



AGENDA

Henderson City Council Regular

Monday 12 July 2021 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 Eddie Ellington, Presiding

Councilmember Marion B. Williams

Councilmember Sara M. Coffey

Councilmember William Burnette

Councilmember D. Michael Rainey

Councilmember Melissa Elliott

Councilmember Garry D. Daeke

Councilmember Jason A. Spriggs

Councilmember Ola Thorpe-Cooper

City Officials

E. Terrell Blackmon, City Manager

D. Rix Edwards, City Attorney

Esther J. McCrackin, City Clerk

CALL TO ORDER

ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

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 Member 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.

ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA

APPROVAL OF MINUTES

14 June 2021 Regular Meeting Minutes

PRESENTATIONS/RECOGNITIONS

a) Duke Presentation by Mr. Fred Johnson

PUBLIC HEARING

CAF 21-73 Amending City Code Chapter 26, Zoning Ordinance, and Subdivision Ordinance Regarding Land Use Regulations to Comply with North Carolina General Statutes 160D

Requested By: Development Services Director Corey Williams

Explanation: The General Assembly has enacted significant legislation affecting planning and development regulations in North Carolina. North Carolina General Statutes 160D (NCGS§ 160D), a new chapter of the General Statutes, consolidates the prior City and County enabling authority and implements new legislation that reforms and clarifies planning and development regulations. These changes require updates to the City's development regulations by July 1, 2021. The Land Use Regulations of the Zoning and Subdivision Ordinance, and portions of the City Code must be amended in order to be in compliance of North Carolina Statues.

The proposed changes developed by Insight Planning & Development, consultants hired to assist in the required NCGS §160D changes, required a Comprehensive Plan update and creation of the Unified Development Ordinance.

Fiscal Note: The estimate for the 160D compliance, Comprehensive Plan update, and Unified Development Ordinance is \$99,000.

Recommendation: The Planning Board met on June 21, 2021, and unanimously approved the recommendation to amend the Zoning Ordinance, Subdivision Ordinance, and Chapter 26 of the City Code.

Attachments: Ordinance 21-19
Planning Board Minutes
160D Ordinance Summary Revisions

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

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NEW BUSINESS

CAF 21-76 Authorizing the Removal or Demolition of 832 Champion Street for Failure to Comply with Minimum Housing Code (Chapter 21)

*Requested By:*Development Services Director Corey Williams

Explanation: 832 Champion Street is in a serious state of dilapidation. The dwelling foundation is in question due to deteriorated piers, stacked dry concrete block holding sections of the floor system, rotted wood seals, and the floor system separating from the walls. In addition, it requires rewiring and new plumbing. A complete rehab of the dwelling must be done to make it habitable. The owner, Misael San Juan de Jesus of Henderson, has not complied with the order to repair or demolish the dwelling issued March 16, 2020.

The proper enforcement procedures have been followed in accordance with Chapter 21 of the Minimum Housing Code and North Carolina General Statues. City Attorney D. Rix Edwards has reviewed the enforcement process, and in order to proceed, an Ordinance of Demolition needs to be adopted by the City Council to demolish the structure and remove the debris.

Fiscal Note: Estimated cost of demolition is \$6,400

Recommendation: Approve the demolition for 832 Champion Street

Attachments: Ordinance 21-20
Code Enforcement Case CE19-0719

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³ Citizen Comment Guidelines for Agenda Items

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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.

CAF 21-77 Authorizing the Removal or Demolition of 1022 Maple Street for Failure to Comply with Minimum Housing Code (Chapter 21)

Requested By: Development Services Director Corey Williams

Explanation: 1022 Maple Street is in a serious state of dilapidation. The dwelling has been vacant since March 2015, due to fire damage and will require rewiring and new plumbing along with a complete rehab of the dwelling to make it habitable. There are large amounts of debris and junk on the property. The owner, Ann Vick Roberson of Henderson, has not complied with the order to repair or demolish the dwelling issued March 3, 2021.

The proper enforcement procedures have been followed in accordance with Chapter 21 of the Minimum Housing Code and North Carolina General Statutes. City Attorney D. Rix Edwards has reviewed the enforcement process, and in order to proceed, an Ordinance of Demolition needs to be adopted by the City Council to demolish the structure and remove the debris.

Fiscal Note: The estimated cost of the demolition is \$9,500. This estimate includes asbestos siding removal.

Recommendation: Approve the demolition for 1022 Maple Street

Attachments: Ordinance 21-21
Code Enforcement Case CE19-00330

CAF 21-78 Authorizing the Removal or Demolition of 553 Spring Street for Failure to Comply with Minimum Housing Code (Chapter 21)

Requested By: Development Services Director Corey Williams

Explanation: 553 Spring Street is in a serious state of dilapidation. The dwelling has been vacant for many years and heavy vegetation has taken over the property. It requires rewiring and new plumbing along with a complete rehab to make the dwelling habitable. The owners, Plummer Bailey and wife Bridget Bailey of Henderson, have not complied with the order to repair or demolish the dwelling issued February 14, 2020.

The proper enforcement procedures have been followed in accordance with Chapter 21 of the Minimum Housing Code and North Carolina General Statutes. City Attorney D. Rix Edwards has reviewed the enforcement process, and in order to proceed, an Ordinance of Demolition needs to be adopted by the City Council to demolish the structure and remove the debris.

Fiscal Note: Estimated cost of demolition is \$5,000

Recommendation: Approve the demolition for 553 Spring Street

Attachments: Ordinance 21-23
Code Enforcement Case CE19-0257

CAF 21-80 Ratifying the Submission of a Grant Application to the Bureau of Justice Assistance for a Body-Worn Camera System

Requested By: Police Chief Marcus Barrow

Explanation: The Henderson Police Department (HPD) is seeking grant funding in the amount of \$48,958 from the Bureau of Justice Assistance (BJA) to fund the purchase of Body-worn Cameras along with a server and hardware to download, review and store video data. This grant requires a 1:1 match by the grantee. The HPD prepared a detailed grant proposal that includes a formulation of policies and procedures which are based on the Commission on Accreditation for Law Enforcement Agencies (CALEA) best practices and NC State General Statute 132-1.4A. Law enforcement agency recordings.

If awarded, the \$48,958 in federal funding would be required to be drawn down through the JustGrants system into a Special Grant Project Account and local matching funds would also be required to be moved to this account. The Police Department requests the use of local funding or possible Asset Forfeiture funding to provide the local matching funds for this grant.

Preliminary grant information was entered into the grants.gov website previous to the July 7, 2021 deadline. The final grant application is due July 26, 2021. The grant runs from October 1, 2021 to at least September 30, 2022 for Federal Fiscal Year 2021-2022.

Fiscal Note: The Police Department will be requesting to use local funding or possible Asset Forfeiture funding to provide the local matching funds for this grant.

Recommendation: Staff recommends approval of ratifying this grant application

Attachments: Resolution 21-56

CAF 21-81 Submission of an Application to the US Department of Justice Bureau of Justice Assistance 2021 Justice Assistance Grant to Fund Three WatchGuard In-Car Video Camera Systems

Requested By: Police Chief Marcus Barrow

Explanation: The Henderson Police Department (HPD) is seeking funding from the US Department of Justice Bureau of Justice Assistance (BJA) 2021 Justice Assistance Grant (JAG) program to fund the purchase of three (3) “WatchGuard” In-Car Video Camera systems to be installed in new vehicles being purchased for the HPD Patrol Unit.

This grant does not require matching funds and it must be divided with the Vance County Sheriff’s Office as a “disparate jurisdiction” per BJA JAG guidelines. The full amount allocated by the BJA is \$21,599. If awarded, the funds will be divided with the Sheriff’s Office as has been done in the past with 60% being allocated to the City of Henderson and 40% allocated to Vance County. Under this dispersion, the City of Henderson would receive \$12,960 and Vance County would receive \$8,639.

The BJA requires agencies receiving funds to be divided with a disparate jurisdiction to complete a Memorandum of Understanding (MOU). A MOU between the City of Henderson and Vance County is included and has been forwarded to the Vance County Board of Commissioners.

The grant application must be approved by City Council prior to being submitted to the BJA and a time for public comment must be provided. The application is due for submission to the BJA on or before 9 August 2021. The anticipated notification date, if the grant is accepted, is 30 September 2021. The grant terms would be the same as the Federal Budget Year for 2021-2022: October 1, 2021 to September 30, 2022.

Fiscal Note: A Grant Project Budget Ordinance for the full amount of the grant will be required per BJA JAG instructions to maintain funding in an account separate from the agency’s regular budget.

Recommendation: Staff recommends approval to submit of this grant application.

Attachments: Resolution 21-57

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CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine or have been previously discussed, and can be approved in one motion, unless a Council Member asks for separate consideration of an item.

CAF 21-71 Providing for the Disposition of a Jointly Owned Property by the City and County Identified as 0 Boothe Avenue, Recorded in Vance County Tax Deed Book 1279, Page 0494, Further Identified as PIN # 0084 03007

Requested By: City Manager E. Terrell Blackmon

Explanation: Vance County Board of Commissioners received an offer to purchase the property located at 0 Boothe Avenue. The sale of the property will be taken before the Vance County Board during their July 2021 meeting.

The offer to purchase 0 Boothe Avenue is \$1,440. The assessed tax value is \$3,600. Unpaid County taxes total \$349.62 and the unpaid City taxes total \$236.85 for a total of \$586.47 in unpaid taxes. There is also \$188.53 in accumulated interest and \$2,155 in Attorney fees associated with this property.

Fiscal Note: If Council approves the transfer of this property to Vance County, it will be with the understanding upon the sale that the proceeds will be shared on a pro rata basis.

Recommendation: Staff recommends transferring this property.

Attachments: Resolution 21-52
Offer to Purchase
Copy of Deed
Map

CAF 21-72 Providing for the Disposition of a Jointly Owned Property by the City and County Identified as 815 Water Street, Recorded in Vance County Tax Deed Book 1218, Page 0304, Further Identified as PIN # 0069 04020

Requested By: City Manager E. Terrell Blackmon

Explanation: Vance County Board of Commissioners received an offer to purchase the property located at 815 Water Street. The sale of the property will be taken before the Vance County Board during their July 2021 meeting.

The offer to purchase 815 Water Street is \$8,000. The assessed tax value is \$18,984. Unpaid County taxes total \$1,401.33 and the unpaid City taxes total \$977.58 for a total of \$2,378.91 in unpaid taxes. There is also \$905.09 in accumulated interest and \$2,640 in Attorney fees associated with this property.

Fiscal Note: If Council approves the transfer of this property to Vance County, it will be with the understanding upon the sale that the proceeds will be shared on a pro rata basis.

Recommendation: Staff recommends transferring this property.

Attachments: Resolution 21-53
Offer to Purchase
Copy of Deed
Map

CAF 21-74 Providing for the Disposition of a Jointly Owned Property by the City and County Identified as 0 E. Rockspring Street, Recorded in Vance County Tax Deed Book 1285, Page 0411, Further Identified as PIN # 0078 06001

Requested By: City Manager E. Terrell Blackmon

Explanation: Vance County Board of Commissioners received an offer to purchase the property located at 0 E. Rockspring Street. The sale of the property will be taken before the Vance County Board during their July 2021 meeting.

The offer to purchase 0 E. Rockspring Street is \$2,053. The assessed tax value is \$5,133. Unpaid County taxes total \$463 and the unpaid City taxes total \$1,111 for a total of \$1,574 in unpaid taxes. There is also \$779 in accumulated interest and \$2,160 in Attorney fees associated with this property.

Fiscal Note: If Council approves the transfer of this property to Vance County, it will be with the understanding upon the sale that the proceeds will be shared on a pro rata basis.

Recommendation: Staff recommends transferring this property.

Attachments: Resolution 21-54
Offer to Purchase
Copy of Deed
Map

CAF 21-75 Appointment to the Perry Memorial Library Board of Trustees

Requested By: City Clerk Esther McCrackin

Explanation: The Boards and Commissions Committee reviewed one application for the Library Board of Trustees and it was the consensus of the committee members to recommend the following for the one vacant seat on the Perry Memorial Library Board of Trustees.

Patricia (Trish) Kay Bean, 3414 Cameron Drive – Appointment to the Perry Memorial Library Board of Trustees to serve as a Full Member with a three-year term expiring June 30, 2024.

Fiscal Note: None

Recommendation: If approved, the City Clerk will send a letter of notification to the appointee

Attachments: Resolution 21-55
Application

CAF 21-79 Tax Releases and Refunds for the Month of May 2021.

Requested By: Finance Director Joey Fuqua

Explanation: The Vance County Tax office submitted the following tax releases and refunds to the Finance Department for the month of May 2021. These records are found to be in order and are being recommended for approval.

Fiscal Note:

May 2021 Tax Releases & Refunds

Name	Reason	Tax Year	Amount
Real & Personal Property Releases			
Blackwell, Edward	Personal Property Billed In Error	2020	\$ 55.30
Real & Personal Property Releases - Total			\$ 55.30
Real & Personal Property Refunds			
			\$ -
Real & Personal Property Refunds - Total			\$ -
Audit Discoveries			
Miscellaneous	Gap Bill Discoveries	2021	\$ 3,189.74
			\$ -
Audit Discoveries - Total			\$ 3,189.74
Total Refunds, Releases, & Discoveries			\$ 3,245.04

Recommendation: Approval of the Tax Releases and Refunds for May 2021.

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REPORTS

- a) Mayor/Mayor Pro-Tem (No Report)**
 - b) City Manager (No Report)**
 - c) City Attorney (No Report)**
 - d) City Clerk**
 - i. Meeting and Events Calendar
 - ii. E-911 Monthly Report
 - iii. Fire Department Monthly Report
 - iv. Public Services Monthly Report
 - v. Recreation and Parks Monthly Report
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ADJOURNMENT