



AGENDA

Henderson City Council Short Regular Meeting

Monday, 26 August 2013, 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, Jr.
Councilmember Sara M. Coffey
Councilmember Michael C. Inscoe
Councilmember D. Michael Rainey

Councilmember Brenda G. Peace—Jenkins
Councilmember Garry D. Daeke
Councilmember Vernon L. Brown
Councilmember George M. Daye

City Officials

A. Ray Griffin, Jr., City Manager
John H. Zollicoffer, Jr., City Attorney
Esther J. McCrackin, City Clerk

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION AND PLEDGE OF ALLEGIANCE

IV. OPENING REMARKS

V. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA

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.

VI. APPROVAL OF MINUTES

- a) 12 August 2013 Regular Meeting [See Notebook Tab 1]*

VII. PUBLIC HEARING

- a) Consideration of Approval of Ordinance 13-49, Rezoning Property on the Corner of Parham Street and Burwell Avenue in the City of Henderson from R-15 TO R6. (CAF 13-91) [See Notebook Tab 2]*
 - Public Hearing
 - Ordinance 13-49

VIII. PUBLIC COMMENT 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, and identify the Agenda Item about which you wish to speak on the sign-up sheet. Please review the Citizen Comment Guidelines that are provided on the last page of this Agenda.³

IX. NEW BUSINESS

- a) Consideration of Approval of Resolution 13-63, Amendments to City Administrative Policy, Section 4.11 Overtime Pay and Compensatory Time. (CAF 13-92) [See Notebook Tab 3]*
 - Resolution 13-63
- b) Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of July 2013. (CAF 13-94) [See Notebook Tab 4]*

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 on the last page of this Agenda.³

XI. REPORTS

- a)** Mayor/Mayor Pro-Tem
- b)** City Manager
- c)** City Attorney
- d)** City Clerk
 - i. Calendar Update *[See Notebook Tab 5]*
 - ii. Henderson Fire Department

XII. ADJOURNMENT

³ **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.

City Council Minutes - DRAFT

Regular Meeting

12 August 2013

PRESENT

Mayor James D. O'Geary, Presiding; and Council Members Sara M. Coffey, Michael C. Inscoc, D. Michael Rainey, Brenda Peace-Jenkins, Garry D. Daeke, Vernon L. Brown, and George M. Daye.

ABSENT

Council Member James C. Kearney, Sr.

STAFF PRESENT

City Manager Ray Griffin, City Attorney John H. Zollicoffer, Jr., City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Planning and Community Development Director Erris Dunston and Police Captain Perry Twisdale.

CALL TO ORDER

The 12 August 2013 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:00 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

The City Clerk called the roll and advised Mayor O'Geary a quorum was present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Brenda Peace-Jenkins led those in attendance in a prayer and the Pledge of Allegiance.

Mayor O'Geary welcomed everyone and said it was good to see citizens present on such a beautiful day.

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 Coffey moved the approval of the 22 July 2013 Short Regular and 22 July 2013 Work Session minutes as presented. Motion seconded by Council Member Daye 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 on agenda matters.

NEW BUSINESS

Declaring Various Police Department Weapons as Surplus and Approving the Trade of Said Firearms for a Discount on the Purchase of New Firearms. (*Reference: CAF 13-85; Resolution 13-10*)

City Manager Griffin asked Police Captain Perry Twisdale to advise Council regarding this issue. Captain Twisdale said five (5) departmental shotguns have exceeded their usefulness (at or over 20 years old). He said several quotes were received and one before Council from Lawmans' Supply came in as the lowest. Lawmans' Supply, has offered a credit of \$480.00 for the old shotguns and the full cost of the new shotguns is \$3,322.15. Captain Twisdale added Lawmans' Supply deals only with police departments and there would be no resale of the weapons. The monies for this purchase are included in the FY13-14 approved budget.

Mayor O'Geary asked how many weapons would be credited. Captain Twisdale responded five.

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

Council Member Inscoe moved the approval of Resolution 13-10, *Declaring Various Police Department Weapons as Surplus and Approving the Trade of Said Firearms for a Discount on the Purchase of New Firearms*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney. (*See Resolution Book 3, pp. 121*)

Acceptance of 2013 NC Governor's Crime Commission Mobile Data Terminal Grant for the Henderson Police Department and Establishing Budget for Said Grant – FY14 Budget Amendment #7. (CAF 13-07-A; Resolution 13-05-A, Ordinance 13-48)

City Manager Griffin asked Police Captain Perry Twisdale to again come forward and present this item. Captain Twisdale said an application to the NC Governor's Crime Commission was approved on February 11, 2013 to purchase eight (8) new mobile data terminals/in-car camera systems. The grant has been approved; however, the approval was only for the purchase of the eight (8) data terminals. The in-car camera portion was not included in the approved grant and Captain Twisdale said the department is looking for other funding options for the in-car cameras. The revised grant provides \$17,580 (75%) with the remaining \$5,860 budgeted from the Federal Asset Forfeiture Funds of the FY13-14 Police Department budget.

Council Member Rainey asked if this purchase would cover the rolling stock. Captain Twisdale responded yes and it would replace several outdated units.

Council Member Daeke asked if replacement of the cameras was due to age. Captain Twisdale responded yes.

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

Council Member Daeke moved the approval of Resolution 13-05-A, *Acceptance of 2013 NC Governor's Crime Commission Mobile Data Terminal Grant for the Henderson Police Department and Ordinance 13-48, Establishing Budget for Said Grant – FY14 Budget Amendment #7*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney. (See Resolution Book 3, p 111-A, Ordinance Book 9, p 17)

Adopting Vance County's Analysis of Impediment Plan and Adopting an Equal Employment and Procurement Plan in Regards to the CDBG Talent Enhancement Grant. (CAF 13-63-A; Resolution 13-58 and 13-60)

City Manager Griffin asked Planning and Community Development Director Erris Dunston to advise Council on this issue. Ms. Dunston said adoption of these plans is required for the Talent Enhancement Grant process to proceed. She explained by resolution, Council needed to adopt Vance County's Impediment Plan which is an analysis of Vance County's Fair Housing Plan previously adopted by Council. The Equal Employment and Procurement Plan adoption pertains only to this grant and establishes a plan for maintaining equal employment policies and practices which utilizes all persons in its potential workforce.

Council Member Daeke questioned several statements in the County's plan including having notices available in both English and Spanish. Ms. Dunston said the County's Language Plan has ensured notices are available in both languages and said notices have been posted in various locations throughout the City in areas such as the library and the Senior Center.

Council Member Brown asked for more information on the growth mentioned in the analysis. Ms. Dunston said the analysis was completed by the County in 2011 and is good for five (5) years. Since this is a 15 month grant, the analysis is acceptable. City Attorney Zollicoffer, Jr., added that the grown portion of the analysis refers to the County and not just the City.

Council Member Coffey noted Kerr-Tar was responsible for completing the analysis and asked if they would prepare future analyses. Ms. Dunston responded the County would make that selection.

Council Member Peace-Jenkins asked if there was room for tweaking the analysis. Ms. Dunston responded no as the City cannot tweak a County document.

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

Council Member Brown moved the approval of Resolution 13-58, *Adopting Vance County's Analysis of Impediment Plan* and Resolution 13-60, *Adopting an Equal Employment and Procurement Plan in Regards to the CDBG Talent Enhancement Grant*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Brown, Daye, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Kearney. (See Resolution Book 3, p 217 and 221)

CONSENT AGENDA

The City Clerk read the Consent Agenda, summarized as follows:

Accepting the North Carolina Governor's Highway Safety Program Grant in the Amount of \$18,300 for the Purchase of Traffic Enforcement Equipment; and Establishing Budget for Said Grant - FY14 Budget Amendment #6. (Reference: CAF 13-27-A; Resolution 13-21-A, Ordinance 13-14) This action establishes a budget allowing for the acceptance of this fully funded grant for the Police Department to purchase a traffic equipment trailer, portable light tower & generator, traffic cones, checkpoint signs with stands, flashlights and OSHA/DOT Certified traffic vests. No matching funds from the City are required (See Resolution 3, p 143-A, Ordinance Book 8, p 547)

Amendments to City Administrative Policies 2.03 Definitions, 5.11 Part-Time Employment and 5.12 Temporary Employees, 6.06.00 Dress and Appearance Policy and 4.13 Separation Pay. (Reference: CAF 13-80; Resolution 13-55) This amendment allows for the establishment of an employee dress code and further defines part-time employment, temporary employees and those eligible for separation pay. (See Resolution Book 3, p 211)

Closing Out the Public Library Fund. (Reference: CAF 13-14; Ordinance 13-41) This fund is being closed because the fund is archaic and the Library's annual budget request is now reflected in the General Fund along with other County-shared programs. (See Ordinance Book 9, p 3)

Amending Portions of Chapter 15, Regarding Water and Sewer Due Dates and Cut-Offs, and the Annual Fee Schedule. (Reference: CAF 13-89; Ordinance 13-47) These revisions specify changes to the Late Fee Policy by providing one (1) automatic late fee waiver per year for customers in good standing during the most recent rolling twelve (12) month period and extends the Grace Period Policy from seven (7) calendar days to ten (10) calendar days. (See Ordinance Book 9, p 15)

Mayor O'Geary asked if anyone wished to remove an item from the Consent Agenda. There were no requests. Mayor O'Geary asked for a motion to approve the consent Agenda

Council Member Peace-Jenkins moved the approval of the Consent Agenda as presented. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Brown, Daye, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Kearney.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised one citizen wished to address City Council.

Dorothy Hunt Ms. Hunt is the founder and Executive Director of the LifeLine Outreach Program. She said her concern tonight is liberty. She said years ago when she organized a *March for Jesus*, they were able to walk down main street with a police escort. Last March she said there were pages of restrictions that limited the prayer march she was organizing to the sidewalk on a side street. Although she was grateful for the opportunity to even march on the sidewalk, she asked Council to reconsider the restrictions. She asked what will change Henderson and said only prayer. She felt people of prayer should have the same rights as those who organize events such as *Meet Me In the Street* and the *Ducky Derby*. Ms. Hunt thanked Council for listening and said she would like the privilege of walking down main street just as others are allowed. She concluded by saying this city needs all the help and God is the one to help.

Mayor O'Geary thanked Ms. Hunt for her comments and said he was sure the entire Council shared her concerns.

Council Member Rainey said he did not remember Council approving any such regulations and asked the City Manager to look into this matter. City Manager Griffin said he would have to review this matter and report back to Council and Ms. Hunt.

Council Member Coffey said she had helped organize a prayer walk and mentioned the Mayor and Mrs. O'Geary participated in the walk. She said she felt the process was too difficult, time consuming and thought the restrictions came from the Police Department rather than Council.

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 Daeke moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3) for an Attorney-Client Privilege Matter. Motion seconded by Council Member Coffey and unanimously approved.

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

REPORTS

- a) Mayor/Mayor Pro-Tem - Mayor Pro-Tem Rainey said there was excellent participation in the Night Out Against Crime event. He also said the Henderson Rec Players performance of Cabaret was excellent. Lastly, he reported on the Ribbon Cutting he attended earlier in the day.
- b) City Manager (No Report)
- c) City Attorney (No Report)
- d) City Clerk – Council was reminded of the Perry Memorial Library event on August 19th, the Community Watch Meeting on August 22nd and asked for and received Council's consensus to allow City Manager Griffin to act as the voting delegate from the City at the NCLM Annual Business meeting.

Council Member Daeke asked about the graffiti process. He said a process was established but it did not seem to be working as there has been graffiti on Norlina Road and Williams Street for quite a while.

Mayor O'Geary said he had reported the graffiti on Williams Street to Code Compliance.

City Manager Griffin said he would review the process with Code Compliance Director Corey Williams and report back at the next work session.

Council Member Coffey said in reference to the one-stop permitting process, she brought the process packet she received from Granville County to share with the City Manager as she thought it contained material that would help the City/County in the development of the one-stop process.

There was no further discussion. Mayor O'Geary asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Daye, and was unanimously approved. The meeting adjourned 6:53 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 26 Aug 13 Regular Meeting

15 August 2013

TO: The Honorable Mayor James D. O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: CAF: 13-91

Consideration of Approval of Ordinance 13-49, Rezoning Property on the Corner of Parham Street and Burwell Avenue in the City of Henderson from R-15 TO R6

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- **KSO 3:** Revise and align land use and sign ordinance

Recommendation:

- Approval of Ordinance 13-49, Rezoning Property on the Corner of Parham Street and Burwell Avenue in the City of Henderson from R-15 TO R6

Executive Summary:

It has been brought to the attention of the staff that the property located at 525 Burwell Avenue is in a split zone. Part of the property is zoned R6 and the other part is zoned R15. The property does not meet the lot width to be compliant in a R15 zone. This property is located adjacent to 710 Parham Street, which is located on the corner of Parham Street and Burwell Avenue, which is also zoned R15. The rezoning request will change both of the properties to R6. This rezoning does not constitute spot zoning.

Enclosures:

1. Ordinance 13-49
2. Planning Board Minutes
3. Aerial Map

CAF 13-91: 26 August 2013 Council Meeting: Public Hearing

Page 1 of 6

ORDINANCE 13-49

After receiving the recommendation of the Planning Board and after a duly advertised public hearing thereon, Councilperson _____ introduced the following Ordinance which was seconded by Councilperson _____ and read:

“AN ORDINANCE REZONING PROPERTY ON THE CORNER OF PARHAM STREET AND BURWELL AVENUE IN THE CITY OF HENDERSON FROM R-15 TO R6 ”

The City Council of the City of Henderson, North Carolina doth ordain:

Section 1. That the Zoning Map (incorporated by reference in the Zoning Code) be amended by rezoning the following property from R-15 to R-6:

Begin at the northwestern corner of Burwell Avenue with Parham Street; run thence along Burwell Avenue in a general northwesterly direction 288.18 feet to the corner of a Lot (designated on Tax Map 22, Block 4, as Lot 10); run thence along the northwestern line of said Lot 10 in a general southwesterly direction 128.74 feet; continue thence along the southwestern property line of said Lot 10 in a general southeasterly direction 60.33 feet to the corner of said Lot 10; run thence along the line of Lot 10 in a general northeasterly direction 28 feet, more or less; run thence along the southwestern property line of a Lot (designated on Tax Map 22, Block 4 as Lot 8) in a general southeasterly direction 225 feet to the northwestern right of way of Parham Street; run thence along the northwestern right of way of Parham Street in a general northeasterly direction 100 feet to the place of beginning. The same being shown on Tax Map 22 as Lots 8 and 10 in Block 4.

Section 2. The foregoing Ordinance shall be in full force and effect from and after the date of its passage.

The foregoing Ordinance 13-49, upon motion of Council member _____ and seconded by Council Member _____, and having been submitted to a roll call vote and received the following votes and was _____ on this the ____ day of _____, 2013: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O’Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk
Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 42, p. **.*

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the foregoing Ordinance is a true and exact copy of *Ordinance 13-49, An Ordinance Rezoning Property On The Corner Of Parham Street And Burwell Avenue In The City Of Henderson From R-15 To R6*, adopted by the Henderson, City Council in Regular Session on ** ** 20** (*See Minute Book 4*, p. **.*). This Ordinance is recorded in *Ordinance Book # 9, pp. **.*

Witness my hand and corporate seal of the City, this ** day of *** 20**.

Esther J. McCrackin
City Clerk
City of Henderson, North Carolina



City of Henderson

Planning and Community Development Department

Post Office Box 1434 / 134 Rose Avenue / Henderson, NC 27536-1434

Phone: (252) 430-5723

FAX: (252) 492-7935

RECOMMENDATIONS FROM THE August 5, 2013 PLANNING BOARD MEETING

Recommendation to rezone properties from R15 (Moderate to Low Density Residential) to R6 (High Density Residential) Zoning District located at 525 Burwell Avenue, 0.185+/- acres, (Vance County Tax Map 0022, Block 04, Lot 010) and 710 Parham Street, 0.517 +/- acres, (Vance County Tax Map 0022, Block 04, Lot 008)

This item went before the Henderson Planning Board on Monday, August 5, 2013. Item was introduced by Zoning Administrator Sherry Moss. Moss reviewed items of the agenda packet. Moss explained the purpose for the rezoning and added this is a staff recommendation. She addressed that 525 Burwell Avenue was split zoned; partially zoned R6 and R15. Moss added the property didn't meet the minimum lot width and lot size requirement for the R15 zoning district. So by rezoning the property to R6, the property will meet zoning compliance. Moss also explained the reason for the rezoning of 710 Parham Street and added that 710 Parham Street is adjacent 525 Burwell Avenue. Moss stated that Frances Finamore of 710 Parham Street wanted to do Mental Health Counseling as a home occupation in her home. Rezoning the property from R15 to R6, will allow Mental Health Counseling as a home occupation to be established by a Special Use Permit.

Ken Roll (411 Burwell Avenue, Henderson) was present to speak in favor of the public hearing. Roll stated he lives across the street from Ms. Finamore and added that he has no objections for Ms. Finamore to be rezoned R6 so she can do her Mental Health Counseling. Roll stated it will be an asset to the neighborhood and it wouldn't be detrimental in any way of what he can see. Roll also stated that Finamore had to work today, so he came out to support her.

Phil Hanny (309 Burwell Avenue, Henderson) was present to speak in favor of the public hearing. Hanny stated the Mental Health Counseling would be a good asset to the neighborhood.

Rosa Griffin (531 Burwell Avenue, Henderson) was present to speak in opposition of the public hearing. Griffin stated she thinks the use will bring more traffic in the quiet neighborhood and added she lives a couple houses down and it's low traffic there and would like to keep it like that. Board Member Jimmie Ayscue asked was it a dead end street. Griffin replied yes.

Norman Walker (524 Burwell Avenue, Henderson) was present to speak in opposition of the public hearing. Walker stated she is against this too and added there will be a lot of traffic.

Rebecca Ann Boyd (529 Burwell Avenue, Henderson) was present to speak in opposition of the public hearing. Boyd stated it's a small area for the use and it's not enough room. The houses are close together.

The public hearing was closed. The Planning Board and staff further discussed the rezoning. Moss addressed the board if the rezoning is approved by the City Council, then the use for the Mental Health Counseling as a home occupation will have to go before the Henderson Zoning Board of Adjustments for Special Use Permit approval.

Motioned by Board Member Jimmie Ayscue to **APPROVE** the recommendation to rezone properties from R15 to R6; Second by Board Member Phil Walters; 7-0 vote; **AYES**: Michael Rainey, Horace Bullock, Marguerite Anduze, Jimmie Ayscue, Arthur Henderson, Phil Walters, and Ricky Easter; **NOES**: None; **ABSENT**: None

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 26 Aug 13 Short Reg. Meeting

22 August 2013

TO: The Honorable Mayor James D. O'Geary and Members of City Council
FR: A. Ray Griffin, Jr., City Manager
RE: CAF: 13-92
Consideration of Approval of Resolution 13-63 Amendments to City Administrative Policy, Section 4.11 Overtime Pay and Compensatory Time.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- KSO 6: Develop and Maintain a Qualified Municipal Workforce – To provide a supportive and competitive workforce climate that facilitates and maintains a strong workforce capability and capacity and adequate staffing levels.
- KSO 8: Provide Financial Resourcing. To recognize resourcing of municipal operations and capital outlay is difficult during these economic times and to focus on ways that improves the City's financial position and ability to fund services.

Recommendation:

- **Approval of Resolution 13-63 Amendments to City Administrative Policy, Section 4.11 Overtime Pay and Compensatory Time.**

Executive Summary:

City Administration continues to work with the Human Resources Committee (Committee) to amend the City's Personnel Policy. The Committee met on 22 August 2013 to consider recommended amendments to Section 4.11 Overtime Pay and Compensatory Time. The changes are necessary to amend outdated policies to current business practices as well as clarify and expound upon existing policies. The thrust of the changes is to re-focus efforts to limit compensatory time accruals, and thus limit the City's financial exposure to this incumbent liability.

Committee members carefully reviewed the policy changes and unanimously recommended them to City Council for consideration and approval.

Enclosures:

1. Resolution 13—63

CAF 13-92: 26 August 2013 Short Regular Meeting:

RESOLUTION 13—63

A RESOLUTION APPROVING AMENDMENTS TO CITY ADMINISTRATIVE POLICIES REGARDING OVERTIME PAY AND COMPENSATORY TIME

WHEREAS, the Henderson City Council (Council) conducted its Annual Planning Retreat in January 2013, and during said Retreat identified eight Key Strategic Objectives (KSO) and Goals; *and*

WHEREAS, this Resolution addresses one of these Key Strategic Objectives as follows: KSO 6: Develop and Maintain a Qualified Municipal Workforce – *To provide a supportive and competitive workforce climate that facilitates and maintains a strong workforce capability and capacity and adequate staffing levels; and KSO 8: Provide Financial Resourcing. The purpose of this KSO is to recognize resourcing of municipal operations and capital outlay is difficult during these economic times and to focus on ways that improves the City’s financial position and ability to fund services.*

WHEREAS, the Henderson City Council provides personnel policies that provide for the proper administration of Human Resources; *and*

WHEREAS, it is appropriate to amend the policies from time to time; *and*

WHEREAS, Administrative Policies, 4.11 *Overtime Pay and Compensatory Time* are amended to promote an effective and efficient productive work environment for all employees.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE the amendments to Administrative Policies, 4.11 *Overtime Pay and Compensatory Time* being more fully articulated in **Attachment A** to this Resolution.

BE IT FURTHER RESOLVED BY THE HENDERSON CITY COUNCIL that the afore referenced Administrative Policies shall be effective on the adoption date of this Resolution.

The foregoing Resolution 13-63, upon motion of Council Member ** and second by Council Member **, and having been submitted to a roll call vote received the following votes and was ***** on this the *** day of **** 2013: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O’Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

SECTION 4	THE PAY PLAN
SUBJECT	OVERTIME PAY <u>and</u> <u>COMPENSATORY TIME</u>
POLICY NO (S)	4.11
DATE	2-9-98; 4-1-07; <u>26 Aug 2013</u>

4.11 OVERTIME PAY AND COMPENSATORY TIME:

A. **FLSA Compliance Assured:** To the extent that local government jurisdictions are so required, the City will comply with the Fair Labor Standards Act (FLSA).

1) **Determining Non-Exempt Positions:** The City Manager, following FLSA regulations, shall determine which jobs are “non-exempt” and are therefore subject to the Act in areas such as hours of work periods, rates of overtime compensation, and other provisions. Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their positions classification, i.e., General Workforce, Law Enforcement or Firefighter as provided in Sections 4.11 (C) and 4.11 (D) of the City’s Personnel Policy. ~~(usually 40 hours in a 7 day period);~~ Hours beyond the FLSA established limit will be compensated in the appropriate manner outlined in the following paragraphs. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will non-worked time such as vacation (annual leave, sick leave, compensatory time leave, or holidays be included in the computation of hours worked for FLSA purposes.

2) **Avoiding Overtime/Compensatory Time Whenever Possible:** Whenever practicable, departments directors will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime or awarding compensatory time. When time off within the work period cannot be granted, overtime worked will be compensated as compensatory time paid at a time-and-one-half rate or taken as compensatory time, or paid as overtime if approved by the city manager at a time-and-one-half rate, in accordance with FLSA regulations.

3) **Overtime and Compensatory Time Authorizations During Emergencies:** In emergency situations, where employees are required to work long and continuous hours, the City Manager May approve compensation at time and one half (1½) for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions.

4) **Limiting Compensatory Time Accrual:** ~~Non-exempt employees who work in public safety activities, emergency response activities, or seasonal activities may accrue not more than 480 hours of compensatory time for overtime hours worked after April 15, 1986. All other non-exempt employees may accrue not more than 240 hours of~~

~~compensatory time for overtime hours worked after April 15, 1986. No Non-exempt employee may accrue more than 40 hours of compensatory time without the express prior written permission of the city manager. Under no circumstances shall a non-exempt employee accrue more than 100 hours of compensatory time unless same has been accrued during an emergency and approved in advance by the city manager. It shall be the responsibility of the Department Director and employee's supervisor to ensure this limitation is honored at all times.~~

5) Compensatory Time Paid-Out Under Certain Circumstances:

- i. **Promotion of Non-Exempt to Exempt Status:** ~~If an employee is promoted from a non-exempt status to an exempt status, the Human Resources Director shall cause compensation at the non-exempt rate of pay for any and all accrued compensatory time accrued to the employee prior to his/her assuming the Exempt position for which he/she has been promoted. the City Manager and/or department head may approve compensation at time and one (1-1/2) for those hours worked prior to the promotion and/or grant occasional compensatory leave when the convenience of the department and/or the City allows.~~
- ii. **Separation From Employment:** Non-exempt employees separating from employment shall be paid for their compensatory time balances at his/her prevailing hourly rate of pay.

A-B: Exempt Employees Defined: Full-time and part-time employees who have been classified as "Exempt" from the overtime provisions of the Fair Labor Standards Act (as Executive, Administrative, or Professional staff) are paid for the accomplishment of assigned accountabilities rather than being paid for the number of hours worked in a work week. A 100% or full-time exempt employee, as an example, would be expected to work a 40 hour week at a minimum during normally defined business hours unless prior approval to work a flexible schedule and/or annual and/or sick leave has been requested by the employee and approved by the Department Head, or the City Manager in the case of a Department Head. Hours worked in excess of a 40 hour work week by an exempt employee is considered accomplishment of assigned accountabilities for which there is no requirement for additional compensation whether in time off or pay. These employees may be granted occasional compensatory leave by their department heads and/or the City Manager when the convenience of the department and/or the City allows. Such compensatory time is based on an Exempt employee working well above and beyond the call of duty for an extended period of time, is never based on an hour-for-hour basis, is never factored by a 1.5 factor as is the case for non-exempt employees, and is not never guaranteed to be granted by the Department Director and/or City Manager as appropriate, or to be taken, or used by the employee, and always ends without compensation upon separation from the organization.

A. Exempt Positions

A List of Exempt Positions as 1 August 2013	
Administration	City Manager Asst City Manager City Clerk
Code Compliance	Director
Engineering	Director
Finance	Director Asst. Finance Director Accounting Supervisor Billing & Collections Supervisor
Fire Department	Chief Assistant Fire Chief Battalion Chief Fire & Safety Educator
Human Resources	Director
HWRF	Director Chief Plant Operator Laboratory Supervisor Plant Maintenance Supervisor
Planning	Director Main Street Project Manager
Police	Chief Captain
Public Services	Director Fiscal & Compliance Officer Operations Division Manager Public Works Supervisor Garage Fleet Maintenance Supervisor Street Maintenance Coordinator
Recreation	Director Recreation Program Supervisors Parks Maintenance Supervisor
Regional Water	Director Chief Plant Operator
Youth Services	Director Recreation Program Supervisors

B C. General Workforce Non-Exempt Employees Defined: Full-time and part-time employees (non-sworn law enforcement officers and firefighters) who have been classified as “Non-Exempt” from the overtime provisions of the Fair Labor Standards Act must be paid for overtime hours worked or given compensatory time off in accordance with the guidelines in this policy. Overtime is paid or compensatory time off is given to non-exempt employees for hours worked in excess of 40 hours per week. The work week is defined as Thursday Sunday through the following Saturday Wednesday.

1).Approval To Work Overtime: All overtime hours worked by all non-exempt employees must be approved in advance by the employees Department Head or Supervisor. Overtime work must be of an unusual, unscheduled, or emergency nature and be directed or authorized by the department head, authorized representative of the department head, or the City Manager. Based upon the provisions of the Fair Labor Standards Act, non-exempt employee work which has not been requested by management but is endured or permitted is considered work time. Therefore, when an employee voluntarily works prior to or after his regularly scheduled work day, and it is endured or permitted, it is considered overtime hours when in excess of 40 hours in the work week although the work had not been specifically authorized. Supervisors/Department Heads are responsible for ensuring that overtime hours are authorized, recorded, and properly documented for compensatory time off or overtime pay in accordance with the established record keeping forms and instructions.

2).Overtime Rates for Non-exempt Employees: When overtime is paid, it is at the rate 1-1/2 times the employee’s regular hourly equivalent salaried rate for those hours worked in excess of 40 in one week. The employee’s regular hourly equivalent salaried rate is calculated by dividing the annual full-time salary by 2080. Annual full-time salary divided by 2080 equals regular hourly rate and Overtime pay equals regular hourly rate times 1-1/2 times overtime hours

C D. Non-Exempt Law Enforcement and Firefighter Employees Defined: Full-time and part-time employees who serve in either law enforcement or firefighter positions and who have been classified as “Non-Exempt” from the overtime provisions of the Fair Labor Standards Act must be paid for overtime hours worked or given compensatory time off in accordance with the guidelines in this policy. Overtime is paid or compensatory time off is given to non-exempt law enforcement employees for hours worked in excess of 171 hours in a 28 day work period. Non-exempt firefighters, regardless of rank, are subject to overtime after ~~106 hours of work over 14 consecutive days~~ 212 hours over a consecutive 28 day-work period.

1).Approval To Work Overtime: All overtime hours worked by all non-exempt law enforcement and firefighter employees must be approved in advance by the employee’s Department Head. Overtime work must be of an unusual,

unscheduled, or emergency nature and be directed or authorized by the department head, authorized representative of the department head, or the City Manager, or pursuant to a court order or subpoena. Based upon the provisions of the Fair Labor Standards Act, non-exempt employee work which has not been requested by management but is endured or permitted, is considered work time. Therefore, when an employee voluntarily works prior to or after his regularly scheduled work day, and it is endured or permitted it is considered overtime hours when in excess of 171 hours in the 28 day work period for law enforcement or when in excess of ~~106~~ 212 hours of work over ~~14~~ 28 consecutive days for firefighters, although the work had not been specifically authorized. Department Heads are responsible for ensuring that overtime hours are authorized, recorded, and properly documented for compensatory time off or overtime pay in accordance with the established record keeping forms and instructions.

2).Overtime Rates for Non-Exempt Law Enforcement and Firefighter Employees ; When overtime is paid, it is at the rate of 1-1/2 times the employee's regular hourly equivalent salaried rate for those hours worked in excess of 171 hours in the 28 day work period for law enforcement or when in excess of ~~106~~ 212 hours of work over ~~14~~ 28 consecutive days for firefighters. The employee's regular hourly equivalent salaried rate is calculated by dividing the annual full-time salary by 2080. Annual full-time salary divided by 2080 equals regular hourly rate and Regular hourly rate times 1 1/2 times overtime hours equals overtime pay

~~Non-exempt employees who work in public safety activities, emergency response activities, or seasonal activities may accrue not more than 480 hours of compensatory time for overtime hours worked after April 15, 1986. All other non-exempt employees may accrue not more than 240 hours of compensatory time for overtime hours worked after April 15, 1986.~~

Overtime Rates for Non-Exempt Law Enforcement and Firefighter Employees

~~Accumulation of more than one-hundred (100) hours of compensatory time is discouraged and must have the approval of the City Manager. If an employee is promoted from a non-exempt status to an exempt status the City Manager and/or department head may approve compensation at time and one (1-1/2) for those hours worked prior to the promotion and/or grant occasional compensatory leave when the convenience of the department and/or the City allows. Non-exempt employees separating from employment shall be paid for their compensatory time balances.~~

~~In emergency situations, where employees are required to work long and continuous hours, the City Manager May approve compensation at time and one half (1½) for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions.~~

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252-430-5701



Agenda Item: _____

Council Meeting: 26 Aug 13 Short Reg. Meeting

21 August 2013

TO: The Honorable Mayor James D. O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: **CAF 13-94**

Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of July 2013.

Ladies and Gentlemen:

Recommendation:

- Approval of tax releases and refunds from Vance County for the month of July 2013.

Executive Summary

The Vance County Tax office submitted the following tax releases and refunds to the Finance Department for the month of July 2013. These releases and refunds are found to be in order and are being recommended for approval.

July 2013 Tax Releases			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Releases			
Terry, Cherry M. Heirs	To Correct Billing Error	2012	(146.25)
Total R&P Property Releases			\$ (146.25)
Real & Personal Property			
Refunds			\$0.00
Total R & P Property Refunds			
Total R&P Prop. Rel. & Ref.			\$ (146.25)

Tax Releases & Refunds July 2013- Continued

Vehicle Releases			
Burnette, L'Erin Gianni	Pro-Rate	2012	14.97
Burwell, Darlene Hargrove	Pro-Rate	2012	4.88
Chandler, Barry Gerrard	Pro-Rate	2012	23.12
Clark, Stephanie Walker	Pro-Rate	2012	2.32
Clayton, Taylor Daniel	Transfer Out	2012	75.13
Countryman, Rodney Lee	Pro-Rate	2012	7.57
Davis, Joyce Baxter	Pro-Rate	2012	51.36
Edwards, Taylor Nicole	Pro-Rate	2012	20.58
Focus Day Service	Pro-Rate	2012	114.83
Lovings, Junius Reben	Pro-Rate	2012	12.36
Newsome, Laura Leona	Pro-Rate	2012	5.62
Noel, Valerie	Pro-Rate	2012	16.66
Oakley, Glenn Wesley	Correct Value	2012	5.09
Parker, Edna Elaine	Pro-Rate	2012	17.61
Pascacio, Pedro Cisneros	Pro-Rate	2012	9.83
Pendergrass, Matthew R	Reg. Veh. Billed in Error	2012	14.56
Pinero, Kimberly Ausborn	Pro-Rate	2012	6.01
Simms, Tracey Ann	Pro-Rate	2012	14.78
Smith, Monica Renea	Reg. Veh. Billed in Error	2012	55.10
Tharrington, Eric	Pro-Rate	2012	5.46
The Salvation Army	Charitable Organization	2012	142.44
Williams, Jesse Jr.	Pro-Rate	2012	10.31
Abbott, Wade Thomas	Correct Situs	2013	19.14
Baskerville, Jaqualia	Correct Situs	2013	42.70
Bullock, Albert Jr.	Pro-Rate	2013	16.52
Carroll, Kenneth Neal	Correct Value	2013	16.74
Davis, Lawrence Dereck	Correct Situs	2013	139.29
Garrison, Jason Andrew	Pro-Rate	2013	85.47
Harvey, Mary Janee Butler	Pro-Rate	2013	36.48
Hudson, John Russell	Correct Situs	2013	13.00
Moody, Calvin Wilton J.	Correct Value	2013	36.68
Overby, Kathryn Bowen	Correct Value	2013	29.25
Pearce, Salbert Alton	Correct Situs	2013	147.77
Pendergrass, Matthew R	Pro-Rate	2013	3.97
Pete Smith Lube & Tire	Correct Value	2013	76.20
Prentice, Gregory Roger	Correct Value	2013	5.16
Ranes, William Ray	Correct Situs	2013	46.18
Roberson, Andi Nichole	Correct Situs	2013	(32.35)
Total Vehicle Releases			\$ 1,312.79

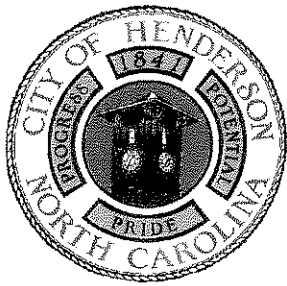
Tax Releases & Refunds July 2013- Continued

Vehicle Refunds			
Brantley, Elizabeth Montgomery	Pro-Rate	2012	0.84
Davis, Reuben	Pro-Rate	2012	8.14
Parham, John Asa	Pro-Rate	2012	11.25
Poythress, Jeanette Faulkner	Pro-Rate	2012	1.36
Swecker, Katie Marshall	Pro-Rate	2012	17.44
Pulley, David William	Pro-Rate	2013	5.53
Total Vehicle Refunds			\$ 44.56
Tot. Veh. Rel. & Ref.			\$ 1,357.35
Total All Releases & Refunds			\$ 1,211.10

Meetings and Events Calendar

Last Updated: 8/7/2013 12:27 PM

Date	Time	Event	Location
Aug 30 th	10:00 AM	E-911 Advisory Board Meeting	E-911 Operations Center
Sept 2	City Hall Closed	Labor Day Holiday	Happy Holiday
Sept 9	3:30 PM	Henderson Planning Board	City Council Chambers
Sept 9	5:00 PM	Library Board of Trustees	Perry Memorial Library
Sept 9	6:00 PM	City Council Regular Meeting	City Council Chambers
Sept 10	3:00 PM	Henderson Community Appearance Commission	City Hall Large Conference Room *Note Change of Venue*
Sept 10	3:30 PM	Henderson Zoning Board of Adjustment	City Council Chambers
Sept 12	12:00 PM	Henderson-Vance Park & Recreations Commission	Aycock Recreation Center
Sept 19	7:00 PM	Human Relations Commission	City Council Chambers
Sept 23	6:00 PM	City Council Meeting Work Session to Follow	<i>City Council Chambers</i>
Sept 27	10:00 AM	Henderson-Vance E911 Advisory Board Meeting	E911 Operations Center
Oct 1	3:30 PM	Henderson Zoning Board of Adjustment	City Council Chambers
Oct 7	3:30 PM	Henderson Planning Board	City Council Chambers
Oct 8	3:00 PM	Henderson Community Appearance Commission	City Council Chambers
Oct 10	12:00 PM	Henderson-Vance Park & Recreations Commission	Aycock Recreation Center
Oct 14	9:30 AM	KLRW Advisory Board Meeting	City Hall Large Conference Room
Oct 14	6:00 PM	City Council Regular Meeting Cancelled	Cancelled due to Conference
Oct 17	7:00 PM	Human Relations Commission	City Council Chambers
Oct 28	6:00 PM	City Council Meeting Work Session to Follow	<i>City Council Chambers</i>
Nov 4	3:30 PM	Henderson Planning Board	City Council Chambers
Nov 5	3:30 PM	Henderson Zoning Board of Adjustment	City Council Chambers
Nov 11	5:00 PM	Library Board of Trustees	Perry Memorial Library
Nov 11	6:00 PM	City Council Regular Meeting	City Council Chambers
Nov 12	3:00 PM	Henderson Community Appearance Commission	City Council Chambers
Nov 14	12:00 PM	Henderson-Vance Park & Recreations Commission	Aycock Recreation Center



Henderson Fire Department

211 Dabney Drive
Henderson, North Carolina 27536
Phone: (252) 438-7315
Fax: (252) 438-1460

Daniel E. Wilkerson
Fire Chief

TO: RAY GRIFFIN, CITY MANAGER
FROM: DANIEL E. WILKERSON, FIRE CHIEF
DATE: August 8, 2013

FIRE SUPPRESSION AND RESCUE ACTIVITY REPORT FOR: JULY, 2013

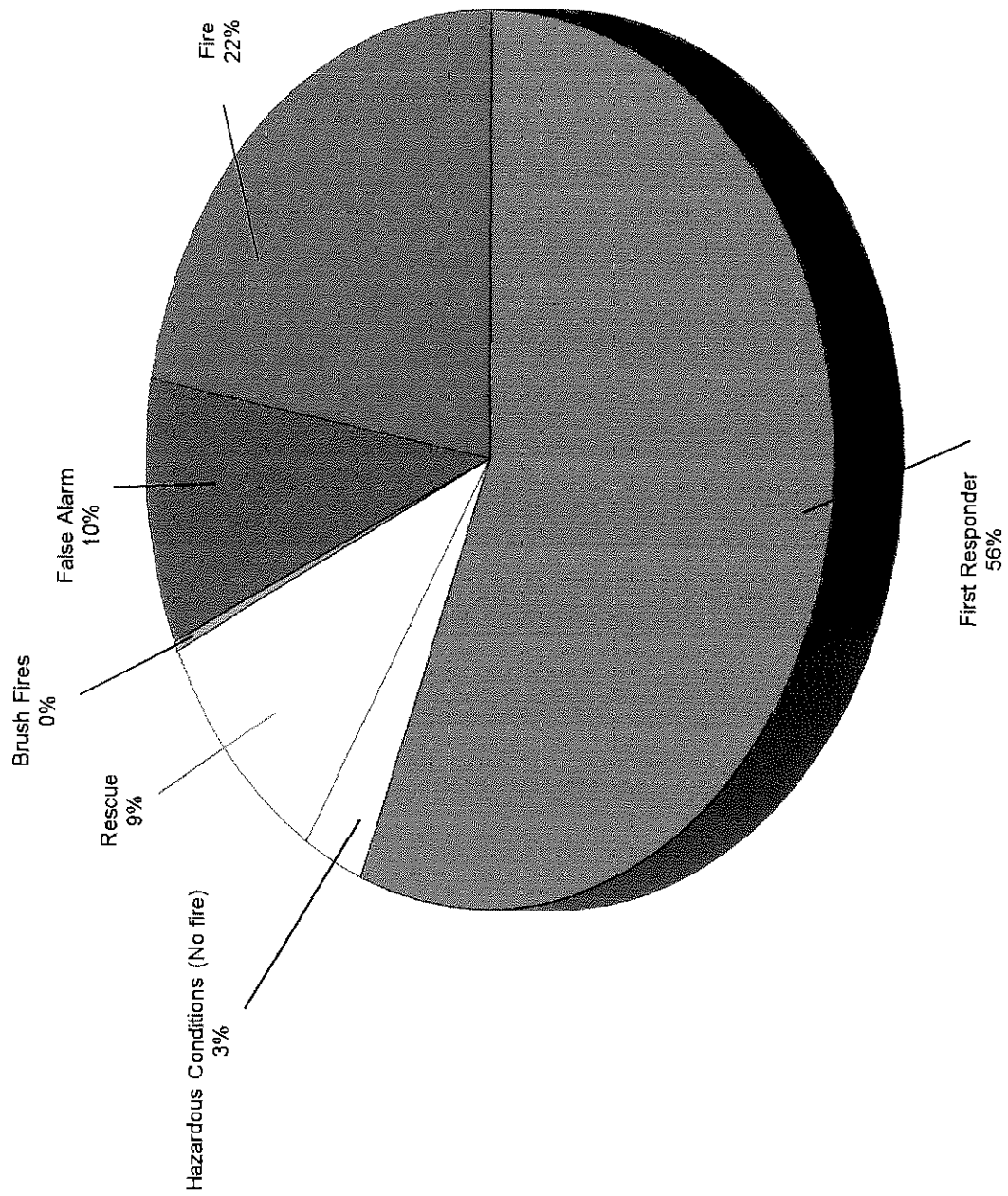
TYPE OF CALL	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
PRIVATE DWELLINGS (1 or 2 Family), Including Mobile Homes	19	19	89
APARTMENTS (3 or More Families)	1	2	10
HOTELS AND MOTELS	2	0	3
ALL OTHER RESIDENTIAL (Dormitories, Boarding Houses, Tents, etc.)	0	0	1
PUBLIC ASSEMBLY (Church, Restaurant, Clubs, etc.)	3	1	9
SCHOOLS AND COLLEGES	2	1	4
HEALTH CARE AND PENAL INSTITUTIONS (Hospitals, Nursing Homes, Prisons, etc.)	2	2	14
STORES AND OFFICES	5	4	16
INDUSTRY, UTILITY, DEFENSE, LABORATORIES, MANUFACTURING	7	0	12
STORAGE IN STRUCTURES (Barns, Vehicle storage Garages, General Storage, etc.)	0	0	0
OTHER STRUCTURES (Outbuildings, Bridges, etc.)	4	1	5
WORKING STRUCTURE FIRE	3	1	11
FIRES IN HIGHWAY VEHICLES (Autos, Trucks, Buses, etc.)	1	4	12
FIRES IN OTHER VEHICLES (Planes, Trains, Ships, Construction or Farm Vehicles)	0	0	0

FIRE OUTSIDE OF STRUCTURES WITH VALUE INVOLVED, BUT NOT VEHICLES (Outside Storage, Crops, Timber, etc.)	0	0	0
FIRES IN BRUSH, GRASS, WILD LAND (Excluding Crops and Timber) With No Value Involved	0	3	11
FIRES IN RUBBISH, INCLUDING DUMPSTERS (Outside structures), With No Value Involved	0	0	5
ALL OTHER FIRES	3	4	9
RESCUE	26	24	147
FIRST RESPONDER	159	150	1122
FALSE ALARM RESPONSES (Malicious or Unintentional False Calls, Malfunctions, Bomb Scares)	27	18	102
MUTUAL AID OR ASSISTANCE RESPONSES	10	4	50
HAZARDOUS MATERIALS RESPONSES (Spills, Leaks, etc.)	5	1	17
OTHER HAZARDOUS RESPONSES (Arcing wires, Bomb Removal, Power Line Down, etc.)	4	7	25
ALL OTHER RESPONSES (Smoke Scares, Lock-Outs, Animal Rescues, etc.)	1	2	18
TOTALS	284	248	1692

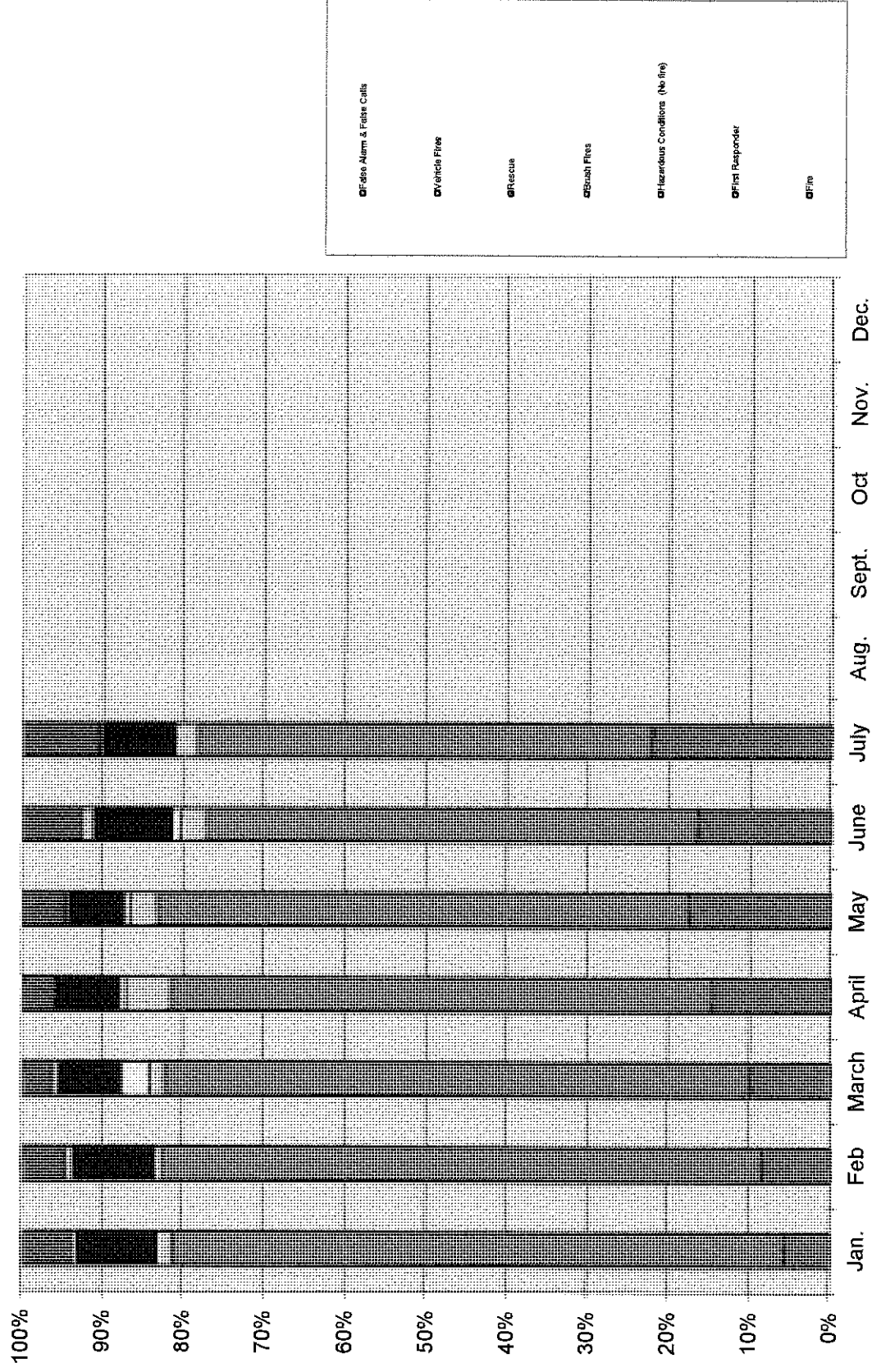
	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
Total Fire Incidents With Property and/or Contents Loss	7	7	51
Total of Property and Contents Value Saved	\$ 1,995,640.00	\$ 100,960.00	\$ 4,286,517.00

	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
FIRE CASUALTIES FIREFIGHTER-DEATH	0	0	0
FIRE CASUALTIES FIREFIGHTER - INJURIES	0	0	0
FIRE CASUALTIES CIVILIAN - DEATH	0	0	0
FIRE CASUALTIES CIVILIAN - INJURIES	0	0	2

Incident Summary For July 2013



YEAR TO DATE SUMMARY BY MONTH FOR 2013



INSPECTION ACTIVITIES REPORT FOR:

JULY, 2013

INSPECTIONS	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
ASSEMBLY	17	9	64
BUSINESS	23	26	170
EDUCATIONAL	0	0	1
HAZARDOUS	0	0	0
INDUSTRIAL	0	0	6
INSTITUTIONAL	0	1	6
MERCANTILE	17	7	87
RESIDENTIAL	2	1	14
STORAGE	0	1	2
DAY CARE	3	0	16
HOME CARE	0	0	0
FOSTER CARE	0	0	2
VACANT	3	3	11
TOTALS	65	48	379

	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
CODE VIOLATIONS	92	69	520
FOLLOW UP INSPECTIONS	19	19	129

FIRE PREVENTION ACTIVITY REPORT FOR YEAR OF: 2013

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	TOTALS
Service Calls to Residents	18	21	15	11	8	13	17						103
Home Inspections / Door Hanger Follow Ups	8	2	5	8	0	2	0						25
Smoke Alarms Installed	5	12	7	6	8	9	11						59
Batteries Installed in Smoke Alarms	7	12	12	9	8	6	5						59
Fire Extinguisher Classes	0	0	0	1	0	2	3						6
School / Daycare Presentations	3	4	6	4	3	5	2						27
Community / Civic Group Presentations	2	1	3	1	2	0	3						12
Station Tours	1	5	3	2	3	4	3						21
Total Participants in Fire & Life Safety Programs	600	800	1000	1300	2000	1000	1900						8500
Community / Business Displays	0	1	2	1	1	0	2						7
Child Safety Seat Clinics	0	0	0	0	0	0	0						0
Child Safety Seats Inspected	12	8	6	8	5	11	4						54
Child Safety Seats Distributed	2	0	0	0	0	2	0						4
Shift Coverage Hours	40	48	16	24	24	8	4						166

MONTHLY CITATION REPORT FOR THE MONTH OF: JULY 2013

LOCATION	CURRENT MONTH FIRE LANE	CURRENT MONTH HANDICAPPED	LAST MONTH FIRE LANE	LAST MONTH HANDICAPPED	YEAR TO DATE
Cardinal Plaza					0
Compare Foods					0
Crossroads Shopping Center					0
Dabney Shopping Center					0
Dabney West Mall					0
Golden Corral					0
Guardian Care					0
Henderson Mall					0
Henderson Square					0
Lowe's					1
Maria Parham Hospital					0
Market Place					0
Northside Plaza					0
Oak St					0
Rose's Norlina Rd					0
Staples					0
Vance County Courthouse					0
Vance Medical Arts Bldg					0
Vance Square					0
Village Square					0
Wal Mart		3		0	3
Walgreens					0
TOTALS	0	3	0	0	4

TRAINING DIVISION PRODUCTIVITY - JULY 2013

Henderson Fire Department

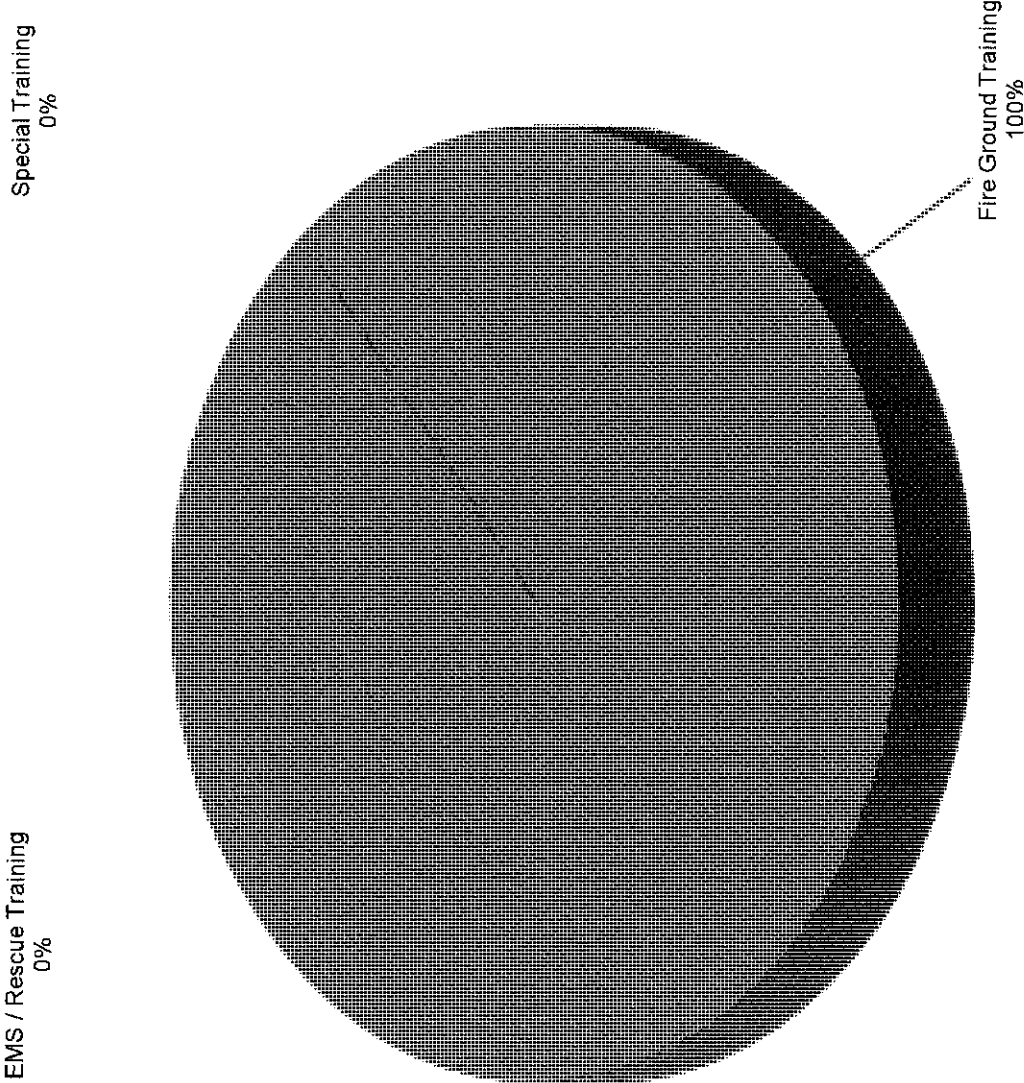
Types of Courses Taught	Course Hours Taught	Man-hours of Training
Fire Ground Training	180	1369
EMS / Rescue Training	0	0
Special Training	0	0

Totals	180	1369
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	Course Hours Taught	Man-hours of Training
PREVIOUS MONTH TOTAL	208	1448

YEAR - TO - DATE TOTAL	1189.5	9727.5
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Training Hours by Category - July
2013



Fire Department Regulatory Compliance

The Fire Department has met all regulatory compliance items for the month of
July 2013



AGENDA

**Henderson City Council Work Session
Monday, 26 August 2013 Immediately Following Regular Session
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 G. Peace—Jenkins
Councilmember Garry D. Daeke
Councilmember Vernon L. Brown
Councilmember George M. Daye

City Officials

A. Ray Griffin, Jr., City Manager
John H. Zollicoffer, Jr., City Attorney
Esther J. McCrackin, City Clerk

I. CALL TO ORDER

II. ROLL CALL

III. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA

IV. REGULAR WORK SESSION

- a)** Consideration of Approval of Ordinance 13-42, Providing for Limited Enforcement in the Extra-Territorial Jurisdiction Area (ETJ), Pursuant to Section 40 of the City Charter and Asking the Planning Board to Review and Provide a Recommendation on Same to the City Council. (CAF 13-82-A) [See Notebook Tab 7]
 - Ordinance 13-42
- b)** Consideration of Approval of Ordinance 13-51, FY14 Budget Amendment #8, Adjusting the Budget to Reflect Available Funding for Youth Services Budget. (CAF 13-93) [See Notebook Tab 8]
 - Ordinance 13-51

- c) Storm Water Regulations (CM 13-16) [See Notebook Tab 9]*
- d) REEF Project Update (CM 13-19) [See Notebook Tab 10]*
- e) One Stop Permitting Update (CM 13-14-A) [See Notebook Tab 11]*
- f) Updates on Various Council inquiries. (CM 13-18) [See Notebook Tab 12]*

V. ADJOURNMENT

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 26 August 2013 Work Session

21 August 2013

TO: The Honorable Mayor James D. O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: CAF: 13-82-A

Consideration of Approval of Ordinance 13-42, Providing for Limited Enforcement in the Extra-Territorial Jurisdiction Area (ETJ), Pursuant to Section 40 of the City Charter and Asking the Planning Board to Review and Provide a Recommendation on Same to the City Council

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- **KSC 6: Improving City Services:** In order to ensure City's resources are being utilized in the most cost efficient and effective manner, it is critical that the City's work process and service delivery system be examined and improved in order to achieve its mission.

Recommendation:

- Approval of Ordinance 13-42, Providing for Limited Enforcement in the Extra-Territorial Jurisdiction Area (ETJ), Pursuant to Section 40 of the City Charter and Asking the Planning Board to Review and Provide a Recommendation on Same to the City Council.

Executive Summary:

At its July Work Session, City Council considered City Administration's request to consider Ordinance 13-42 providing for amendments to the City Code Chapter 7: *Abandoned/Junked Vehicles*; Chapter 21: *Minimum Housing Abandoned Structures, Summary Abatement*; and Chapter 23: *Nuisances and Weeded Lots*. During discussion, Council requested the City Manager to speak with County Manager Ayscue to determine if there is a possibility to create a joint program. The working concept for this was the City would provide the administrative support for code enforcement while the County would pay for the costs of non-staff code enforcement, i.e., costs of demolition, grass cutting, etc.

I met with Mr. Ayscue and discussed this concept with him. While he appreciates the concept, the County has not budgeted for this and he thought perhaps this could be something the two jurisdictions could further discuss as we begin to develop the FY15 Budget. Additionally, he expressed concern about this being done within the ETJ and not within the County as a whole.

No one denies the need for code enforcement within the ETJ. It is a matter of resources being able to be allocated for this purpose. It is a terrible shame so many property owners have literally walked away from their properties and thus the responsibility for taking care of them.

This matter is now brought back to Council for its further discussion and consideration. It is imperative the current Ordinances be clarified in terms of the City's responsibilities for code enforcement within the ETJ. The continuing impacts of the Recession and lagging economic recovery in our part of the state has resulted, over time, reductions in funding for code compliance in both staffing levels and funding for code compliance for demolition, grass moving, etc. The current budget has only \$50,000 allocated for code compliance enforcement.

Should Council wish to proceed, this matter would have to be submitted to the Planning Board for its review and subsequent recommendation to Council. Once received, Council would need to conduct a public hearing prior to voting on the Ordinance.

Enclosure:

1. CAF 13-82
2. Ordinance 13-42

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 22 July 2013 Work Session

17 July 2013

TO: The Honorable Mayor James D. O'Geary and Members of City Council
FR: A. Ray Griffin, Jr., City Manager
RE: CAF: 13-82

Approval of the Concept of Ordinance 13-42, Providing for Limited Enforcement in the Extra-Territorial Jurisdiction Area (ETJ), Pursuant to Section 40 of the City Charter and Asking the Planning Board to Review and Provide a Recommendation on Same to the City Council

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- **KSC 6: Improving City Services:** In order to ensure City's resources are being utilized in the most cost efficient and effective manner, it is critical that the City's work process and service delivery system be examined and improved in order to achieve its mission.

Recommendation:

- Approval of the Concept of Ordinance 13-42, Providing for Limited Enforcement in the Extra-Territorial Jurisdiction Area (ETJ), Pursuant to Section 40 of the City Charter and Asking the Planning Board to Review and Provide a Recommendation on Same to the City Council

Executive Summary:

On April 24, 2006, the City of Henderson adopted an ordinance providing enforcement of the following City Charter: **Chapter 7: Abandoned/Junked Vehicles**; **Chapter 21: Minimum Housing Abandoned Structures, Summary Abatement**; and **Chapter 23: Nuisances and Weeded Lots**. The ordinance allowed enforcement throughout the Extra-Territorial Jurisdiction (ETJ), which extends 1½ miles beyond the City limits creating a large area to aggressively enforce applicable codes of property maintenance. The original purpose of the 2006 ordinance was to allow enforcement of the 2005 David Street Community Development Block Grant.

Since that time, the Department's staffing has been reduced by one-third and operating funding is less. The ability to effectively enforce code compliance in the ETJ except where properties are divided by the city limit line, activities are funded via a grant, as was the case with the David Street CDBG project, or when there is an immediate need to resolve an issue that is having an adverse impact on the health, safety and welfare of citizens of Henderson or the interest of the City of Henderson, is limited. At this point, Code Compliance cannot even keep up with the need for enforcement within the city limits. Additionally, code compliance activities are funded with general funds. Given the very constrained budgets facing the City, the efficacy of spending general tax dollars for demolition in the county, when there are insufficient funds to resolve the backlog of similar properties within the city, is questionable.

CAF 13-82: 22 July 2013 Council Meeting
Page 1 of 11

Should Council wish to proceed with this item, a request must be made to the Planning Board for its review, conducting a public hearing and recommendation back to council. Upon receipt of such recommendation, Council may then conduct a public hearing and subsequently decide if it wishes to approve the ordinance amendment.

Enclosure:

1. Ordinance 13-42
2. Background Information



City of Henderson
Code Compliance Department
Post Office Box 1434
134 Rose Avenue
Henderson, N. C. 27536
Phone (252) 430-5725 Fax (252) 492-7935

May 7, 2013

TO: Ray Griffin, City Manager
FROM: Corey K. Williams, Director
RE: ETJ Enforcement 2

The Extra-Territorial Jurisdiction (ETJ) is plague with blighted neighborhoods. There have been attempts to remove the blight within these areas through grant incentives. Some neighborhoods have received grant funds and as a result, reduction in blight has improved the area such as the David Street (city administered grant) and Julia Avenue (county award grant) through Community Development Block Grant (CDBG). There have been attempts to reduce blight in other neighborhoods within the ETJ, such Yancey Street, Hawkins Street, St. Matthews Street and others. However, these areas continue to have blight for failure of grant funding.

The City of Henderson does not have the ability to enforce housing and property maintenance codes within the ETJ. The corporate limits of the city have several neighborhoods that are plagued with dilapidated properties. Since August of 2004, the city has focused on reducing blight areas. The City created a department to enforce housing and property maintenance codes along with budget funding to demolish structures, abate nuisance lots, and bring properties into compliance. Funding for the Code Compliance Department comes directly out of the general fund and does not include any county funds to operate.

Therefore, no city enforcement of housing and property maintenance codes perform within the ETJ. The only exception the City of Henderson will enforce housing and property maintenance codes when a Community Development Block Grant is awarded or other grant / redevelopment projects. The approval by City Council or City Manager is required prior to enforcement within the ETJ.



City of Henderson
Code Compliance Department
Post Office Box 1434
134 Rose Avenue
Henderson, N. C. 27536
Phone (252) 430-5725 Fax (252) 492-7935

May 3, 2013

TO: Ray Griffin, City Manager

FROM: Corey K. Williams, Director *CKW*

RE: ETJ Enforcement

On April 24, 2006, an ordinance adopted by the City Council provided the Fire Department, Police Department, and Code Compliance Department certain enforcement authority in the Extra-Territorial Jurisdiction (ETJ) area. The Police Department has the authority to enforce Junked, Abandoned and Nuisance Motor Vehicles, the Fire Department has the authority to enforce Summary Abatement of Nuisance, and Code Compliance Department has the authority to enforce the Minimum Housing Code Chapter 21, Abandoned Structure Chapter 21A, and Weeded Lot Chapter 23, within the ETJ area. The purpose of enforcing certain property maintenance codes in the ETJ was to ensure necessary compliance in the ETJ area during the David Street Community Block Grant Project.

The grants consisted of an area of 17 properties (four located in the City) that treated street, water, sewer improvements, housing rehabilitation, demolitions, and created a children park. During the grant, process the only Code Compliance case was demolition of 914 David Street located in the city all other demolition abatement came as a direct part of grant activity.

Since that time, the Code Compliance Department has done limited enforcement within the ETJ that involve Collection and Billing Office through delinquent utility accounts (water cut off). The City of Henderson has not ordered any structures, closed, vacated, or demolished within the ETJ by order of City Council. No Code Compliance Department budgetary funds spent on demolition or abatement in the ETJ.

CAF 13-82: 22 July 2013 Council Meeting
Page 6 of 11

CAF 13-82-A: 29 August 2013 Council Meeting
Page 6 of 13

Building on Monday, April 24, 2006, beginning at 7:00 PM.

Present and Presiding:

Mayor:
Council Members:

Donald C. Seifert, Jr.
Mary Emma Evans
D. Bernard Alston
Lynn H. Harper
Robert B. Guplin
Elissa P. Yount
Garry D. Daeke
Lonnie Davis, Jr.
Ranger Wilkerson
Jerry L. Moss
Dianne E. White
John H. Zollicoffer, Jr.

City Manager:
City Clerk:
City Attorney:

HENDERSON CITY COUNCIL AGENDA

1. CALL TO ORDER - Mayor Seifert
2. ROLL CALL - City Clerk
3. INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Evans
4. OPENING REMARKS - Mayor Seifert

a. WELCOME 2006 LEADERSHIP-VANCE CLASS!

The Mayor recognized the group in attendance (12) ... Rachel Hedrick from the Chamber thanked the Council for having participants attend a Council Meeting and she noted the nice time all had on City Day (4/18).

The Mayor thanked last year's City participants (Corey Williams, Yolanda Walker and Tandra Henderson) who coordinated this year's City events. The 2006 L-V City participants are: Pam Brame, Christy Lipscomb and Dawn Parrish. Seifert thanked Hedrick and Edwards with the Chamber for continuing sponsorship of this program. **SEE ATTACHMENT "A"**

5. ADJUSTMENTS TO AND/OR APPROVAL OF THE APRIL 24TH, 2006 MEETING AGENDA - Mayor, City Council, Manager and or City Clerk

Item 12a was moved to 9c
Add-On for Tax Refunds/Releases

With the above noted changes, tonight's agenda was approved on a motion by Ms. Evans, seconded by Mr. Davis. All voted in favor.

6. CONSENT AGENDA "A" (requiring a simple voice vote)

a. Minutes of Council Meeting held on 4/10/06 (See Attached) - City Clerk

Above was approved on a motion by Mr. Davis, duly seconded by Ms. Yount. All voted in favor.

7. CONSENT AGENDA "B" (requiring a roll call vote)

- a. Budget Amendment No. 34 - Water Fund - Water Distribution (See Attached) - ✓
FAIR Committee Chairman Harper and/or City Manager Jerry Moss
- b. Budget Amendment No. 35 - General Fund - Code Compliance Department (See Attached) - FAIR Committee Chairman Harper and/or City Manager ✓
Jerry Moss
- c. An Ordinance Changing the Privilege License Fees Collected for Taxicabs to comply with NCGS §20-97(d) (See Attached) - City Attorney John Zollicoffer ✓

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Gupton, duly seconded by Mr. Daeke. All voted in favor. This ordinance is recorded in the Book of Ordinances.

- d. ☒ Public Hearing (set at the Council's 4/10/06 Regular Meeting) on An Ordinance Providing for Enforcement in the Extra-Territorial Jurisdiction, pursuant to Section 40 of the City Charter, of the Minimum Housing Code; Abandoned Structures Ordinance; Summary Abatement of Nuisances Ordinance; Weeded Lot Ordinances; and Junked, Abandoned and Nuisance Motor Vehicles Ordinance (See Attached) - Mayor Seifert, Land Planning Committee Chairman Gupton and/or City Attorney John Zollcoffer

The Mayor noted this matter was considered (and defeated) on September 25th, 2000 due to shortage of manpower. SEE ATTACHMENT "B". Seifert (as Council Member in 2000) voted in favor. Mayor Seifert opened this matter for Public Hearing. No one spoke. Therefore, the Hearing was closed.

On an introduction by Mr. Gupton, duly seconded by Mr. Davis it was moved to adopt An Ordinance Providing for Enforcement in the Extra-Territorial Jurisdiction, pursuant to Section 40 of the City Charter, of the Minimum Housing Code; Abandoned Structures Ordinance; Summary Abatement of Nuisances Ordinance; Weeded Lot Ordinances; and Junked, Abandoned and Nuisance Motor Vehicles Ordinance. All 8 members voted in favor and the ordinance is recorded in the Book of Ordinances.

Seifert said in light of adoption of the above ordinance, and the fact budget work is underway, "make whatever arrangements are necessary to enforce these in the ETJ" - he noted the Council just now assumed enforcement - not 'selective' enforcement. Ms. Dunston smiled and said "Give me some people". Mr. Daeke added that most of the current CDBG Project area (underway) is just outside city limits.

- e. Continued Public Hearing (from the Council's Regular Meeting on 3/27/06) on An Ordinance Providing for the Compliance or Removal of Certain Non-Conforming Auto Repair Facilities, Non-Accessory Outdoor Storage and Junk Yards (See Attached) - Mayor Seifert, Land Planning Committee Chairman Gupton and/or Planning Director Erris Dunston

Chairman Gupton said a meeting has been set for Wednesday, 5/3 - he, his committee and Planning Director Dunston plan to tour some of the sites and assist business owners with compliance of this proposed ordinance.

The Mayor opened the Public Hearing as required - no speakers; therefore, the Public Hearing was continued until the Council's next meeting (5/3/06) on a motion by Ms. Yount, duly seconded by Ms. Evans. All voted in favor.

9. GUEST PRESENTATIONS AND PUBLIC COMMENT PERIOD

Special Note: The Mayor and Council, at a Retreat held on 12/6/05, decided to make "Speak Up Henderson" part of the City Council Meetings beginning with the first Regular Meeting in January, 2006. Each guest, signing up to speak at the meeting, is asked to limit comments to five (5) minutes. Anyone wishing to speak during this comment period is asked to sign up with the City Clerk prior to the start of the Council Meeting. A sign up sheet will be provided by the Clerk. Although the Mayor and Council are interested in hearing all concerns and observations, speakers should not necessarily expect specific Council action or deliberation on subject matter brought up during the public comment section. Topics requiring further investigation will be referred to the appropriate City official, staff member, Council Committee or agency as appropriate and may, if in order, be scheduled for a future meeting agenda. Speakers are reminded that 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.

Thank you for your consideration of the Mayor, Council, City Staff and, in particular, other speakers and citizens.

- a. By Mr. Rickay Padgett with the North Carolina Police Benevolent Association (NCPBA) regarding Henderson Police Department Take Home Fleet

Mr. Padgett was welcomed by the Mayor ... Padgett, a police officer of 22 years from an agency who has had take home police vehicle policy in place for many years, addressed the Council. He gave a passionate presentation on the benefits of allowing officers to take home an individually assigned

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**Land Planning Committee Meeting
Held 2/15/06 at 4:00 PM
City Hall Conference Room**

Present:

Council Member Bobby Gupton, Chair
Council Member L. Davis
Council Member G. Daeke
Council Member R. Wilkerson
Council Member R. Gupton
Council Member E. Yount
Council Member M. Evans
City Manager J. Moss
Code Compliance C. Williams
City Engineer F. Frazier
Executive Assistant Pam Brame (taking minutes while City Clerk on vacation)

Guests:

Mr. Lewis Edwards

Mr. Jason Feingold (HomeinHenderson.com)
Ms. Jennifer Williams (Daily Dispatch)

1. Yard Sales

Chairman Gupton distributed the enclosed letter and proposed Ordinance Regulating Yard Sales sent to him from City Attorney John Zollicoffer.

The proposed Ordinance will be voted on by the City Council.

Council Member Evans questioned provision #5 of the Ordinance:

"(5) *No new merchandise or merchandise which was purchased (within 90 days of the date of the yard sale) for the purpose of resale or obtained on consignment (other than from family members of the household residing on the premises) shall be sold at the yard sale.*"

Council Member Evans understood the provision to mean that you can only sale something that you already own and you cannot go out and purchase anything to resale. Chairman Gupton confirmed her understanding by saying "You can't buy it and resale it. You're not supposed to buy stuff to sell at a yard sale."

Council Member Evans further questioned "Suppose I buy a dress and I don't like it?"

1

Bob Fuller of the County has been in charge and getting the bills. The group was sure the City has been paying half.

Drain the commodes so they don't burst. That right hand side of the building, the wood has rotted, the roof has pulled loose from the wall and dropped down and water is puddling and can't get off the roof, can't drain. The office in front, same thing, water had puddled and the wood ceiling was not safe and Council Member Daeke was afraid to stand underneath it because of possible collapse.

3. ETJ

Council Member Ms. Yount suggested that the City propose we enforce our Ordinances in the ETJ.

Chairman Gupton stated "City Attorney Zollicoffer said we had the authority for some of the Ordinances but not all, we could not do any zoning or planning enforcement."

Council Member Ms. Yount believed we could do them all, we just haven't chosen to. Right now, we only do zoning and planning.

Chairman Gupton remembered that we requested a target area more less, a sample area we would look.

Council Member Ms. Yount said the Council has not enacted the responsibility to patrol ETJ. "That's what we need the Council to vote on that we will enforce our Ordinances in the ETJ."

Council Member Davis said "It's in our Charter that we can do it but we don't have an Ordinance."

City Attorney Zollicoffer just needs to write the Ordinance.

City Manager asked "Are we talking about enforcing minimum housing. Clean up, start enforcing outside before you clean up your own house inside?"

Council Member Ms. Yount stated "It's not the point at all. The point is if we don't have it, then these egregious problems like on Apple Street and Norlina Road, is not addressed by anyone. If we need to, we can."

City Manager Moss can take care of it with Zollicoffer.

Code Compliance Director Williams asked "When will you decide the target areas?"

Council Member Daeke believed that if we get the ordinance and see where we have the problem. He thought we were going to look at an area or two entrances to the City. Pick 1 or 2 places that we thought were the worse and then begin the process there of entry ways to the City where we felt people get a bad impression when they come into town. Main corridors. "I don't know if that's discriminatory or not."

4. City Owned Properties

Frank Frazier sent letters out and has the letter from Gateway Development. Advertising available properties for 3 months and then contact a broker. It's been a month.

Council Member Ms. Yount "Have the brokers that looked at it originally been notified that its on the website and properties up for sale? Have we notified anybody that we put it up for sale?"

Frank said a couple of brokers knew about it.

Chairman Gupton said a lot of brokers know about it.

Council Member Daeke said the website was pretty effective especially with the number of hits.

April 24, 2006
After a duly advertised public hearing, Councilperson Gupton introduced the following Ordinance which was seconded by Councilperson Deake and read:

AN ORDINANCE PROVIDING FOR ENFORCEMENT IN THE
EXTRA-TERRITORIAL JURISDICTION, PURSUANT TO SECTION 40 OF THE CITY CHARTER,
OF THE MINIMUM HOUSING CODE; ABANDONED STRUCTURES ORDINANCE;
SUMMARY ABATEMENT OF NUISANCES ORDINANCE; WEEDED LOT ORDINANCE; AND
JUNKED, ABANDONED AND NUISANCE MOTOR VEHICLES ORDINANCE

The City Council of the City of Henderson, North Carolina doth ordain:

Section 1. The following sentence be added at the beginning of Section 7-114 of the City Code (relative to Junked, Abandoned and Nuisance Motor Vehicles Ordinance):

"The provisions of this Article shall be enforceable not only within the city limits of the City of Henderson, but also within the Extra-Territorial Jurisdiction Area, established and defined by law, surrounding the City."

Section 2. The following sentence be added at the beginning of Section 21-2 of the City Code (relative to Minimum Housing Code):

"The provisions of this Chapter shall be enforceable not only within the city limits of the City of Henderson, but also within the Extra-Territorial Jurisdiction Area, established and defined by law, surrounding the City."

Section 3. The following words "and within the Extra-Territorial Jurisdiction Area" shall be inserted immediately following the words "within the City" in the (former) first sentence of Section 21A-1 (relative to Abandoned Structures).

Section 4. The following sentence be added at the beginning of Section 21A-1 of the City Code (relative to Abandoned Structures):

"The provisions of this Chapter shall be enforceable not only within the city limits of the City of Henderson, but also within the Extra-Territorial Jurisdiction Area, established and defined by law, surrounding the City."

Section 5. The following words "and the Extra-Territorial Jurisdiction Area" shall be inserted immediately following the words "in or about the City" in the (former) first sentence of Section 21B-1 (relative to Summary Abatement of Nuisances).

Section 6. The following sentence be added at the beginning of Section 21B-1 of the City Code (relative to Summary Abatement of Nuisances):

"The provisions of this Chapter shall be enforceable not only within the city limits of the City of Henderson, but also within the Extra-Territorial Jurisdiction Area, established and defined by law, surrounding the City."

Section 7. The following words "and within the Extra-Territorial Jurisdiction Area" shall be inserted immediately following the words "within the City" in the (former) first sentence of Section 23-1 (relative to the Weeded Lot Ordinance).

Agenda Item 8d

ORDINANCE 13-42

After receiving the recommendation of the Planning Board and after a duly advertised public hearing thereon, Councilperson _____ introduced the following Ordinance which was seconded by Councilperson _____ and read:

AN ORDINANCE PROVIDING FOR LIMITED ENFORCEMENT IN THE EXTRA-TERRITORIAL JURISDICTION, PURSUANT TO SECTION 40 OF THE CITY CHARTER, OF THE MINIMUM HOUSING CODE; ABANDONED STRUCTURES ORDINANCE; SUMMARY ABATEMENT OF NUISANCES ORDINANCE; WEEDED LOT ORDINANCE; AND JUNKED, ABANDONED AND NUISANCE MOTOR VEHICLES ORDINANCE

The City Council of the City of Henderson, North Carolina doth ordain:

Section 1. That the following language be inserted in the following places of the City Code of the City of Henderson:

The language to be inserted is:

“Notwithstanding the above activity, the powers set forth herein shall not be enforced by the City in the ETJ unless funding is provided for specific enforcement within the ETJ via grants, funding from Vance County or from the City Council or other sources. On the other hand, said enforcement shall be allowed when the property is divided by the city limit line, and/or if the City Manager specifically finds either that a particular property in proximity to the city limits is having an adverse impact on the health, safety and welfare of a Henderson citizen or property or that the same is necessary in the best interest of the City of Henderson as it relates to the overall health, safety and welfare of the citizens of Henderson.”

The above language is to be inserted in the following places:

- (a) Following the first sentence of Section 7-114 of the City Code (relative to Junked, Abandoned and Nuisance Vehicles Ordinance).
- (b) Following the first sentence of Section 21-2 of the City Code (relative to Minimum Housing Code).
- (c) Following the first sentence of Section 21A-1 of the City Code (relative to Abandoned Structures).
- (d) Following the first sentence of Section 21B-1 of the City Code (relative to Summary Abatement of Nuisances).
- (e) Following the first sentence of Section 23-1 of the City Code (relative to the Weeded Lot Ordinance).

Section 2. The foregoing Ordinance shall be in full force and effect from and after the date of its passage.

The foregoing Ordinance 13-____, upon motion of Council member _____ and seconded by Council Member _____, and having been submitted to a roll call vote and received the following votes and was **APPROVED/DISAPPROVED** on this the ____ day of _____, 2013: YES: ____ . NO: ____ . ABSTAIN: ____ . ABSENT: ____ .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 4**, p. **.*

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the foregoing Ordinance is a true and exact copy of *Ordinance 13-42 An Ordinance Providing For Limited Enforcement In The Extra-Territorial Jurisdiction, Pursuant To Section 40 Of The City Charter, Of The Minimum Housing Code; Abandoned Structures Ordinance; Summary Abatement Of Nuisances Ordinance; Weeded Lot Ordinance; And Junked, Abandoned And Nuisance Motor Vehicles Ordinance*, adopted by the Henderson, City Council in Regular Session on ** ** 20** (*See Minute Book 4*, p. **.*). This Ordinance is recorded in *Ordinance Book # 8, pp. **.*

Witness my hand and corporate seal of the City, this ** day of *** 20**.

Esther J. McCrackin
City Clerk
City of Henderson, North Carolina

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 26 August 13 Work Session

21 August, 2013

TO: The Honorable Mayor James D. O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: CAF: 13—93

**Consideration of Approval of Ordinance 13-51, FY14 Budget Amendment #8
Adjusting the Budget to Reflect Available Funding for Youth Services Budget**

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- KSO 8: Adequate Financial Resources

Recommendation:

- Approval of Ordinance 13-51, FY14 Budget Amendment #8, Adjusting the Budget to Reflect Available Funding for Youth Services Budget

Executive Summary

The Recreation/Parks Department's Youth Services Division is charged with working with at-risk youth to keep them from becoming involved with the Juvenile Court system and to reduce recidivism to court by those already in the system. The Division accepts youth into the programs offered by referrals from Juvenile Court Counselors and School Counselors.

The FY14 Budget was based on estimates for Youth Services at \$209,800. Once all State and County funds were determined, it was realized a reduction in staffing by one (1) position, currently vacant, would be necessary in order to provide for program delivery as well as program operations vis-à-vis staffing. The Budget Ordinance Amendment reflects a reduction in available resources from the estimated \$209,800 to \$158,300.

Once the Budget Ordinance Amendment is approved, a reorganization of the staffing and program offerings will be effected. These will now include: Teen Court, Conflict Management Services, Community Service/Restitution, and Project Youth Outreach with components for both Boys and Girls. As a result of this reorganization the division staffing level has been reduced from 4 to 3. This reorganization will allow the division staff to effectively meet the needs as

outlined in the Vance County Juvenile Crime Prevention Council's annual plan which addresses and sets the program and funding priorities for Vance County and be within budgetary guidelines.

Enclosures:

1. Budget Ordinance 13-51

O R D I N A N C E 13-51

AN AMENDMENT TO THE FY 2013 -- 2014 BUDGET BUDGET AMENDMENT #8

WHEREAS, the City Council of the City of Henderson (Council), on 27 June 2013, adopted its FY 13-14 Operating Budget; *and*

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating budget from time-to-time, said amendment incorporated in this Ordinance; *and*

NOW THEREFORE BE IT ORDAINED by the City Council of The City of Henderson, that the following Budget Ordinance Amendment be approved and said Ordinance shall be effective immediately upon approval of the City Council.

Fund: 10: General			Ordinance 13-51 FY 13-14 Budget Amendment #8			
REVENUES			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
	County Contracts -	10-100-477040	\$ 209,800	\$ 209,800	\$ (48,750)	\$ 161,050
	Youth Services		\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
	Total		\$ 209,800	\$ 209,800	\$ (48,750)	\$ 161,050
						\$ 161,050
EXPENDITURES			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
Youth Services	Salaries & Wages	10-622-500200	\$ 148,500	\$ 148,500	\$ (29,200)	\$ 119,300
	Holiday Pay	10-622-500201	\$ -	\$ -	\$ -	\$ -
	Holiday Bonus	10-622-500220	\$ 800	\$ 800	\$ (200)	\$ 600
	FICA/Medicare	10-622-500500	\$ 11,500	\$ 11,500	\$ (2,400)	\$ 9,100
	Group Medical	10-622-500600	\$ 22,600	\$ 22,600	\$ (8,600)	\$ 14,000
	Group Dental Ins	10-622-500606	\$ 1,700	\$ 1,700	\$ (700)	\$ 1,000
	Group Life Insurance	10-622-500610	\$ 600	\$ 600	\$ (300)	\$ 300
	Group LTD Insurance	10-622-500611	\$ 400	\$ 400	\$ (100)	\$ 300
	Retirement	10-622-500700	\$ 10,300	\$ 10,300	\$ (1,800)	\$ 8,500
	State UI PR Tax	10-622-500910	\$ 900	\$ 900	\$ (100)	\$ 800
	Telephone	10-622-501100	\$ 1,700	\$ 1,700	\$ -	\$ 1,700
	Data Services/Internet	10-622-501150	\$ 1,800	\$ 1,800	\$ -	\$ 1,800
	General Liability Ins	10-622-505401	\$ 600	\$ 600	\$ (150)	\$ 450
	Public Officials Liab	10-622-505403	\$ 400	\$ 400	\$ (100)	\$ 300
	Workers Comp Ins	10-622-505410	\$ 8,000	\$ 8,000	\$ (5,100)	\$ 2,900
			\$ -	\$ -	\$ -	\$ -
	Total		\$ 209,800	\$ 209,800	\$ (48,750)	\$ 161,050
						\$ 161,050
	variance				\$ -	
Reference:		Notes:				
CAF 13-93; Ordinance 13-51; BA #8		This amendment serves to amend the budget for the Youth Services Program. This program is 100% reimburseable by the County. Due to a reorganization of the program offerings, staffing level has been reduced from 4 employees to 3. The City only pays for personnel related expenses. The County pays for the program costs directly. The reduction in staff will allow the remaining funds to be re-directed towards program costs; therefore the City's budget and corresponding County reimbursement will be reduced.				

The foregoing Ordinance 13-51 upon motion of Council Member ** and second by Council Member ***, and having been submitted to a roll call vote and received the following votes and was *** on this the 26 day of August 2013: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

*Reference: Minute Book 43 p. ****

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 13-18 adopted by the Henderson, City Council in Regular Session on 26 August 2013 (Minute Book 43 p.**). This Ordinance is recorded in Ordinance Book 8, p. ***.

Witness my hand and corporate seal of the City, this *** day of August 2013.

Esther J. McCrackin
City Clerk
City of Henderson, North Carolina

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 26 Aug. 13 Work Session

22 August 2013

TO: The Honorable Mayor James D.O'Geary and Members of City Council

FR: A Ray Griffin, Jr., City Manager

RE: CM: 13-16

Re: Stormwater Regulations and Responsibilities

Ladies and Gentlemen:

The City has seen an increase in complaints and questions from our citizens concerning stormwater runoff, i.e; who owns the pipe systems and what they can do to protect themselves.

The City of Henderson has a Stormwater Ordinance, Section 16A-37, detailing information on the areas and responsibilities of the City for maintenance of these systems. Some of the highlights of the Ordinance are as follows:

- Stormwater runoff cannot be blocked from entering or leaving the natural direction of flow. This is important for homeowners and businesses that are in the path of water flow from streets and ditches that have questions on the responsibilities to keep the path of water open. This is important as well from the City's aspect that individual landowners cannot block off stormwater pipes and ditches coming off of public roads onto their properties.
- The City does not "own" the stormwater runoff and is only responsible for those pipes and ditches within the street right-of-way or easement. Most of the ditches and other drainage conveyances within the City are NOT owned and/or maintained by the City. The individual property owners are responsible for maintenance and cleaning those conveyances (ditches, pipes, etc.) located on private property unless the system is located within a stormwater easement and was extended by the City. To clarify, this does not include the stormwater buffer regulations that are controlled by the State of NC. Those regulations place restrictions on disturbance and development near the streams within various areas, such as the Tar-Pamlico River Basin.

The City staff will hold a public information session for the general public in the near future to discuss stormwater items and issues as well as provide information to the developers and landowners the stormwater regulations that exist throughout the City.

City Council Memo

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 26 Aug 13 Work Session

22 August 2013

TO: The Honorable Mayor James D. O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: CM 13-19: REEF Project Update

Ladies and Gentlemen:

On Thursday, August 15, 2013, the Henderson-Vance Downtown Development Commission (HVDDC) received a letter from the Golden Leaf Foundation informing them the Golden Leaf Grant for the REEF Project would not be extended.

On Tuesday, 20 August 2013, the HVDDC met for its monthly Directors meeting. After normal business was addressed, the focus turned to the REEF project, and the Zene Street properties. It was acknowledged without the funding from Golden Leaf, the REEF project was not going to be possible.

The HVDDC was working with Second District Red Inc. of the AME Church to build this project as a REEF-B concept in the aftermath of Henderson Collegiate withdrawing from the project. This was not a signed partnership; however, Second District Red Inc. requested the first right of refusal for the purchase of the Zene Street property. Once the Golden Leaf Grant was denied, Chairman Phil Hart inquired about RED Inc.'s interest in the property. It is my understanding the RED, Inc. Board will meet in November to discuss this matter and what position it will take relative to the REEF-B concept.

The HVDDC Board has agreed that the Zene Street property should be sold. The Board has directed one of its committee prepare a RFP to procure a realtor to market the property.

City Council Memo

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430.5701



Agenda Item: _____

Council Meeting: 26 Aug 13 Work Session

22 August 2012

TO: The Honorable Mayor James D. O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: CM: 13-14-A: One Stop Permitting Update

Ladies and Gentlemen

On June 24, 2013 The One Stop Permitting Process Improvement Team reported to the City Council during the workshop session. The presentation outlined how the team had worked to improve the process for permitting a development permit. There would be one permit application containing information for zoning, fire, engineering, wastewater and privilege license. The application would be submitted to the zoning office then dispersed to the various departments. The process improvement included implementing new computer software. The software would interconnect the departments providing a means for building a citywide property database.

To date, we have published the development guide and made it available to the public. We are using the new permit application form and the computer software has been installed and is being customized in the individual departments. We still have a ways to go on this part, it requires each department to input information and develop custom documents.

The goal of this process improvement was to simplify the permitting process, make it more "customer friendly" and ensure a development proposal was given all the requirements up front. We have taken five individual processes and integrated them in one larger process. We have incorporated technology to aid in the process. We have developed a guide for development for the public

The team is still striving to completely integrate the computer system. Make some access to the developer available online to track the permit. The Technical Review Committee will be utilized more to give up front information regarding the project.



Office of the City Manager

134 Rose Avenue, P. O. Box 1434, Henderson, NC 27536

Phone 252.430.5701 : Fax 252.492.7935 : E-mail rgriffin@ci.henderson.nc.us

www.ci.henderson.nc.us

21 August 2013

TO: Mayor O'Geary and Members of City Council

FR: Ray Griffin, City Manager

RE: CM 13-18: Several Matters of Interest

During its meeting held on 12 August 2013, several members of Council requested additional information on several matters of interest. The purpose of this memo is to provide responses and supporting materials.

1. Changing Street Lights to LED. Please see Report prepared by Mr. Frazier at Attachment No. 1.
2. Grass Cutting Report. Please see Report prepared by Mr. Williams at Attachment No. 2.
3. Recreation Master Plan. This is scheduled for Council's consideration for approval at the 9 September meeting. Please see Report prepared by Mr. Gill at Attachment No. 3.
4. Downtown Properties for Rent. Please see Report prepared by Ms. Dunston at Attachment No. 4.
5. Graffiti Enforcement. Please see Report prepared by Mr. Williams at Attachment No. 5.
6. March and Parade Permits. Multiple attempts have been made this week to contact Ms. Hunt to further discuss her concerns. From what has been gleaned from the records in the City Manager's Office and Police Department, it appears there may have been a misunderstanding of the processes available for someone wishing to march, or walk or parade, etc. By this I mean the permit request was for a march, or walk, and not for a street closure. Additionally, the request was made by Mr. Jeff Prewer and Ms. Angela Williams and not Ms. Hunt.

When an individual wishes to close a street for an event, whether it is something like the annual Christmas Parade on a major street or having a neighborhood cook-out, he/she must complete an application with the Office of City Manager. Ms. Pearson manages

CM 13-18: 26 August 2013 Council Meeting

Page 1 of 45

this process by working with the applicant to understand the what, where and when of that which is desired. She then coordinates this information with the Police, Fire and Public Services departments in order to make them aware as well as receive their comments. Once comments have been received and each department has given approval, the closure request is forwarded to NC Department of Transportation if the street closure is on a State maintained street, i.e., Garnett Street. From time-to-time, the City will work with the petitioner to change the route in order to minimize impacts on the motoring public as well as costs to the City. The City does not charge for this permit nor does it charge for the cost of traffic control, police officers, etc.

When an individual wants to have a parade/march/walk type of permit, he/she must submit an application with the Police Department. A permit for a march for the event Ms. Hunt was discussing was issued by the Police Department on 16 April 2013. *(copy attached as part of Attachment 6)*

As with a street closing request, the Police Department attempts to balance the wishes of the petitioner and impacts on inconvenience to the community, safety for those participating in the event as well as mitigate costs to the City. From what I am understanding, the petitioners for this Walk were OK with the route. I do find it interesting this is the first concern we've heard about the permit for the walk, particularly since the event was held four (4) months ago.

Please see Report prepared by Ms. Pearson and Chief Barrow at Attachment No. 6.

7. Bad Checks being held in Finance. This report is still being developed and will be presented at a subsequent meeting.

We look forward to discussing these matters with Council during the Work Session.



Office of the Assistant City Manager

134 Rose Avenue, P. O. Box 1434, Henderson, NC 27536

Phone 252.430.5703 : Fax 252.492.7935 : E-mail ffrazier@ci.henderson.nc.us

www.ci.henderson.nc.us

21 August 2013

To: Ray Griffin
City Manager

From: Frank Frazier
Assistant City Manager

Re: City of Henderson
Conversion to LED Street Lighting

Gerial Proctor has sent follow-up information to me relative to the existing streetlights within our system and which ones would be eligible for upgrades at no cost to the City. As of January 2013, there are approximately 1,866 streetlights billed to the City; of that total, 1,777 have been in place for 20 years or more and can be replaced. The LED streetlights can be offered at a lower unit cost per light which could reduce the total streetlight billing for the City. The main negative factor is that there is less light output (lumens) from the LED's compared to the equivalent sodium vapor fixtures. Opinions from residents vary widely as to the perception of more or less light. Some of the positives are that the LED's appear to have less failure therefore, decreasing the time reporting and repairing lights that are not working and the vandalism rate appears to be less.

Based on the current billing, there could be a reduction of approximately \$78,000 per year. Prior to the conversion, Duke Energy would have to complete a streetlight inventory and total change out of the total amount of lights could take a year or possibly more to complete due to material availability and the heavy demand for LED fixtures.

Due to the change in streetlights that can cause concerns by the general population, it is recommended that the City ask Duke Energy to install 3-4 lights on one or more of the major thoroughfares and also change out 3-4 lights in a residential neighborhood and then allow citizens to observe the lighting in the area(s) and express concerns, if any.

#2



City of Henderson
Code Compliance Department
Post Office Box 1434
134 Rose Avenue
Henderson, N. C. 27536
Phone (252) 430-5725 Fax (252) 492-7935

August 6, 2013

TO: Ray Griffin, City Manager
FROM: Corey K. Williams, Director *CKW*
RE: Report on Nuisance / Weeded Lots

Per request of City Council during the July 22, 2013, council meeting, attached you will find a nuisance / weeded lot report. The report is in two sections: one consists of properties abated with liens during fiscal year 2012-2013 (*over 500 violations issued during fiscal 2012-2013 year*). The other report shows properties recently abated and billed for fiscal year 2013-2014 (*100 violations issued thus far in the current fiscal year*).

CODE COMPLIANCE DEPT.***Nuisance Properties/ Weeded Lot Abatement Report***

Date	Owner	Parcel	Address	Type of Lien	Cost	Administration Cost	Total Cost Lien	Paid
4/2/12	Jack & Judy Orr	0028 05007	Alexander Ave. 421	Weeded Lot	\$150.00	\$100.00	\$250.00	\$0.00
4/2/12	Lake North LLC	0101 01002	Andrews Ave(W) & Ft	Weeded Lot	\$125.00	\$100.00	\$225.00	\$225.00
4/2/12	Becky L. Voegeli	0073 01053	Andrews Ave. (East)	Weeded Lot	\$50.00	\$100.00	\$150.00	\$0.00
4/2/12	Deryl Von Williams	0025 08005	Arch & College St. 32	Weeded Lot	\$50.00	\$100.00	\$150.00	\$0.00
4/2/12	Thomas C. Melvin	0027 02014	Arch St.	Weeded Lot	\$50.00	\$100.00	\$150.00	\$0.00
4/2/12	Tyrone Powell	0214C 02013	Briarwood St. 105	Weeded Lot	\$75.00	\$100.00	\$175.00	\$175.00
4/2/12	Jeffrey Tate	0084 03025	Bullock St. 137	Weeded Lot	\$50.00	\$100.00	\$150.00	\$150.00
4/2/12	Joan Diedolf	0005 02001	Hargrove St. 1075	Weeded Lot	\$50.00	\$100.00	\$150.00	\$0.00
4/2/12	Joann Dickerson	0091 04026	Harriett St. 406	Weeded Lot	\$75.00	\$100.00	\$175.00	\$175.00
4/2/12	Eddie Short	0087 02002	Harriett St. 815	Weeded Lot	\$50.00	\$100.00	\$150.00	\$0.00
4/2/12	Pierce Phillips	0087 03001	Harriett St. 901	Weeded Lot	\$50.00	\$100.00	\$150.00	\$0.00
4/2/12	John E. Smith	0008 01033	High St 514	Weeded Lot	\$50.00	\$100.00	\$150.00	\$0.00
4/2/12	W C Smith Jr.	0021 01005A	High St. 531	Weeded Lot	\$50.00	\$100.00	\$150.00	\$150.00
4/2/12	Patrick G. Cormack	0092 02035	Hillside St 612	Weeded Lot	\$75.00	\$100.00	\$175.00	\$0.00
4/2/12	American General Finance Services	0091 03008	Marshall St. 710	Weeded Lot	\$75.00	\$100.00	\$175.00	\$0.00
4/2/12	Jonas Davis	0076 06021	Montgomery St 606	Weeded Lot	\$50.00	\$100.00	\$150.00	\$0.00
4/2/12	GABRIEL ROBLES LOPEZ	0074 04002	Old Norlina Rd 1058	Weeded Lot	\$50.00	\$100.00	\$150.00	\$0.00
4/2/12	Malcolm Plummer	0095 01008	Powell St. 629	Weeded Lot	\$75.00	\$100.00	\$175.00	\$0.00
4/2/12	John F. Plummer Heirs	0096 06001	Rockspring St. 672 W	Weeded Lot	\$60.00	\$100.00	\$160.00	\$0.00
4/2/12	Betty C. Cosley	0017 09005	Sherwood Dr. 141	Weeded Lot	\$200.00	\$100.00	\$300.00	\$0.00
4/2/12	Danismine Corporation	0075 02004	Vaughan St. 715	Weeded Lot	\$50.00	\$100.00	\$150.00	\$0.00
4/3/12	Sandy Burks	0091 02002A	Brick St. 413	Weeded Lot	\$175.00	\$100.00	\$275.00	\$0.00
9/7/12	Becky L. Voegeli	0073 01053	Andrews Ave. (East)	Weeded Lot	\$80.00	\$100.00	\$180.00	\$0.00
9/7/12	Deryl Von Williams	0025 08005	Arch & College St. 32	Weeded Lot	\$50.00	\$100.00	\$150.00	\$0.00
9/7/12	Nellie Gussie Spruill	0084 02016	Booth Ave. 129	Weeded Lot	\$80.00	\$100.00	\$180.00	\$0.00
9/7/12	Faith Hope Love Devine Word	0091 04026	Brick St. 413	Weeded Lot	\$80.00	\$100.00	\$180.00	\$0.00
9/7/12	Joe & Lucy Hawkins, Heirs	0085 01004	Bullock St. 120	Weeded Lot	\$60.00	\$100.00	\$160.00	\$0.00

CODE COMPLIANCE DEPT.
Nuisance Properties/ Weeded Lot Abatement Report

9/17/12	Joann Faucette	0025 12001	College St. 311	Weeded Lot	\$85.00	\$100.00	\$185.00	\$185.00
9/7/12	Dane Investment	0044 04002	Craig Ave. 212	Weeded Lot	\$60.00	\$100.00	\$160.00	\$160.00
9/7/12	Gustvo Robles Lopez	0027 07015	Davis St 340	Weeded Lot	\$80.00	\$100.00	\$180.00	\$0.00
9/7/12	Ruth S. Allen	0005 02039	Hargrove St. 1063	Weeded Lot	\$60.00	\$100.00	\$160.00	\$160.00
9/17/12	Joan Diedolf	0005 02001	Hargrove St. 1075	Weeded Lot	\$100.00	\$100.00	\$200.00	\$0.00
9/7/12	Joann Dickerson	0091 04026	Harriett St. 406	Weeded Lot	\$100.00	\$100.00	\$200.00	\$200.00
9/7/12	Skylar Strickland	0087 03001	Harriett St. 901	Weeded Lot	\$80.00	\$100.00	\$180.00	\$0.00
9/7/12	James Woodlief	0086 02004	Harriett St 962	Weeded Lot	\$100.00	\$100.00	\$200.00	\$0.00
9/7/12	John E. Smith	0008 01003	High St 514	Weeded Lot	\$75.00	\$100.00	\$175.00	\$0.00
9/7/12	Resolution Trust Corp.	0078 02018	Highland Ave. 531	Weeded Lot	\$120.00	\$100.00	\$220.00	\$0.00
9/7/12	American General Finance Services	0091 03008	Marshall St 710	Weeded Lot	\$50.00	\$100.00	\$150.00	\$0.00
9/7/12	Jonas Davis	0076 06021	Montgomery St. 606	Weeded Lot	\$50.00	\$100.00	\$150.00	\$0.00
9/7/12	GABRIEL ROBLES LOPEZ	0074 04002	Old Nadine Rd 1058	Weeded Lot	\$60.00	\$100.00	\$160.00	\$0.00
9/7/12	C.J.Dale Ministries inc.	0097 02015	Owen St. 412	Weeded Lot	\$100.00	\$100.00	\$200.00	\$200.00
9/7/12	Malcolm Plummer	0095 01008	Powell St. 629	Weeded Lot	\$100.00	\$100.00	\$200.00	\$0.00
9/7/12	John F. Plummer Heirs	0096 06001	Rockspring St. 672 W	Weeded Lot	\$120.00	\$100.00	\$220.00	\$0.00
9/7/12	Donald Wayne Mitchell	0035 01037	Sidney 3001	Weeded Lot	\$60.00	\$100.00	\$160.00	\$0.00
7/31/13	Becky L. Voegeli	0073 01053	Andrews Ave 514	Weeded Lot	\$60.00	\$100.00	\$160.00	\$0.00
7/31/13	Kristal J. Feggins	0078 01009	Andrews Ave. & William St	Weeded Lot	\$120.00	\$100.00	\$220.00	\$0.00
7/31/13	Deryl Von Williams	0025 08005	Arch 329 & College	Weeded Lot	\$80.00	\$100.00	\$180.00	\$0.00
7/31/13	Tony Heyward & Rida Wingfield	0011 05002A	Shriley Dr.1015	Weeded Lot	\$120.00	\$100.00	\$220.00	\$0.00
7/31/13	Faith Hope Love Devine Word	0091 02002	Brick St. 413	Weeded Lot	\$100.00	\$100.00	\$200.00	\$0.00
7/31/13	Billy D. Williams, Heirs	0061 01010	Lowry & Lamb St.	Weeded Lot	\$50.00	\$100.00	\$150.00	\$0.00
7/31/13	Mary T. Vainwright Heirs	0078 06001	Rockspring & Hatch	Weeded Lot	\$80.00	\$100.00	\$180.00	\$0.00
7/31/13	Ann W. Mayo	0013 03006	Lynn Ave. 1537	Weeded Lot	\$200.00	\$100.00	\$300.00	\$0.00
7/31/13	Hattie M. Richardson Heirs	0103 06004	Pettigrew St. 407	Weeded Lot	\$100.00	\$0.00	\$100.00	\$0.00
7/31/13	Dane Investment	0084 03035	Bullock St. 215	Weeded Lot	\$150.00	\$100.00	\$250.00	\$0.00
7/31/13	Jerry X. Hillard	0071 03002C	Johnson St. 1210	Weeded Lot	\$120.00	\$100.00	\$220.00	\$0.00

CODE COMPLIANCE DEPT.***Nuisance Properties/ Weeded Lot Abatement Report***

7/31/13	John F. Plummer Heirs	0096 06001	Rockspring St. 672	Weeded Lot	\$80.00	\$100.00	\$180.00	\$0.00
					\$4,695.00	\$5,500.00	\$10,195.00	\$1,780.00
					Total Abatement Cost	Total Administration Cost	Total Amount Lien	Total Repaid

CODE COMPLIANCE DEPT.

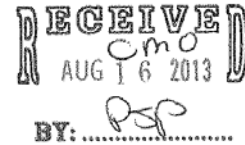
Nuisance Properties / Weeded Lots Abatement Billed Report

Date	Owner(s)	Owner Address	City/State/Zip	Address of Violation	Cost of Abatement	Total Cost
31-Jul-13	Dana Crews & Patrick Crews	203 Burwell Avenue	Henderson, NC 27536	203 Burwell Avenue / Tax Parcel 0003 04005	\$120.00	\$220.00
31-Jul-13	Samuel L. Fields	902 Parkway Drive	Henderson, NC 27536	902 Parkway Drive / Tax Parcel 0104 04001A	\$125.00	\$225.00
31-Jul-13	Brooksie Henderson	1134 Washington Street	Henderson, NC 27536	1134 Washington Street / Tax Parcel 0071 04005	\$100.00	\$200.00
31-Jul-13	Edna Satterwhite	208 High Street	Henderson, NC 27536	208 High Street / Tax Parcel 0071 01005	\$80.00	\$180.00
31-Jul-13	Homes In North Carolina Inc.	3820 Bland Road	Raleigh, NC 27609	260 Charles Street / Tax Parcel 0024 04006	\$200.00	\$300.00
31-Jul-13	Mary Trado	325 Rollins Avenue	Henderson, NC 27536	325 Rollins Avenue / Tax Parcel 0017 080016	\$120.00	\$220.00
31-Jul-13	Eric Jones	149 Homer Street	Henderson, NC 27536	149 Homer Street / Tax Parcel 0003 08003A	\$80.00	\$180.00
05-Aug-13	Rashad Rahman	500 Darby Glen Lane	Durham, NC 27713	1408 William Street / Tax Parcel 0028 05012	\$125.00	\$225.00
05-Aug-13	John F. Plummer Jr. Heirs	125 Wester Avenue	Henderson, NC 27536	92 Ranes Drive / Tax Parcel 0055 01037	\$100.00	\$200.00
05-Aug-13	Pearl E. Burwell	133 S. Elizabeth Street	Henderson, NC 27536	133 S. Elizabeth Street / Tax Parcel 0085 01007	\$80.00	\$180.00
05-Aug-13	David S. Forsythe Jr.	104 Eileen Court	Henderson, NC 27537	735 Alexander Avenue / Tax Parcel 0086 01018	\$120.00	\$220.00
05-Aug-13	Stonecrest Income	4300 Steven CRK Blvd. Ste 275	San Jose, CA 95129	711 Hillside Avenue / Tax Parcel 0092 01016A	\$120.00	\$220.00
05-Aug-13	Mark Q. Davis	425 Cedar Street	Henderson, NC 27536	425 Cedar Street / Tax Parcel 0100 04003	\$200.00	\$300.00
					\$1,570.00	\$2,870.00
					Total	Total Billed
					Contractor Cost	



*Henderson - Vance County
Recreation & Parks Department
P.O. Box 1556
307 Carey Chapel Rd.
Henderson, NC 27536*

*~~~~~
Alan Gill, Recreation & Parks Director*



To: Ray Griffin, City Manager

From: Alan Gill, Recreation/Parks Director *AG*

Date: August 16, 2013

Subject: Status Update on System Wide Comprehensive Plan

I have recently met with Dianne Cox and Mike Ciriello of the Kerr-Tar Council of Government to discuss their completing a Parks and Recreation/Greenways Master Plan for our Department. Staff at the Kerr-Tar COG are quite capable of completing these plans for us and in order to help facilitate this undertaking have prepared the attached project summary. Their scope of work covers the items that the Department wants included in the Master Plan, and I recommend moving forward with the necessary approvals.

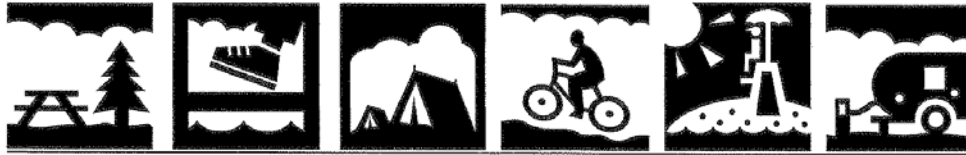
The time frame that is proposed, starting October 1, 2003 with a 9 month time frame for completion is acceptable and should have the plan completed by the end of the fiscal year.

Additionally staff and the Recreation/Parks Commission are committed and ready to work with the COG staff to complete this undertaking.

Let me know if you need any additional information on this project.

Attachment: Project Summary from Kerr-Tar COG

Phone: (252) 431-6093 Fax: (252) 438-2786 Email: agill@ci.henderson.nc.us



HENDERSON - VANCE MASTER PARKS AND RECREATION PLAN PROJECT SUMMARY

Local governments and non-profit organizations, among others, derive funding from sources such as government agencies, private donations, endowments and foundation grants. A key component of ensuring successful grant requests and funding proposals is approved and adopted plans in place that meet the requirements of the funders. Funding strategies maintain an organization's focus on maintaining its fiscal responsibility by relying on multiple funding sources rather than relying solely on one source for funding needs. Organizations should create a development strategy to continually diversify their funding opportunities and strive to identify new funding sources on an ongoing basis.

KERR-TAR REGIONAL COUNCIL OF GOVERNMENTS CAPACITY

The Kerr-Tar Regional Council of Governments has served the member governments in Region K since 1970. The COG provides a wide range of technical assistance and support services including, but not limited to, regional planning services, member government technical assistance and economic development. Efforts to improve research, planning and development through intergovernmental cooperation are a major goal of the Kerr-Tar Regional Council of Governments and have never been more important than it is today.

PROPOSED PROJECTS, ACTIVITIES, DELIVERABLES AND TIMELINES

Parks and Recreation and Greenways Plan Master

The primary purpose of the project is to gather information necessary to update and revise goals, policies, and objectives by assessing the needs of the Henderson-Vance community. A greenways component will complement the Kerr-Tar Lakes District Regional Bike Plan that the COG Planning Department is currently engaged in completing. Information drawn from the updated Master Plan will provide direction to the City-County staff, Parks and Recreation Board, and City Council and County Commission for future development, re-development, and enhancement of the City-County's parks system, open space, trails, recreation facilities, recreation programs, and services. Successful completion of this project is required to secure funding through multiple grant sources.

Scope of Work

The scope of services is not definitive and is intended only as a guide to illustrate minimum project requirements. Based on funding limitations, the items in the Scope of Work are listed in order of priority.

1. Citizen Interests, Needs, and Customer Satisfaction - Determine the citizen interests, needs, and customer satisfaction with the parks system, open space, recreation facilities and recreation programs and services.
2. Demographic Trends - Review and interpret demographic trends and characteristic of Henderson-Vance from available statistical information.
3. Goals, Policies and Objectives - Update goals, policies and standards to support the Parks and Recreation Master Plan.
4. Action Plan - Develop an action plan which will include issues, strategies, priorities, and an analysis for budget support and funding mechanisms for the parks system, open space, recreation facilities and recreation programs and services.
5. Park and Recreation Facilities Inventory - Update the inventory of existing City-County parks, open space, and recreation facilities and include other public and private parks, open space and recreation facilities in Henderson-Vance and the surrounding area.
6. Recreation Programs and Services Inventory - Develop a comprehensive inventory of existing City-County recreation programs and services and other public and private programs and services located in and around Henderson-Vance and compare them to current program offerings.
7. Prioritize Land Acquisition - Prioritize general land acquisition needs for the development of parks, open space and recreation facilities.
8. Recreation Facilities Maintenance and Renovation Program - Develop a set of prioritized recommendations for maintenance and renovation of existing parks and recreation facilities.
9. General Design Guidelines/Principals - Based on citizen interests, needs, and customer satisfaction, develop general standards of development for parks and recreation facilities.
10. Benchmarking/Comparison of Parks and Recreation Resources – Benchmark / compare the parks and recreation resources of the Henderson-Vance with similar communities in regards to parks, park facilities, open space, recreation facilities, recreation programs, and services, revenues to expenditures, usage and staffing levels.
11. Local Standards - Update recommendations for local standards for parks, open space, recreation facilities and recreation programs and services.

Public Involvement

Public involvement is the most important component of the project. The consultant will develop and utilize innovative and cost effective methods to generate and maximize public participation in the development of an updated Parks and Recreation Master Plan. Additionally, the consultant will work with the Parks and Recreation Board, public officials and agencies, interested individuals and parties representing a wide range of parks and recreation user groups.

The following meetings and reports are suggested as the minimum requirements to complete the Master Plan:

1. One (1) orientation meeting with City-County staff and the Parks and Recreation Board to review the work plan, timeline, and details of the master plan process.
2. Two (2) Community meetings to provide broad-based community input.
3. A minimum of one (1) community wide citizen survey.
4. One (1) public hearing with the Parks and Recreation Board at the time of adoption of the Master Plan.
5. A minimum of one (1) report to the City Council and County Commission, to summarize the findings of the Master Plan.

Note: The City-County shall be responsible for the arrangement, notice, and preparation costs associated with the above meeting schedule. The Kerr-Tar COG shall review with the Parks and Recreation Director all prepared information for the public meetings at least three (3) days prior to the scheduled meetings.

Deliverables

The Kerr-Tar COG shall deliver to the City-County the following items:

1. Summary of existing conditions, inventories, and analysis.
2. A community wide citizen survey.
3. Draft Master Plan, which will include all the information contained in the scope of work.
4. One (1) color reproducible copy and one (1) digital copy for public distribution.
5. Final Master Plan to include all elements listed in the scope of work.
6. Final Parks and Recreation Master Plan Map, which includes all parks, open space and recreation facilities, provided in color poster format (24" x 36"). The poster should include the goal, objectives, and policies of the Parks and Recreation Master Plan.
7. All written materials, graphics, and data shall be delivered in paper and in digital format consistent with the City-County software.

Timeline – 9 months (October 1, 2013 – June 30, 2014)

BUDGET

Parks and Recreation and Greenways Master Plan - \$22,000*

Payment Schedule: 50% upfront; 25% at the project mid-point (February 15, 2014) and 25% at project end (June 30, 2014)

***POTENTIAL PROJECT ADD-ONS CONTINGENT ON ADDITIONAL FUNDING**

There are potentially two opportunities to secure additional funding to enhance the scope of the project. Both sources would afford us the opportunity to expand planning for bike and pedestrian facilities that would complement a Parks and Recreation and Greenways Master Plan. One source of funding would be from the Vance-Granville Counties Department of Health and would not require a match. A second source of funding, requiring a 20% match, could come from the North Carolina Department of Transportation in the form of a Bike and Pedestrian Planning Grant. Funding dedicated by the City / County for the Parks and Recreation Master Plan could be utilized as match for an NCDOT grant.

4

Pearson, Patricia

From: Dunston, Erris
Sent: Tuesday, August 13, 2013 4:21 PM
To: Griffin, Ray
Cc: Pearson, Patricia; Hester, Pam
Subject: FW: downtown space inventory
Attachments: 2013 Shop Henderson 7-23-13.xls

Good Afternoon Mr. Griffin

The report for the downtown inventory that is the same as it was July 24, 2013. There have been no more available vacancies. We have made several attempts to contact Roc Powers regarding his interest in sale of the First National Bank Building. We will continue working on the projects.

Thanks, Erris

From: Hester, Pam
Sent: Wednesday, July 24, 2013 11:32 AM
To: Dunston, Erris
Subject: RE: downtown space inventory

Erris,

I have spoken with Ms. Coffey on several occasions and given her the properties we have that are rentable (which options are very few). She is interested in opening a "High end Consignment Shop". She wants a store front on Main Street, that she can rent at a very good price that doesn't need any work. I have researched options twice but unfortunately, at the current time we don't have anything available that fits her needs. I am attaching an Excel sheet that I created of the businesses in downtown Henderson to keep track of them but I will give you a brief breakdown of properties that are empty. If you start at the top of the page and work down you can follow my breakdown. We have 2 available spaces for rent/lease with a storefront on Main Street. Ms. Coffey has already contacted Mike Satterwhite and that option didn't work for her. Her only other choice would be 303 S. Garnett which is a 4-floor building.

117 N. Garnett St – For Lease but Satterwhite wants to have contact with interested parties personally

109 N. Garnett St – Looks available but is not

123 S. Garnett St – Jackson Hewitt just left, Building not rentable due to mold

201 S. Garnett St – Building not rentable

213 S. Garnett St – Bank Building - Building not rentable

219 S. Garnett St – Building under contract with new Bakery

303 S. Garnett St – 24,000 sq ft for sale or lease

309 S. Garnett St – For sale or lease needs some work

318 S. Garnett St – For sale – OWNER DOES NOT WANT TO RENT

411 S. Garnett St – Building not rentable – OWNER does not have the money to fix

425-427 S. Garnett St – Building not rentable – OWNER does not have the money to fix

511- 513 S. Garnett St – Building not rentable

Other things happening in Downtown in the next couple of months include:

Betty B's will be moving into 207 S. Garnett leaving 203 S. Garnett available but I have spoken with the owner and OWNER DOES NOT WANT TO RENT; she wants to sell. Thomas Appliance Sales and Service is moving into the smaller 111 S. Garnett leaving 101 S. Garnett available. At this time the Thomas' are unsure what their plans are.

I had told her about 430 S. Garnett Street but Kerr Lake Cornhole took the space before she did.

Please let me know what else she needs? Unfortunately for her but good for us, our store fronts are occupied!
Pam

From: Griffin, Ray
Sent: Wednesday, July 24, 2013 9:24 AM
To: Dunston, Erris; Hester, Pam; Pearson, Patricia; Griffin, Ray
Subject: downtown space inventory

Erris
Pam

During the 22 July 13 Work Session, Mrs. Coffey asked for a list of properties available for rent in downtown. She is asking for the list to be refined in the sense that the property would be available for rent and in a 'move-in' condition.

I seem to recall DDC had developed such a list some years back, as did the Chamber. Perhaps it was a joint venture? Also, EDC (Stuart Litvin) may have some data on this as well.

Please look into this matter and provide me with a report. This will be on the August Work Session.

Thanks
Ray

A. Ray Griffin, Jr.
City Manager



City of Henderson, NC
P. O. Box 1434
134 Rose Avenue
Henderson, NC 27536
252-430-5700
www.ci.henderson.nc.us

ATTORNEY
SHOPPING
FOOD
CHURCH
HAIR SALON
EXERCISE
DANCE
EDUCATION
AUTOMOTIVE





City of Henderson
Code Compliance Department
Post Office Box 1434
134 Rose Avenue
Henderson, N. C. 27536
Phone (252) 430-5725 Fax (252) 492-7935

#5

August 16, 2013

TO: Ray Griffin, City Manager
CC: Marcus Barrow, Interim Police Chief; Perry Twisdale, Captain
FROM: Corey K. Williams, Director
RE: Graffiti

Attached is a report on graffiti create jointly by the Police Department and Code Compliance Department. The Police Department investigated and identified properties and areas vandalized by graffiti in late July. The results of that report submitted to the Code Compliance Department during the first week in August. The Code Compliance Department proceeded with due diligence of identifying property owners, issuing notice of violations and notifying Public Services of signs with graffiti vandalism. Prior to this effort in removing graffiti the Code Compliance and Police Department have had personal conversations with different business such as Kerr Drug, service station on Andrews Ave and Print Shop on Williams Street. The Community Revitalization Initiative (CRI) Partners have been instrumental in eliminating graffiti within the City of Henderson.

Enclosure:

1. Police Investigation Report
2. Photos of Graffiti
3. Graffiti Summary Report
4. Basic Report (Detail Code Compliance Notice of Violation)

Enclosure 1



Marcus Barrow
Chief of Police

Henderson Police Department

www.hendersonncpolice.com

200 Breckenridge St.
Henderson, NC 27536
(252)438-4141
Fax: (252)438-7311

As part of the Henderson Police Department's efforts to work with our Community Revitalization Initiative (CRI) Partners, the Police Department has continued to monitor problems such as vacant and unsafe houses and graffiti and providing the information on these conditions to Corey Williams, Code Compliance Director for the City. In March 2013 as part of a "sweep" of the area around the renovations to the former Ambassador Hotel and the opening of the new Boondock's Restaurant both Police Officers and Williams identified areas in that region of the city that had graffiti and disorder problems. In conjunction with the Police Department working with the Scottish Inn on North Garnett Street to "clean up" that area after a homicide the business completely repainted the rear of the building which faces the former Ambassador Inn.

In late July 2013 the Police Department utilized a sworn officer assigned to light duty due to an injury to do a full "sweep" of the City of Henderson and to identify both new and old graffiti to supplement the ongoing monitoring of this problem by Zone Officers. This officer was directed to do a "no contact" sweep and to take photographs of the graffiti and document its location (see below). This information was given to Corey Williams who began contacting business owners to have the graffiti noted on business locations removed.

The photographs included on the disc, which is included are in order that is in line with the following listings of marked graffiti throughout the city of Henderson. Hope this is helpful in your efforts.

- 1-2. Miriam St. & St. Matthews St. (Southern Quilters Bldg. side and rear)
3. Sanford Milling (Nicholas St.)
- 4-5. Star Grocery (Harriet St.)
6. 724 Southerland St. (Residence)
7. Skeets (Between Nicholas and Williams St.)
8. Williams St. 1000 block (Warehouse Bldg.)
9. 711 Hillside Ave. (Residence)
10. Americal Rd. near Andrews Ave. (Warehouse)
11. Behind previous listed bldg on street to the left of the bldg.
- 12-13. 1550 E. Andrews Ave.
14. Hortons Warehouse (Lenora)
15. Lenora & Shank St.
- 16-18. Compare Foods Bldg. (Liberty & East Ave.)
19. E. Andrews Ave. Bldg to the left of Henderson Food Mart
20. Seafood Market (Bickett Blvd.)
21. 787 Vaughn St. (Residence)
22. 220 Horner St. (Left side of bldg.)
- 23-24. Young Ave. & Parham St. Intersection (Sign)
25. Stop sign (Young Ave. & High St.)
26. Thomas St. near Parham St. (sign)
27. Building @ Parham St. & Arrow St.
28. N. Cooper Dr. (Entrance to Woods Apts.)

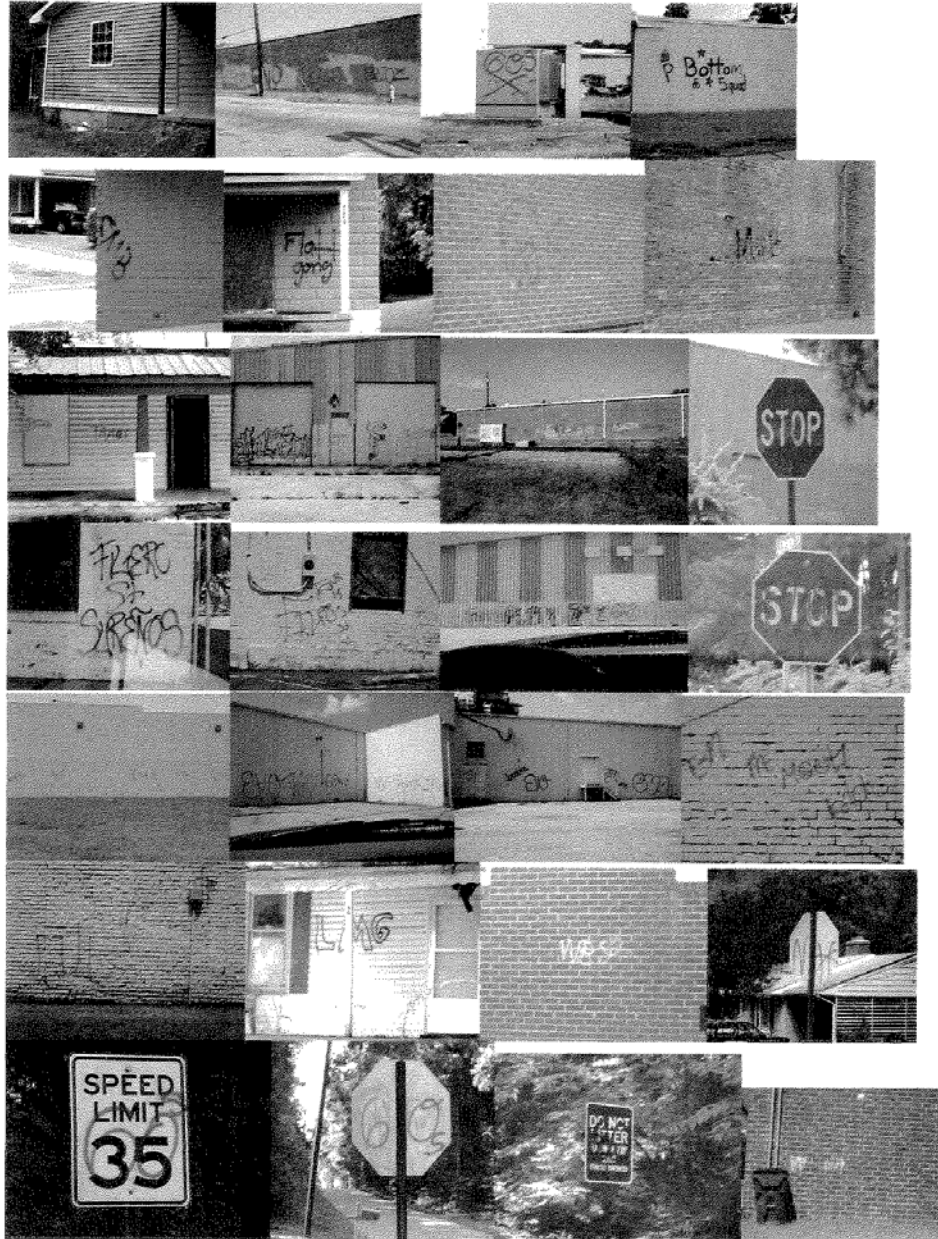
29. Woods Apts. Mailboxes (rear)
30. Electrical box at entrance of Woods Apts.
31. House at corner of Garnett and Peach St.
32. Mexican Pool Hall (Old Norlina Rd.)
33. Top Fashion Bldg. (N. Garnett St.)
34. Bldg. corner of Williams St. & Turner Ave.
35. Warehouse Bldg. (Zene St right side)
- 36-37. Warehouse Bldg. (Corner Montgomery St. & Zene St.)
38. Warehouse Bldg. (Zene St. rear of bldg.)
39. 321 Clark St. (residence)
40. Pedestrian Sign. (Water St. near Vance St.)
41. Residence (rear) Oxford Rd. & Thorpe St.

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Enclosure 2

Photos of Graffiti





Graffiti Summary Report

Police Department Identification of Graffiti	Action of Compliance
1-2. Miriam St. & St. Matthews St. (Southern Quilters Bldg. side and rear)	Notice of Violation sent by Code Compliance
3. Sanford Milling (Nicholas St.)	Graffiti Abated
4-5. Star Grocery (Harriet St.)	Notice of Violation sent by Code Compliance
6. 724 Southerland St. (Residence)	Notice of Violation sent by Code Compliance
7. Skeets (Between Nicholas and Williams St.)	Notice of Violation sent by Code Compliance
8. Williams St. 1000 block (Warehouse Bldg.)	Graffiti Abated
9. 711 Hillside Ave. (Residence)	Notice of Violation sent by Code Compliance
10. Americal Rd. near Andrews Ave. (Warehouse)	
11. Behind previous listed bldg on street to the left of the bldg. Americal Road	Notice of Violation sent by Code Compliance
12-13. 1550 E. Andrews Ave.	Graffiti Abated
14. Hortons Warehouse (Lenora)	Graffiti Abated
15. Lenora & Shank St.	Graffiti Abated
16-18. Compare Foods Bldg. (Liberty & East Ave.)	Notice of Violation sent by Code Compliance
19. E. Andrews Ave. Bldg to the left of Henderson Food Mart	Notice of Violation sent by Code Compliance
20. Seafood Market (Bickett Blvd.)	Notice of Violation sent by Code Compliance
21. 787 Vaughn St. (Residence)	Notice of Violation sent by Code Compliance
22. 220 Horner St. (Left side of bldg.)	Graffiti Abated
23-24. Young Ave. & Parham St. Intersection (Sign)	Sent to Public Service
25. Stop sign (Young Ave. & High St.)	Sent to Public Services
26. Thomas St. near Parham St. (sign)	Sent to Public Services
27. Building @ Parham St. & Arrow St.	Graffiti Abated
28. N. Cooper Dr. (Entrance to Woods Apts.)	Sent to Public Services
29. Woods Apts. Mailboxes (rear)	Notice of Violation sent by Code Compliance
30. Electrical box at entrance of Woods Apts.	Duke Progress Energy
31. House at corner of Garnett and Peach St.	Notice of Violation sent by Code Compliance
32. Mexican Pool Hall (Old Norlina Rd.)	Notice of Violation sent by Code Compliance
33. Top Fashion Bldg. (N. Garnett St.)	Notice of Violation sent by Code Compliance
34. Bldg. corner of Williams St. & Turner Ave.	Notice of Violation sent by Code Compliance
35. Warehouse Bldg. (Zene St right side)	Notice of Violation sent by Code Compliance
36-37. Warehouse Bldg. (Corner Montgomery St. & Zene St.)	Notice of Violation sent by Code Compliance
38. Warehouse Bldg. (Zene St. rear of bldg.)	Graffiti Abated
39. 321 Clark St. (residence)	Notice of Violation sent by Code Compliance
40. Pedestrian Sign. (Water St. near Vance St.)	Sent to Public Services
41. Residence (rear) Oxford Rd. & Thorpe St.	Notice of Violation sent by Code Compliance

Enclosure 4

Basic Violations Report

Report for 08/01/2013 to 08/16/2013				Report Date 08/16/2013	
Next Inspect: 08/25/2013		Location: 724 SOUTHERLAND ST		ID: PR108322-VL00170	
Type: GRAFFITI	How Received:	Last Inspect:		Who:	
Violation #: 0337	Status:	Contact: BOB HUBBARD/YELLOW BRICK RD.			
Date Entered: 08/13/2013	First Letter Date: 08/14/2013	Citation Date:	Comply Date:		
Next Inspect: 08/26/2013		Location: 1109 NORLINA RD		ID: PR105939-VL00171	
Type: GRAFFITI	How Received:	Last Inspect:		Who:	
Violation #: 0340	Status:	Contact: JOAQUIN ESCAMILLA			
Date Entered: 08/14/2013	First Letter Date: 08/14/2013	Citation Date:	Comply Date:		
Next Inspect: 08/26/2013		Location: 1812 GARNETT ST		ID: PR100428-VL00171	
Type: GRAFFITI	How Received:	Last Inspect:		Who:	
Violation #: 0341	Status:	Contact: TAMMY & JOANIE INVESTMENTS LLC			
Date Entered: 08/14/2013	First Letter Date: 08/14/2013	Citation Date:	Comply Date:		
Next Inspect: 08/26/2013		Location: 309 YOWLAND RD		ID: PR107134-VL00171	
Type: GRAFFITI	How Received:	Last Inspect:		Who:	
Violation #: 0342	Status:	Contact: J D WHALEY			
Date Entered: 08/14/2013	First Letter Date: 08/14/2013	Citation Date:	Comply Date:		
Next Inspect: 08/26/2013		Location: 727 VAUGHAN ST		ID: PR107186-VL00171	
Type: GRAFFITI	How Received:	Last Inspect:		Who:	
Violation #: 0343	Status:	Contact: HAROLD G THOMPSON			
Date Entered: 08/14/2013	First Letter Date: 08/14/2013	Citation Date:	Comply Date:		
Next Inspect: 08/26/2013		Location: COOPER DR		ID: PR100365-VL00171	
Type: GRAFFITI	How Received:	Last Inspect:		Who:	
Violation #: 0344	Status:	Contact: VANCE ASSOCIATES			
Date Entered: 08/14/2013	First Letter Date:	Citation Date:	Comply Date:		
Next Inspect: 08/26/2013		Location: 911 GARNETT ST (FORMER SUPER 10)		ID: PR100639-VL00171	
Type: GRAFFITI	How Received:	Last Inspect:		Who:	
Violation #: 0345	Status:	Contact: HEADSTONE GROUP LLC			
Date Entered: 08/14/2013	First Letter Date: 08/14/2013	Citation Date:	Comply Date:		
Next Inspect: 08/26/2013		Location: MONTGOMERY ST		ID: PR100299-VL00171	
Type: GRAFFITI	How Received:	Last Inspect:		Who:	
Violation #: 0346	Status:	Contact: CLAYTON FARMS			
Date Entered: 08/14/2013	First Letter Date: 08/14/2013	Citation Date:	Comply Date:		
Next Inspect: 08/26/2013		Location: 319 CLARK ST		ID: PR107004-VL00171	
Type: GRAFFITI	How Received:	Last Inspect:		Who:	
Violation #: 0347	Status:	Contact: HENDRICKS PROPERTIES, LLC			
Date Entered: 08/14/2013	First Letter Date: 08/14/2013	Citation Date:	Comply Date:		
Next Inspect: 08/26/2013		Location: CORNER OF ANDREWS AVE & CLARK		ID: PR100611-VL00172	
Type: GRAFFITI	How Received:	Last Inspect:		Who:	
Violation #: 0348	Status:	Contact: SALAH M.M. HAUTER			
Date Entered: 08/14/2013	First Letter Date: 08/14/2013	Citation Date:	Comply Date:		

ZonePro

Page 1

Basic Violations Report

Report for 08/01/2013 to 08/16/2013

Report Date 08/16/2013

Next Inspect: 08/26/2013	Location: MIRIAM AVE	ID: PR100558-VL00172
Type: GRAFFITI	How Received:	Last Inspect: Who:
Violation #: 0349	Status:	Contact: SOUTHERN QUILTERS
Date Entered: 08/14/2013	First Letter Date: 08/14/2013	Citation Date: Comply Date:
Next Inspect: 08/26/2013	Location: 203 HARRIETT ST	ID: PR107394-VL00172
Type: GRAFFITI	How Received:	Last Inspect: Who:
Violation #: 0350	Status:	Contact: RONNIE HAMILTON
Date Entered: 08/14/2013	First Letter Date: 08/14/2013	Citation Date: Comply Date:
Next Inspect: 08/26/2013	Location: ANDREWS AVE/COMPARE FOOD STORE	ID: PR100677-VL00172
Type: GRAFFITI	How Received:	Last Inspect: Who:
Violation #: 0351	Status:	Contact: CHASE DEVELOPMENT CO
Date Entered: 08/14/2013	First Letter Date: 08/14/2013	Citation Date: Comply Date:
Next Inspect: 08/26/2013	Location: ANDREWS AVE	ID: PR100678-VL00172
Type: GRAFFITI	How Received:	Last Inspect: Who:
Violation #: 0352	Status:	Contact: RAD COMPANY LLC
Date Entered: 08/14/2013	First Letter Date: 08/14/2013	Citation Date: Comply Date:
Next Inspect: 08/26/2013	Location: 1538 ANDREWS AVE	ID: PR110549-VL00172
Type: GRAFFITI	How Received:	Last Inspect: Who:
Violation #: 0353	Status:	Contact: ARCHIE TAYLOR JR
Date Entered: 08/14/2013	First Letter Date: 08/14/2013	Citation Date: Comply Date:
Next Inspect: 08/27/2013	Location: AMERICAL RD	ID: PR100228-VL00172
Type: GRAFFITI	How Received:	Last Inspect: Who:
Violation #: 0354	Status:	Contact: AMERICAL CORPORATION
Date Entered: 08/15/2013	First Letter Date: 08/15/2013	Citation Date: Comply Date:
Next Inspect: 08/27/2013	Location: 143 WILLIAM ST	ID: PR100298-VL00172
Type: GRAFFITI	How Received:	Last Inspect: Who:
Violation #: 0355	Status:	Contact: ADMIRE PROPERTIES
Date Entered: 08/15/2013	First Letter Date:	Citation Date: Comply Date:
Next Inspect: 08/27/2013	Location: 2013 OXFORD RD	ID: PR105859-VL00173
Type: GRAFFITI	How Received:	Last Inspect: Who:
Violation #: 0358	Status:	Contact: MATILDA & THORNTON GHOLSON
Date Entered: 08/15/2013	First Letter Date: 08/15/2013	Citation Date: Comply Date:
Next Inspect: 08/27/2013	Location: 1045 NICHOLAS ST.	ID: PR104397-VL00173
Type: GRAFFITI	How Received:	Last Inspect: Who:
Violation #: 0359	Status:	Contact: OSCAR A FIELDS
Date Entered: 08/15/2013	First Letter Date: 08/15/2013	Citation Date: Comply Date:
Next Inspect: 08/28/2013	Location: 50 AMERICAL RD	ID: PR100684-VL00173
Type: GRAFFITI	How Received:	Last Inspect: Who:
Violation #: 0360	Status:	Contact: TAMMY DOAN
Date Entered: 08/16/2013	First Letter Date: 08/16/2013	Citation Date: Comply Date:

6

Pearson, Patricia

From: Marcus Barrow <mbarrow@hendersonncpd.org>
Sent: Thursday, August 22, 2013 11:00 AM
To: Pearson, Patricia
Cc: Perry Twisdale
Subject: RE: March permits

The "march" that you are referring to in this email was for Freedom Life Church of God and I dealt with Angela Williams (of Coffey Bail Bonds) and Jeff Prewer, Pastor of Freedom Life. The Mayor did walk in this one and there were no issues in giving the permit other than redirecting the march down Chestnut St. Whenever someone requests a marching permit I review their request and the route that they wish to take. I will meet with the responsible parties and workout the route in order to avoid a NC State maintained roadway. I have never had difficulty in issuing a permit to anyone after meeting with them on their route. I always try to persuade groups from Garnett and direct them to either the sidewalk or an adjacent street.

From: Pearson, Patricia [<mailto:ppearson@ci.henderson.nc.us>]
Sent: Thursday, August 22, 2013 10:12 AM
To: Marcus Barrow; Perry Twisdale; Steve Vaughn
Subject: March permits

I now have a date that the march that Ms. Hunt was referring to was held. It was a prayer march held on April 20th 2013. Do you have a permit for that march? The Mayor participated and he said they started on Garnett next to WW properties and then took the first left and Marched down Chestnut.

Patricia Pearson
Executive Assistant
City of Henderson
252-430-5702
ppearson@ci.henderson.nc.us



HENDERSON POLICE DEPARTMENT

Keith L. Sidwell
Chief of Police



200 Breckenridge Street
Henderson, NC 27536
Phone: 252-438-4141
Fax: 252-438-7311

PERMIT

This permit is granted to:

Organization: Freedom Life Church of God "Out of the Walls Ministry"
1001 Martin Creek Rd
Henderson NC

Contact Person: Jeff Prewer/ Angela Williams
1001 Martin Creek Rd/167 Lincoln St
Henderson NC

Phone: C (252)213-6711
Church # 252-430-0303

Function: Churches coming together about violence

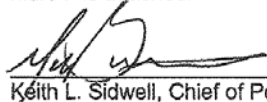
Location: Inco on Garnett St will be the starting point and ending point. The event will march down Spring Street to Chestnut Street then to the Vance County Courthouse and back.

Date: 04/20/2013

Time: 12:00PM – 2:00PM

Security: Walkers will be escorted by volunteers of the event and will be wearing reflective vest.

This permit is issued in accordance with the policies regarding regulations for Parade as set forth in the City Code, Section 10-22. A copy of the City Code and "Terms and Conditions for March" is attached.


Keith L. Sidwell, Chief of Police

4-16-2013
Date

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Terms and Conditions for March

As the facilitator of the "Churches coming together about violence" scheduled for 4/20/2013, I understand the below requirements are the terms by which I must comply as a result of the permit issued from the Chief of Police of the Henderson Police Department. I acknowledge that my failure to adhere to these stipulations jeopardizes continuation of the march and my chances of securing another permit in the future.

- The duration of the march will not exceed two (2) hours.
- The march will start promptly at 12:00 p.m. This permit will be revoked immediately if the participants do not begin the march on the designated route within five (5) minutes of the scheduled time of the march.
- The event organizer (Angela Williams/Jeff Prewer) has filed a March Plan with the Operations Division Captain of the Henderson Police Department (Captain Marcus Barrow) detailing the proposed route of the march.
- The event's Site Supervisor (Angela Williams/Jeff Prewer) will accompany those marching at all times.
- The event organizer (Angela Williams/Jeff Prewer) will carry the permit issued to him/her by the Henderson Police Department during the entirety of the march.
- Any assembly on private property will be with the permission of the owners of said property.
- The participants will move in a continuous motion along the streets designated and will not intentionally block or interfere with the public's ingress or egress of any street, thoroughfare or building along the designated route and will walk no wider than three individuals.
- The participants may not carry on or about their person any firearm, blackjack, sticks, chains, flashlights, or weapons of any kinds, or other articles which by its nature or use, might constitute a deadly weapon.
- No animals will accompany the participants along the designated march route.
- Conduct likely to result in violence to persons or damage to property will not be tolerated.
- The permit issued by the Henderson Police Department does not authorize a picket or protest, and any assembly without a permit for this purpose will be considered an unlawful assembly.
- It is the responsibility of the event organizer (Angela Williams/Jeff Prewer) to ensure that the parking lots used and the route used by those participating in the march remain clear of any type of debris at the conclusion of the march. The street includes the entire designated march route.
- Pursuant to Henderson City Ordinance 10-22 participants shall refrain from using loudspeakers of any kinds for the purposes of amplifying sound.

An Internationally Accredited Law Enforcement Agency

To: Ray Griffin, City Manager

From: Patricia Pearson, Executive Assistant

13 August 2013

Re: Procedure to apply for a March Permit

Mr. Griffin: Esther told me you wanted me to gather information on the procedures for obtaining a permit to march as a follow up to Ms. Dorothy Hunt from Wisdom Life Church addressing Council yesterday evening (Aug 12, 2013). Per Esther, Ms. Hunt mentioned that her organizations march began at the Armory which is on a State owned street. Please note Captain Twisdale's email at the end of this report regarding this particular event.

The following is my understanding of the procedures in place for an organization to apply for a "March Permit".

1. If they wish to have the March in the streets, than a "Request for a Temporary Street Closing" form must be completed and turned into the City Manager's office. (See *Attachment A*) It is preferable to have this at least 2 weeks prior to the event, but that is not a requirement at this time. Once the request is received, it is sent to the Police, Fire, Public Service and Main Street Management departments for their review and approval. If approved by all, it is then submitted to the City Manager for his approval. If approval is obtained, then a permission letter is mailed to the organizer of the event, unless it is a state owned road. In that case, a letter requesting permission to close the state owned street is then mailed to the NCDOT along with their required documents, which are a Special Event Request Form and a Waiver of Liability Form (See *Attachment B*). The NCDOT does have a requirement of receiving the requests at **least ninety (90) prior to the scheduled event**; however, they have always tried to work with us if that time limit is not observed. If they approve, they will send a letter of permission to the City and then the City Manager will sign a letter of permission from the City to the organizer for the streets to be closed. It is up to the organizer of the event to obtain a Permit to March from the Police Department (See *Attachment C*).

Please see Captain Twisdale's comments below.

"I have attached a sample of the application for permit to March or hold a Parade and the March/Parade Permit and Conditions form that we use. These forms follow the City Ordinance on these issues. A march and a parade are the same thing since it requires closing of streets, redirection of traffic, etc.

The party holding the parade or the march requests the street closing from Mr. Griffin's office and you notify us. (Obviously, if the City Manager doesn't approve the street closing we don't need to review a permit.) We provide them (the responsible party) with a simple application and information so that we can ensure that there are no safety issues and obtain the name and contact information of the responsible party.

Once we get the application the permit is issued and, as the City Ordinance requires, so that the responsible person has the permit when the march or parade starts. This process allows us early notice to provide officers for traffic control, escort, etc. The normal time from the receipt of the application to the issuance of the permit is about 24-48 hours to allow the Chief and staff to ensure the safety of the route, schedule personnel, etc. Once this is done the permit is issued. We charge no fees and all of the information on the permit and application are taken directly from the City Ordinance.

I would be very hesitant to change anything on our end as it is set up now to be fair and orderly but to provide us with the needed information to provide for the safety of the marchers or parade units. The applicant makes only two stops at the Police Department; one to pick up the application (or we fax, email or mail it), and the other to sign for and pick up the permit. “

Attachments:

- A. Request for Temporary Street Closing Form
- B. NCDOT required forms
- C. Permit to March and Conditions Form from Police Department
- D. City Code
- E. Captain Twisdale's emails



PERMISSION FOR TEMPORARY STREET CLOSING

Event Name _____ Event Date: _____

Organization requesting street closure: _____

Address: _____

Contact Name: _____

Phone#: _____

Street Closing to begin at: _____ AM / PM and end at _____ AM / PM
(Please allow enough time for set up and removal of trash and any equipment at the conclusion of your event.)

Street(s)/Intersection(s) to be closed: _____

Detailed Description of **Purpose** of Event/Activity:

Detailed Description of Event/Activity: _____

Will you need the City to supply barricades and/or cones? ___Yes ___No

(Note: You will be responsible for all trash and debris pick up in the event area. Also you will be responsible for informing all businesses in the area of your event of the possible closing of the requested streets)

Signature _____ Date: _____

**PERMISSION FOR
TEMPORARY STREET CLOSING (continued)**

Event:

Event Date:

Department Head Approvals:

*Ray Griffin, CITY MANAGER
POLICE
Contact #: (252) 430-5701*

☐ *Approved* ☐ *Disapproved*

Comments: _____

Signature

Date

*Marcus Barrow, INTERIM CHIEF OF
Contact #: (252) 431-6055*

☐ *Approved* ☐ *Disapproved*

Comments: _____

Signature

Date

*Danny Wilkerson, FIRE CHIEF
MANAGER
Contact #: (252) 431-6045*

☐ *Approved* ☐ *Disapproved*

Comments: _____

Signature

Date

*Andy Perkinson, OPERATIONS
Contact #: (252) 431-0419*

☐ *Approved* ☐ *Disapproved*

Comments: _____

Signature

Date

*Pamela Hester, DOWNTOWN DEVELOPMENT
Contact # (252) 431-5734*

☐ *Approved* ☐ *Disapproved*

Comments: _____

Signature

Date

**North Carolina Department of Transportation
Special Event Request Form**

This request form is required for all special events being held within the right-of-way of State Highway System roads. Special events include one-time, annual, or periodic bicycle races, marathons or other foot races, festivals, charity walks, parades, or other events outside of the normal usage of the State Highway System. **This request must be submitted to the appropriate Division Traffic Engineer(s) where the event will be held at least ninety (90) days prior to the scheduled beginning of the event.** See "Contact Information" in the "Request a Special Event" section at the following URL:

<http://ncdot.org/doh/preconstruct/traffic/safety/special/>

Section A: Event Information

Name of Event: _____

Type of Event: _____

Location (Cities/Counties): _____

Event Date(s): _____

Event Time(s): _____

Primary Sponsoring Organization: _____

Anticipated number of participants (estimate): _____

Approximate distance: _____ miles

Is this a race, competition, time trial, etc. (winners, prizes, placements): ☐ Yes ☐ No

Temporary lane and/or road closures are requested: ☐ Yes ☐ No

A map of the proposed route must accompany this form. Describe the event in more detail making sure the description matches the map provided:

Section B: Contact Information

Director/Organizer Name: _____ Email: _____

Mailing Address: _____

Telephone 1: _____ Telephone 2: _____ Fax: _____

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Section C: Bicycle Race Information

This section is only for information specific to bicycle races. Skip this section if this is not a bicycle race.

Club affiliation/sponsors: _____

Type of course: ☐ Totally Closed ☐ Partially Closed ☐ Totally Open

Type of race: ☐ Criterium ☐ Road Race ☐ Time Trial ☐ Stage Race

Sanctioned by the United States Cycling Federation? ☐ Yes ☐ No

Do you plan to use a lead vehicle? ☐ Yes ☐ No

Is this a law enforcement officer and vehicle? ☐ Yes ☐ No

What is the purpose of the lead vehicle? ☐ Yes ☐ No

Do you plan to use a rear support vehicle? ☐ Yes ☐ No

Is this a law enforcement officer and vehicle? ☐ Yes ☐ No

Will this rear support vehicle disqualify racers it passes? ☐ Yes ☐ No

What type of emergency medical service will be available? ☐ Yes ☐ No

How do you plan to notify residents along the route, as a safety/informational service?

Section D: Support Material

The following support documentation must be attached to this request before it will be considered. For details specific to bicycle racing go to <http://www.ncdot.gov/bikeped/bicycle/racing/default.html>.

1. Detailed location(s) of event including maps indicating event route(s).
2. Written support for the event from all local governments whose jurisdiction the event is being held in.
3. Written acknowledgement and approval by local law enforcement and/or the State Highway Patrol. However, written approval from law enforcement is not a guarantee of final approval from the Division Traffic Engineer.
4. Type and description of any proposed temporary lane closures, road closures, traffic control and signing with appropriate maps, sketches, detour routes, and a letter from the agency providing the temporary closures, traffic control, and/or signing accepting responsibility for such.
5. Statement of liability waiver to the North Carolina Department of Transportation.

Note - It is preferred that this information be submitted electronically via email. However, sending two hard copies via certified mail to the appropriate Division Traffic Engineer is also acceptable. See the "Request a Special Event" section at the following URL for contact information: <http://ncdot.org/doh/preconstruct/traffic/safety/special/>.

Revised 11/26/11

**NORTH CAROLINA
DEPARTMENT OF
TRANSPORTATION
LIABILITY WAIVER FORM**

Mr. Wally Bowman, P.E.
Division Engineer
NC Department of Transportation
P. O. Box 15580
2612 N. Duke Street
Durham, North Carolina 27704-5580

Dear Mr. Bowman,

The _____ will be sponsoring a _____
(Name of Organization) (Name of Event)

on _____. We have requested that _____ be
(Day of Week, Month, Day of Month, Year) (Name of Street)

closed from the intersection of _____ to _____ for
(Street Name/Street Name) (Street Name/Street Name)

this event from beginning time _____ a.m./p.m., until ending time _____ a.m./p.m..

NC DOT will not be held responsible for any injuries or damages as a result of this event.

Sincerely,

(Signature) _____ (Date)
Typed or Printed Name of Person Held Responsible

Name of Organization

Title of Person Held Responsible



HENDERSON POLICE DEPARTMENT

Keith L. Sidwell
Chief of Police



200 Breckenridge Street
Henderson, NC 27536
Phone: 252-438-4141
Fax: 252-438-7311

PERMIT

This permit is granted to:

Organization: Youth Christian Center
c/o Rev. Eddie Williams, Jr.

Contact Person: Rev. Eddie Williams, Jr.
230 Broken Arrow Trail
Youngsville, NC

Phone: (919)435-1542 Cell (704)472-6274

Function: Prayer Walk

Location: Procession will begin at parking lot of the City Road United Methodist Church on N. Garnett Street. The walk will leave the parking lot and cross to Kittrell Street. From Kittrell Street the walk will continue to Rock Spring Street and turn left onto Rock Spring Street. The walk will then turn right onto John Street, then left on Pearl Street, then right on Chestnut Street, then right on Rose Avenue, then left onto Garnett Street and back to the parking lot of City Road United Methodist Church.

Date: Saturday, July 21 2012

Time: 9:20 to 10:20 am

Security: Walkers will be escorted by on-duty units of the Henderson Police Department Patrol Division as well as Lieutenant I.W. Robinson and Officer J. West.

This permit is issued in accordance with the policies regarding regulations for Parade as set forth in the City Code, Section 10-22. A copy of the City Code and "Terms and Conditions for March" is attached.

Keith L. Sidwell, Chief of Police

Date

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Terms and Conditions for March

As the facilitator of the Youth Christian Center Prayer Walk scheduled for 07/21/2012, I understand the below requirements are the terms by which I must comply as a result of the permit issued from the Chief of Police of the Henderson Police Department. I acknowledge that my failure to adhere to these stipulations jeopardizes continuation of the march and my chances of securing another permit in the future.

- The duration of the march will not exceed one (1) hour.
- The march will start promptly at 8:20 a.m. This permit will be revoked immediately if the participants do not begin the march on the designated route within five (5) minutes of the scheduled time of the march.
- The event organizer (Rev. Eddie Williams, Jr.) has filed a March Plan with the Operations Division Captain of the Henderson Police Department (Captain Marcus Barrow) detailing the proposed route of the march.
- The event's Site Supervisor (Rev. Eddie Williams, Jr.) will accompany those marching at all times.
- The event organizer (Rev. Eddie Williams, Jr.) will carry the permit issued to her by the Henderson Police Department during the entirety of the march.
- Any assembly on private property will be with the permission of the owners of said property.
- The participants will move in a continuous motion along the streets designated and will not intentionally block or interfere with the public's ingress or egress of any street, thoroughfare or building along the designated route.
- The participants may not carry on or about their person any firearm, blackjack, sticks, chains, flashlights, or weapons of any kinds, or other articles which by its nature or use, might constitute a deadly weapon.
- No animals will accompany the participants along the designated march route.
- Conduct likely to result in violence to persons or damage to property will not be tolerated.
- Participants will immediately enter the parking lot of the City Road United Methodist Church once arriving at that location.
- The permit issued by the Henderson Police Department does not authorize a picket or protest, and any assembly without a permit for this purpose will be considered an unlawful assembly.
- It is the responsibility of the event organizer (Rev. Eddie Williams, Jr.) to ensure that the parking lots used and the route used by those participating in the march remain clear of any type of debris at the conclusion of the march. The street includes the entire designated march route.
- Pursuant to Henderson City Ordinance 10-22 participants shall refrain from using loudspeakers of any kinds for the purposes of amplifying sound.

My signature below acknowledges receipt of this form, and affirms my agreement to abide by all the terms mentioned herein. I agree to cooperate with the Henderson Police Department and its

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officers in addressing any concerns that arise during the course of the march in order to ensure this is a safe gathering.

By signing this form I acknowledge that I have received this form and the Permit and agree to all the terms stated.

Event Organizer Name (Print)

Signature

Date

Police Department Representative

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HENDERSON POLICE DEPARTMENT

200 Breckenridge Street
Henderson, NC 27536
Phone: 252-438-4141
Fax: 252-438-7311



Application for Permit to March

Date of Application: _____

Date/Time of Event: _____

Proposed Location of Event: _____

Sponsoring Organization or Group: _____

Stated Object and Purpose of Event: _____

Event Organizer's Identification:

Name: _____

Address: _____

Telephone: (Home) _____

(Work) _____

(Cell) _____

Organization's Site Supervisor (Person in Charge at Site of Event):

Name: _____

Address: _____

Telephone: (Home) _____

(Work) _____

(Cell) _____

Will persons under the age of 18 be active participants in this event?

_____ Yes _____ No _____ Potentially

Applicant's Name: _____

Signature: _____ Date: _____

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Terms & Conditions for Parades/Marches

- 1) The duration of the parade/march is not to exceed the number of hours specified in the application.
- 2) The event organizer shall file a parade/march plan with the Operations Division Commander detailing the proposed route for the parade/march
- 3) The event organizer, or a designee, will accompany the parade/march at all times
- 4) The event organizer, or a participating designee, will carry this permit during the event
- 5) Any assembly on private property will be with the permission of the owner(s)
- 6) This permit will be revoked immediately if the participants do not begin the march along the route within five minutes of the scheduled start of the parade
- 7) The participants will not deviate from the approved route for this parade/march
- 8) The participants in the parade/march will move in continuous motion along the designated route, and not intentionally block the general public's ingress or egress of any street, thoroughfare, or building
- 9) Participants will not interfere with or unreasonably delay or restrict the normal, safe and orderly vehicular or pedestrian movement along the route
- 10) No participant will carry on or about his person any firearm, blackjack, stick, chain(s), flashlight, weapon, or other article which, by its nature or use, might constitute a deadly weapon
- 11) No animals will accompany the participants along the parade/march route
- 12) No conduct likely to result in violence to persons or damage to property will be allowed

Parade/March permit does not authorize a picket or protest, and any assembly without a permit for the purpose of protesting any matter or for attracting attention to the assemblage as a protest or picket will be considered an unlawful assembly.

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Sec. 10-22. - Parades and assemblages—Definition.

The term "parade," as used in sections 10-22 through 10-25, is defined as an assemblage of more than four (4) vehicles or ten (10) pedestrians in a procession or organized movement or movement, in concert with each other, along the streets, alleys, sidewalks or public ways of the city; provided, that the term shall not include:

- (a) "Pickets" lawfully using the city sidewalks, pursuant to the provisions of section 10-26 et seq.
- (b) Funeral processions.
- (c) Any governmental agency acting within the scope of its functions.
- (d) Bands or marching groups proceeding to an assembly point for participation in a lawful parade.

(3-25-66; 6-8-76, § 1)

Sec. 10-23. - Same—Permit and standards.

- (a) No parade shall be conducted on the streets, alleys, sidewalks or public ways of the city, and no person shall inaugurate, promote or participate in any such parade, unless the parade is conducted in conformance to the requirements set out in this section and unless a permit has been obtained from the chief of police or his designated representative.
- (b) Application for a parade permit shall be made in writing at least seventy-two (72) hours before the time at which the parade shall be scheduled to begin and shall contain the following information:
 - (1) The name, if any, of the organization or group sponsoring or proposing the parade.
 - (2) The location or locations in the city where the parade is proposed to take place, including the starting point, route and point of conclusion.
 - (3) The date and hours for which permit is sought, including the estimated starting time and time for conclusion of the parade.
 - (4) The name, local address and permanent address of the person applying for the permit.
 - (5) Whether or not persons below the age of eighteen (18) years are expected to participate.
 - (6) The estimated number of persons participating in the parade and the estimated number of vehicles to be included in the parade.
 - (7) The person or persons to be in charge of the activity, who will accompany it and carry the permit at all times, and the local and permanent addresses of such persons.
- (c) Upon receipt of an application properly completed and timely filed as hereinabove set out, the chief of police or his designated officer shall issue a permit consistent with the standards prescribed in this section.
- (d) The following standards shall apply to all parades conducted in the city:
 - (1) No parade or part thereof may be conducted within the city between the hours of 12:00 noon to 2:00 p.m. and 4:45 p.m. to 9:30 a.m.; provided, however, that parades may also be conducted between 6:00 p.m. and 8:00 p.m. between October 1 and Thanksgiving in each year and between 4:45 p.m. and 8:00 p.m. between

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Thanksgiving and December 15th in each year; provided, further, that parades may also be conducted only on paved public sidewalks between the hours of 12:00 noon to 2:00 p.m.

- (2) No more than one (1) parade may be conducted within the city during any one (1) calendar day.
- (3) No parade shall last longer than one (1) hour.
- (4) Every parade shall follow a route approved by the chief of police or his designated agent, who may prohibit any parade along any route in the event he deems that the public health, safety, peace and general welfare cannot be maintained and protected should such parade be conducted.
- (5) No parade shall be held which will require the diversion of so great a number of policemen of the city to properly police the parade and contiguous areas, or which will so interfere with the movement of police vehicles or personnel, fire fighting equipment or ambulances, that adequate fire and police protection and ambulance service cannot be provided to all areas of the city at all times; neither shall any parade be held which will result in unreasonably delaying or restricting normal, safe and orderly vehicular or pedestrian movement within the city.
- (6) No one participating in a parade or proceeding along the route of a parade shall distribute therefrom handbills, advertising matter, candy, cigarettes, prizes or favors of any kind, within one hundred (100) feet of any moving motor vehicle or within one hundred (100) feet of any group of parade participants marching in an organized marching formation.
- (7) No one participating in a parade or proceeding along the route thereof shall carry on or about his person any firearm, weapon or other article which, by its use, might constitute a deadly weapon. Such articles shall include but not be limited to blackjacks, nightsticks, chains and flashlights; provided, that this provision shall not apply to unloaded weapons carried by members of bona fide uniformed marching groups for the obvious purpose of demonstrating skill in the performance of a manual of arms.
- (8) No vicious animal, whether leashed or unleashed, shall participate in or proceed along the route of a parade, except caged animals in a bona fide circus parade.
- (9) No parade shall be held which the chief of police finds as a fact will be reasonably likely to result in violence to persons or damage to property or otherwise be contrary to the health, welfare, safety or morals of the city.
- (e) In the event an application for a parade permit is denied by the chief of police, the applicant may appeal to the city council for a hearing concerning such denial. At such hearing the applicant shall have the burden of proof to show that the proposed parade meets all of the standards for parades and will not be contrary to the health, welfare, safety and morals of the city. The chief of police shall be heard or be allowed to offer evidence in rebuttal to the granting of the application. if, after hearing the applicant and the chief of police, the city council shall find as a fact that the proposed parade meets all the standards for parades and will not be contrary to the health, welfare, safety and morals of the city, the application shall be granted by the city council. Otherwise, the action of the chief of police in denying the application shall stand.

(3-25-68; 6-8-76, § 1; 8-9-76, §§ 1, 2; 11-24-86, § 1; 1-15-87, § 1; 9-26-88, § 1)

Sec. 10-24. - Same—Noncompliance.

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The chief of police or his designated agent may revoke any permit granted for a parade and may stop or disperse any parade if:

- (a) No permit was granted for such parade, pursuant to section 10-23; or
- (b) Any information set forth in the application is materially false or misleading; or
- (c) Any person violates the standards for the conduct of parades set out in section 10-23; or
- (d) Any participant in a parade fails to comply with the formation, terms and conditions set out in the application and permit or fails to comply with the terms of any laws applicable thereto.

(3-25-68; 6-8-76, § 1)

Sec. 10-25. - Same—Vehicles restricted along route.

The chief of police when expressly authorized and directed by the city council or city manager shall have the authority and duty to prohibit or restrict parking of vehicles along a street or highway or part thereof constituting a part of the route of a parade for a period of from three (3) hours before its commencement to one (1) hour after its dispersal. The chief of police shall post signs to the effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section.

(3-25-68; 6-8-76, § 2)

Sec. 10-26. - Picketing—Definitions and regulations.

- (a) *Definitions.* For the purpose of this section, the following terms shall have the following definitions:

Block. That portion of any street lying between its intersections with other streets.

Person. Any person, firm, corporation, partnership, association or other organization, whether formal or informal.

Picket. Any person, whether acting alone or in concert with other persons, taking any action in a public place for the purpose of protesting any matter or of making known any position or promotion of such person(s) or of any organization or class of persons or for the purpose of attracting attention to an assemblage of such persons; the word "picket" shall include a demonstrator and persons participating in vigils, whether alone or in concert with other persons, for any of the purposes set forth in this definition.

Picketing. The act or demonstration done by the picket or pickets for the purpose of protesting any matter or of making known any position or promotion of such person(s) or of any organization or class of persons or for the purpose of attracting attention to an assemblage of pickets.

- (b) *Regulations.* It shall be unlawful for any person to organize, conduct or participate in any picketing upon any street, sidewalk, alley or other public building, place or way within the city, except for peaceful picketing in the furtherance of a lawful purpose done under the following conditions:
 - (1) Picketing may be conducted only on the sidewalks or other city-owned area normally used or reserved for pedestrian movement and may not be conducted on the portion

- of a street used primarily for vehicular traffic or parking; the word "owned," as used herein, includes easements and rights-of-way.
- (2) All persons, before organizing or participating in any picketing, shall first register with the chief of police or his duly designated representative, showing the following information:
 - a. The name, if any, of the organization or group sponsoring or proposing to picket.
 - b. The location or locations in the city where the pickets propose to assemble and demonstrate.
 - c. The object and purpose of the picketing.
 - d. The time(s) and date(s) on which the picketing is to occur.
 - e. The names and addresses of the individuals who will participate.
 - f. Whether or not persons below the age of eighteen (18) years are expected to participate.
 - g. The person or persons to be in charge of the picketing, one (1) of whom will accompany the pickets at all times.
 - (3) Pickets shall be restricted to the use of the outermost half of the sidewalk, or other city-owned area normally used or reserved for pedestrian movement, nearest the street and shall not at any time nor in any way obstruct, interfere with or block:
 - a. Persons entering or exiting from vehicles,
 - b. Persons crossing streets or otherwise using the public way,
 - c. The entrance or exit to any building or access to property abutting the street or sidewalk, or
 - d. Pedestrian or vehicular traffic.
 - (4) No more than ten (10) pickets shall be permitted to use the sidewalks, or other city-owned area normally used or reserved for pedestrian movement, within a block in the city at any one (1) time.
 - (5) Pickets must, if marching, march in single file and not abreast, and may not march closer together than fifteen (15) feet, except in passing one another. Pickets not marching shall remain at least fifteen (15) feet apart from each other.
 - (6) Pickets may carry written or printed placards or signs, not exceeding two (2) feet in width and two (2) feet in height, promoting the objective for which the picketing is done, provided, that the words used are not defamatory and would not tend to promote violence. Placards may not be attached to sticks, rods or staffs, but shall be carried by the picket. Pickets may not carry on or about their persons any firearm, weapon or other article which, by its use, might constitute a deadly weapon; such articles shall include but not be limited to blackjacks, chains, nightsticks and flashlights.
 - (7) No one observing, engaging in or assisting in picketing shall bring to, or allow to remain in the immediate area of picketing, any vicious animal.
 - (8) If pickets promoting different objectives desire to use the same sidewalk for picketing and such use would result in the presence of more than ten (10) pickets thereon within a block, the chief of police or his designated representative shall allot time to each group of pickets for the use of the sidewalk on an equitable basis, but each group shall be permitted to picket subject to the provisions of this section at least once every two (2) hours.
 - (9)

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Pickets may not physically interfere with any persons using the sidewalks or address profane, indecent, abusive or threatening language to or at persons which would tend to provoke or incite a breach of the peace.

- (c) *Prohibitions.* It shall be unlawful for anyone to picket, or organize any picketing, without first registering as required herein and without complying fully with all provisions of this section; the fact that any such person has registered will not be construed to allow him to do any act prohibited by this section or otherwise prohibited by law.
- (d) *Violations.* The provisions of this section and every subsection hereof are mandatory and not merely directory, and the failure to comply with the provisions of this section or any subsection hereof is hereby declared to be unlawful and punishable as provided by law.

(Code 1967, §§ 10-17, 10-18; 6-8-76; 7-12-76, § 1)

Sec. 10-27. - Pickets and parades—Interference.

- (a) It shall be unlawful for any person to physically interfere with any pickets in any picket's lawful use of the sidewalk or with any participants in any lawful parade or to address profane, indecent, abusive or threatening language to or at such pickets or parade participants, which would tend to provoke a breach of the peace.
- (b) It shall be unlawful for any person to bring any vicious animal or any firearm, weapon or other article which, by its use, might constitute a deadly weapon (including but not limited to blackjacks, chains, flashlights and nightsticks) within one hundred (100) feet of any picket line or parade; provided, that this shall not be construed to make lawful the possession of any such article outside of such one hundred-foot boundary if such possession is otherwise unlawful; and further provided, that this paragraph shall not apply to any law enforcement officer acting within the course and scope of his official duties.
- (c) The police officers of the city may, in the event of the assemblage of persons in such numbers as tend to intimidate pickets or parade participants pursuing their respective lawful objective through numbers alone or through use of inflammatory words, direct the dispersal of persons so assembled and may arrest any person who fails to absent himself from the place of such assemblage when so directed by the police.
- (d) Whenever the free passage of any street, sidewalk, alley or public way or the entrance to any public building or place shall be obstructed by a crowd, whether or not the crowd assembles as a result of or in connection with any picketing or parade, the persons composing such crowd shall disperse or move on when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed by a police officer as provided by this section.

(Code 1967, § 10-18; 6-8-76; 7-12-76, § 1; 8-9-76, § 3)

Attachment E

Yes. I was present for that march and they had the same form and application that I just sent you. The year before I spoke at the church following the event. The restrictions set forth in the ordinance are, in my opinion, done to provide a safe event and to allow planning by the City and the Police Department for the event. The biggest restrictions are that the parade or march must start within a time period of the permit and end within that time period but we've never ended a march or parade for that reason. We have to have a starting point and route for obvious reasons.

As I said we've been very careful to provide permits and meet with the organizers as soon as possible so that they know that our job is to control traffic and protect them, not be any type of adversarial presence to a group exercising free speech.

From: Pearson, Patricia [<mailto:ppearson@ci.henderson.nc.us>]
Sent: Tuesday, August 13, 2013 9:28 AM
To: Perry Twisdale
Subject: More info

Esther just told me the lady who spoke to council last night said they "being her church I guess" had a March for Jesus event last march and there were a lot of restrictions. Unless they wanted to close a street, I would not have any record of this permit or event. Does your department (meaning police department) have anything on record for last March?

Thanks,

Pat