contingency Account to the Engineering Account to pay for the engineering work in regard to the Interbasin Transfer Petition.

Council Member Inscoe asked what changes are needed to the Drought Management Plan. Kerr Lake Regional Water Director Christy Lipscomb responded saying when the IBT Permit is approved it will require a more stringent plan than is currently in place. She added spreadsheets will be required from all three partners quarterly. If the Permit is not granted, these funds will not be expended.

With no further questions, Mayor O'Geary asked for the pleasure of Council.

Motion was made by Council Member Daeke to approve Resolution 15-69, *Authorizing the Execution of Amendment #4 to the Contract with CH2MHILL for IBT Services for the Regional Water System* and Ordinance 15-47, *Authorizing the Appropriation of \$50,000 from the Contingency Line to the Engineering Line of the Interbasin Transfer for the Regional Water System*. Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Inscoe, Rainey, Peace, Daeke, Simmons, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: Coffey. (See Resolution Book 4, p 279, Ordinance Book 9, p 287)

**Authorizing the Acceptance and Support of a Grant from the NC Industrial Development Fund Relative to Funding Assistance for a Water and Sewer Main Extension for Jerry's Artarama and Authorizing an Agreement with Kerr-Tar Regional Council of Governments for Administration of Above Mentioned Grant.** (Reference: CAF 15-107; Resolution 15-62, Resolution 15-70)

City Manager Frazier reminded Council that a pre-application was approved for submission on July 23, 2015 for a new warehouse facility located on Peter Gill Road. Funds have been set aside for the construction of approximately 1,000 linear feet of 8" water main to serve the facility. There is also a need for a small sewer extension and possibly a larger 12" water main. Therefore, the estimated cost for both the water and sewer main projects is \$165,356. Based on discussions with the NC Department of Commerce, funds are available for this project. The City's Engineering department will perform the necessary design with Kerr Tar Regional Council of Governments administering the grant which has no match requirements. It is anticipated 30 jobs will be created and ultimately, that additional water/sewer revenues will be the result of this project.

Council Member Inscoe mentioned a discussion he has had with an Industrial Development Fund Representation who said tentative approval has been given to this project.

As there was no further discussion, Mayor O'Geary asked for the pleasure of Council.

Motion was made by Council Member Inscoe to approve Resolution 15-62, *Authorizing the Acceptance and Support of a Grant from the NC Industrial Development Fund Relative to*

*Funding Assistance for a Water and Sewer Main Extension for Jerry's Artarama and Resolution 15-70 Authorizing an Agreement with Kerr-Tar Regional Council of Governments for Administration of Above Mentioned Grant.* Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Inscoe, Rainey, Peace, Daeke, Simmons, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: Coffey. (See Resolution Book 4, p 265 and 281 respectively)

**Awarding the Departmental Handgun and Badge to Retiree Detective John M. Hammond.** (Reference: CAF 15-109; Resolution 15-71)

City Manager Frazier explained it has been the tradition of the City to award retiring officers his/her badge at no cost and to also award the service side arm at the said price of \$1.00. Detective John M. Hammond joined the force on May 28, 2008 and will be retiring October 1, 2015.

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

Motion was made by Council Member Rainey to approve Resolution 15-71, *Awarding the Departmental Handgun and Badge to Retiree Detective John M. Hammond.* Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Rainey, Peace, Daeke, Simmons, Daye, Kearney and Inscoe. NO: None. ABSTAIN: None. ABSENT: Coffey. (See Resolution Book 4, p 283)

**Revising Logical Growth Corridor and Developing Plans for Possible Future Water Main Extension.** (Reference: CAF 15-110; Resolution 15-67)

City Manager Frazier explained since August 2014, the County has utilized its remaining grant funds to extend water into the Dabney Woods subdivision and along a portion of Poplar Creek Road. However, the County has decided it cannot accept the City's proposal relative to fees, etc. to allow construction of water mains into the Dabney/Allen Road area as well as Weybosset and Parrot Road. Therefore, a new Growth Corridor map has been established for the City to review for the feasibility of extending water mains into those areas. If approved, it will be forwarded to Vance County.

Council Member Kearney asked about the narrow portion on Poplar Creek that belongs to the County. Mr. Frazier said that was extended from the Dabney Woods subdivision extension and a 6" water main was installed.

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

Motion was made by Council Member Rainey to approve Resolution 15-67, *Revising Logical Growth Corridor and Developing Plans for Possible Future Water Main Extension.* Motion seconded by Council Member Kearney, and APPROVED by the following vote: YES: Peace, Daeke, Simmons, Daye, Kearney, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: Coffey. (See Resolution Book 4, p 275)

**Declaring Intent to Close Two Alleys Located Off Sims Street Being Designated on the Site Map and Application as L-4 and L-5. (Reference: CAF 15-113; Resolution 15-65)**

City Manager Frazier shared a properly completed petition has been received by Valerie Tharrington of Tharrington Properties, LLC requesting that the two sections of alleys located off Sims Street which is a dedicated right-of-way but not a City maintained street be closed. Mr. Frazier added the proper permit fees have been received which will cover the advertising that must be done before the alleys can be permanently closed. Staff is unaware of any need to keep the alleys open. Therefore it is recommended this application be approved after properly notifying owners of land abutting the alleys and conducting a public hearing as required by NCGS 160A-299. He added there is a cristing water main through the property and that the owner will not be allowed to build on top of the main and is trying to position the triplex to avoid the water main.

Council Member Kearney asked who owns the alleys. City Attorney Edwards said it is a right-of-way for abutting land users. Mr. Frazier added the alleys are for public use and if approved, the petitioner will receive ½ of the alley and the property owner on the other side of the alley will receive the other ½ of the alley.

Development Services Director Corey Williams added the petitioner plans to build a triplex on the property which is approximately 1,800 sq. ft. To meet zoning requirements additional footage is needed for a triplex which can be obtained by closing the alleys.

Council Member Kearney asked how the citizens will be notified. Mr. Williams said certified letters will be mailed and signage will be placed in the alley way. There will also be a public hearing on this matter.

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

Motion was made by Council Member Rainey to approve Resolution 15-65, *Declaring Intent to Close Two Alleys Located Off Sims Street Being Designated on the Site Map and Application as L-4 and L-5*. Motion seconded by Council Member Simmons, and APPROVED by the following vote: YES: Daeke, Simmons, Daye, Kearney, Inscoe, Rainey and Peace. NO: None. ABSTAIN: None. ABSENT: Coffey. (See Resolution Book 4, p 271)

**Appointment of Deputy City Clerks (Reference: CAF 15-117, Resolution 15-66)**

City Manager Frazier said this is routine matter to provide proper coverage when the City Clerk is unavailable.

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

Motion was made by Council Member Rainey to approve Resolution 15-66, *Appointment of Deputy City Clerks*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Simmons, Daye, Kearney, Inscoe, Rainey, Peace and Daeke. NO: None. ABSTAIN: None. ABSENT: Coffey. (See Resolution Book 4, p 273)

**Accepting the 2015 BJA Grant in the Amount of \$15,994.00, and Establishing the 2015 BJA Grant Project Budget.** (*Reference: CAF 15-66-A, Resolution 15-39-A, Ordinance 15-53*)

City Manager Frazier said this is a routine matter and asked Police Chief Marcus Barrow to explain how the department plans to utilize the grant. Chief Barrow said this is a reoccurring grant that is shared with the County Sheriff. He plans to use the City's portion of \$9,596.40 to purchase replacement and new cameras for police vehicles.

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

Motion was made by Council Member Peace to approve Resolution 15-39-A, *Accepting the 2015 BJA Grant in the Amount of \$15,994.00, and Ordinance 15-53, Establishing the 2015 BJA Grant Project Budget.* Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Daye, Kearney, Inscoc, Rainey, Peace, Daeke, and Simmons. NO: None. ABSTAIN: None. ABSENT: Coffey. (*See Resolution Book 4, p 219-A, Ordinance Book 9, 299*)

**Authorizing Acceptance of the Triangle North Healthcare Foundation Grant Award in the Amount of \$20,000 to Complete the Development of the South Side of the Fox Pond Trail System, Phase III.** (*Reference: CAF 15-112-A, Resolution 15-73-A*)

City Manager Frazier said Recreation and Parks Director Vann received notification, on September 24, of this grant award. The funds will be used to complete the South Side of the Fox Pond Trail System and a Budget Ordinance will be prepared for Council to approve at a later date.

There was no discussion. Mayor O'Geary said it is wonderful seeing so many citizens using the park and then asked for the pleasure of Council.

Motion was made by Council Member Inscoc to approve Resolution 15-73-A, *Authorizing Acceptance of the Triangle North Healthcare Foundation Grant Award in the Amount of \$20,000 to Complete the Development of the South Side of the Fox Pond Trail System, Phase III.* Motion seconded by Council Member Simmons, and APPROVED by the following vote: YES: Kearney, Inscoc, Rainey, Peace, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Coffey. (*See Resolution Book 4, p 287-A*)

**Tax Releases and Refunds from Vance County for the Month of August 2015.** The releases and refunds below are in order and recommended for approval. (*Reference: CAF 15-111*)

<b>August 2015 Tax Releases</b>			
<b>Name</b>	<b>Reason</b>	<b>Tax Year</b>	<b>Amount</b>
<b>Real &amp; Personal Property</b>			
<b>Releases</b>			
Brodie, E Armstead Elvin Estate	Taxes Lost to Foreclosure	2010	59.38
Foster, Joseph Edward	Taxes Lost to Foreclosure	2010	148.01
Brodie, E Armstead Elvin Estate	Taxes Lost to Foreclosure	2011	59.39
Foster, Joseph Edward	Taxes Lost to Foreclosure	2011	148.05
Harris, Eliza H Heirs	Taxes Lost to Foreclosure	2011	93.74
Vance County Habitat for Humanity	Charitable LW/MD	2011	216.76
Brodie, E Armstead Elvin Estate	Taxes Lost to Foreclosure	2012	59.39
Foster, Joseph Edward	Taxes Lost to Foreclosure	2012	148.05
Harris, Eliza H Heirs	Taxes Lost to Foreclosure	2012	93.74
Brodie, E Armstead Elvin Estate	Taxes Lost to Foreclosure	2013	62.94
Foster, Joseph Edward	Taxes Lost to Foreclosure	2013	156.90
Harris, Eliza H Heirs	Taxes Lost to Foreclosure	2013	99.35
Pendelton & Sons Enterprise	Taxes Lost to Foreclosure	2013	3.20
Brodie, E Armstead Elvin Estate	Taxes Lost to Foreclosure	2014	62.94
Foster, Joseph Edward	Taxes Lost to Foreclosure	2014	156.90
Harris, Eliza H Heirs	Taxes Lost to Foreclosure	2014	99.35
Pendelton & Sons Enterprise	Taxes Lost to Foreclosure	2014	2.37
Advanced Therapeutic		2015	(3.49)
Brodie, E Armstead Elvin Estate	Taxes Lost to Foreclosure	2015	62.94
Coles, James Thomas	Charitable/Grant Ex	2015	279.00
Community Partners of Hope	Charitable Foundation	2015	361.47
Foster, Joseph Edward	Taxes Lost to Foreclosure	2015	156.90
Girmay, Fishea	Taxes Lost to Foreclosure	2015	182.79
Harris, Eliza H Heirs	Taxes Lost to Foreclosure	2015	99.35
Henderson, Brooksie	Taxes Lost to Foreclosure	2015	297.38
Johnson, Bronetta B Heirs	Taxes Lost to Foreclosure	2015	363.46
Knight, Zella Shearin	Adjust Value for E	2015	467.93
McDaniel, Shirley J.	Adjust Value for E	2015	578.25
McKinney, Eric James	Correct Ownership	2015	(531.93)
Perdue, John Y	Correct Ownership	2015	531.93
Plummer, John F.Jr. Heir	Taxes Lost to Foreclosure	2015	620.88
Rent-A-Center, Inc.	Personal Property Billed in Error	2015	913.97
Robles, Gustavo Lopez	Taxes Lost to Foreclosure	2015	91.19
Rock Bridge Cemetery	Personal Property Billed in Error	2015	49.60
Rodwell, Samuel Otis	Taxes Lost to Foreclosure	2015	21.82
Steep, Pauline E	Taxes Lost to Foreclosure	2015	14.51
Stewardson, Parks M	Personal Property Billed in Error	2015	62.00
Timberline, LLC		2015	(75.17)
Townes, Ella Heirs	Taxes Lost to Foreclosure	2015	20.15
Variety Stores Inc	Correct Value	2015	31.30
Waddell, Gail B	Taxes Lost to Foreclosure	2015	99.65
Watkins, Sidney	Correct Situs	2015	77.31
Waverly, Richard E	Taxes Lost to Foreclosure	2015	87.15
Wiggins, Lisa B & Others	Taxes Lost to Foreclosure	2015	31.51
Woodlief, James Heir	Taxes Lost to Foreclosure	2015	55.68
Wright, Camill	Taxes Lost to Foreclosure	2015	42.48
Yoruba Temple Osun Ojubo	Taxes Lost to Foreclosure	2015	28.32
<b>Total R&amp;P Property Releases</b>			<b>6,688.79</b>
<b>Real &amp; Personal Property</b>			
<b>Refunds</b>			
	NONE		<b>0.00</b>
<b>Total R&amp;P Property Refunds</b>			<b>6,688.79</b>
<b>Total R&amp;P Prop. Rel. &amp; Ref.</b>			<b>\$ 6,688.79</b>
<b>Tot. Veh. Rel. &amp; Ref.</b>	NONE		<b>\$ -</b>
<b>Total All Releases &amp; Refunds</b>			<b>\$ 6,688.79</b>

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

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

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

The City Clerk advised the Mayor and Council Members that two citizens wished to address to Council.

**Boller Lewis, 32 Kings Court**, Mr. Lewis expressed concern about a water leak he experienced at his business, the Little Hotel on Garnett Street. The City fixed the tap which is on his property and he received a slight adjustment to his bill but he would like further consideration as his bill jumped from \$500-600 to \$2,000.

Mayor O'Geary asked the City Manager to look into this and informed Mr. Lewis he will be contacted within the next several days.

**Jacqueline Wright, 1203 North Pinkston Street** Ms. Wright expressed concern regarding barking dogs. She has spoken to the Police Chief, City Manager and Development Services Director regarding this issue and understands a letter has been hand delivered to the tenants where the dogs reside. She then read a petition which is incorporated by reference and hereby made part of these minutes. Ms. Wright asked that the ordinance regarding barking dogs be enforced. A letter has also been sent to the tenant by the property owner. Ms. Wright also expressed concern that the animals are not properly enclosed and said neighbors are fearful of the animals.

City Manager Frazier said the next step will be to involve the City Attorney.

Council asked what roll is played by the Vance County Animal Control department and what the timeframe will be before going to the City Attorney.

City Attorney Edwards added the law imposes a reasonable time for the tenant to respond before going to court to have the dogs removed.

Mayor O'Geary said Council understands the concern and will push forward for a resolution as soon as possible.

Council Member Peace suggested the ordinance be re-written with timeframes included.

Council Member Rainey asked who is responsible for removing the animals. Mr. Frazier said it would be Vance County Animal Control.

## **REPORTS**

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

**b) City Manager – In response to previous Council requests:**

- i. The request for an additional street light on Thorpe Street continues to be researched.
- ii. Mr. Frazier said the vines growing over streets are on telephone/cable lines and the line owners (i.e., CenturyLink, Time Warner, etc.) will be contacted.
- iii. In response to the request on funds received from knuckleboom truck pickups in FY15 the budget showed \$10,890 and in FY16 \$2,100 has been received to date.
- iv. According to an e-mail from Senator Bryant regarding legislative matters, it looks like there will be an increase in sales tax of approximately 3%. Also, the DMV registration fee can be increased an additional \$20.00 per vehicle with the restriction that the funds are used only for street improvements.
- v. Mr. Frazier has been asked to look into the logistics of going to one Council meeting per month. He would like Council to consider this and provide feedback to him.
- vi. HWRF Update – DeVere Construction has refused to sign Change Order #6 due to not allowing more days for completion, so the City has instructed the contractor to proceed to finish.
- vii. The temporary pumps were put in place today at the Sandy Creek Pump Station and so far everything seems to be going well with construction now starting on the existing wet well to accept the new pumps.

**c) City Attorney (No Report)**

**d) City Clerk – Ms. Coffey was unable to be here tonight as she has been hospitalized.**

**OTHER**

Council Member Rainey asked for an update on Arthur Henderson, who served on the Planning Board, who sustained a serious injury several months ago. Mr. Kearney said he visited him in the nursing home a short time ago and he found Mr. Henderson to be unresponsive.

Council Member Daeke mentioned the stop signs on Alexander Avenue which have been gang tagged. Mr. Frazier said there is already a work order in place.

Mayor O'Geary asked if there was need for any further discussion or if Council was prepared to adjourn.

**ADJOURNMENT**

Council Member Daeke moved for adjournment. Motion seconded by Council Member Kearney, and unanimously approved. The meeting adjourned at 7:09 p.m.

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James D. O'Geary  
Mayor

***ATTEST:***

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Esther J. McCrackin, City Clerk

9-24-2015

Dear Mayor O'Geary and City Council Members,

We are the residents and homeowners on N. Pinkston St in Henderson N.C. We have witnessed frequent or long continued barking and howling between the hours of 11 P.M. and 6 A.M. from the dogs of the tenants who occupy the 1205 N. Pinkston St. address. The tenants have had the animals in their possession since the beginning of Sept. 2015 and this has been a nightly reoccurring issue. Numerous calls have been made to the Police, Code Compliance, Chief of Police, City Council Members, and the City Manager in an attempt to get resolution. Per tax listings, the property is owned by "For C'S Son's LLC P.O. Box 1528 Henderson N.C. 27536" with Curtis White, Allen White, Jeff White, Daniel White being listed as owners. Curtis White was also contacted in reference to the issue with his tenant's animals. The above-mentioned actions have yet to produce a resolution or put an end the tenants' violation of the noise ordinance. We ask that you support N. Pinkston's Street residents and property owners by enforcing the City's Noise Ordinance; Chapter 10 Sec. 10 - 20. (d) Noises - Enumeration of prohibited acts, which states: It shall be unlawful to cause, create, or permit any loud raucous or disturbing noise (which is defined as any sound which annoys, disturbs, injures, or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities.) The above include the following acts in violation of this section, but such enumeration shall not be deemed to be exclusive: (d) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and response of any person in the vicinity.

Jacqueline Wright 252 438 5160 (H) 252 767 5382 (C)

Signature	Address
1. Jacqueline Wright	1203 N. Pinkston St. Henderson NC 27536
2. <del>Belton</del> Cheryl III	1203 N Pinkston St Henderson NC 27536
3. Clayton Wright	1203 N. Pinkston St Henderson NC 27536
4. Joyce Davis	1303 N. Pinkston St Henderson, NC 27536
5. Bernard Ellison	1304 N. Pinkston St Henderson, NC 27536
6. Gussie Ellison	1304 N. Pinkston St Henderson, NC 27536
7. Sameeca Ellison	1304 N. Pinkston St Henderson, NC 27536
8. Linda Becton	1300 N Pinkston St Henderson
9. Demetri + Alicia Foster	1201 N Pinkston St Henderson NC 27536