

**City Council Minutes**  
**Regular Meeting**  
**10 October 2011**

---

**PRESENT**

Mayor James D. O'Geary, Presiding; and Council Members, James C. Kearney, Sr., Sara M. Coffey, Michael C. Insoe, D. Michael Rainey, Brenda G. Peace—Jenkins, Garry Daeke and George M. Daye.

**ABSENT**

Council Member Lonnie Davis, Jr.

**STAFF PRESENT**

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther McCrackin, Assistant City Manager Frank Frazier, Finance Director Sandra Wilkerson, Henderson Water Reclamation Director Tom Spain, and Planning Director Erris Dunston.

**CALL TO ORDER**

The 10 October 2011 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 7:00 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 that a quorum was present.

Mayor O'Geary welcomed everyone stating it is always a pleasure to see citizens in attendance.

**ADJUSTMENTS TO/APPROVAL OF AGENDA**

Mayor O'Geary asked if there were any adjustments to the Agenda. Council Member Daeke moved to accept the agenda as presented. Motion seconded by Council Member Rainey and unanimously approved.

**APPROVAL OF MINUTES**

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Peace-Jenkins moved the approval of the following minutes as presented: 26 September Short Regular Meeting and 26 September Work Session. Motion seconded by Council Member Coffey and unanimously approved.

## PROCLAMATIONS AND RECOGNITIONS

**Mr. Charles E. Powell - Corbitt Truck Show and Reunion.** Mr. Powell stated the show this year will be in memory of Mr. Mac Renn who was one of their charter members. Mr. Powell shared a new project involving publication of a book about the Corbitt family and its production of trucks. Included in the packet he distributed was a donation form for Council Members to share with anyone who might want to make donations in memory of a loved one. Last year, Mr. Powell stated they had parking problems during the show and he asked if a request could be made for City workers to strategically place 6 barrels to block off the parking lot at the corner of Williams and Montgomery. Mr. Powell ended by saying the Corbitt Preservation Association will be taking a truck and tractor to the North Carolina Museum of History's *Celebrate North Carolina History Festival* on Saturday, 5 November 2011.

Mayor O'Geary thanked Mr. Powell, asked the City Manager to look into the parking problem and said this yearly event is one that everyone looks forward to attending.

## PUBLIC COMMENT PERIOD ON AGENDA ITEMS

No citizen wished to address Council on agenda items.

## NEW BUSINESS

**Authorizing the Donation of 24 Obsolete Portable Radios and 8 Obsolete Mobile Radios to the Vance-Granville Basic Law Training Program.** (*Reference: CAF 11—135, Resolution 11—104*)

City Manager Griffin stated these radios became obsolete when the Police Department converted to the VIPER system. Police Chief Sidwell suggested donating the obsolete radios to Vance-Granville Community College Basic Law Enforcement Training Program as the College provides basic training for officers, and approval by Council is now requested.

Council Members Daeke and Coffey inquired about the cost of the units and who would be responsible for deleting the memory. Mr. Griffin stated Vance-Granville Community College would be responsible for reprogramming and that the cost is approximately \$35 each.

There was no other discussion. Mayor O'Geary then asked for Council's pleasure.

Council Member Inscoe moved approval of Resolution 11—104 *Authorizing the Donation of 24 Obsolete Portable Radios and 8 Obsolete Mobile Radios to the Vance-Granville Basic Law Training Program*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, and Daye. NO: None. ABSENT: Davis. (*See Resolution Book 2, p 209*)

**Accepting an Offer of \$5,000 for a Former Pump Station Lot Off of US 1 Bypass, Plat Box "X", Page 910, Vance County Registry. (Reference: CAF 11-A—114); Resolution 11—105)**

City Manager Griffin asked Assistant City Manager Frank Frazier to explain this recommendation. Mr. Frazier stated the Land Planning Committee met in July and approved this sale. Council met 22 August 2011 and approved intent to accept the offer from Fellowship Farms, LLC, via Resolution 11--85. Since that time, City Attorney John Zollicoffer, Jr. properly noticed the sale and no upset bids were submitted.

City Attorney Zollicoffer stated the sale allows for the City to retain easements for sewer lines and also stated there is a power line easement.

Council Member Coffey asked if the sale funds would be placed in the General Fund. Mr. Griffin responded yes.

There was no other discussion and Mayor O'Geary asked for Council's pleasure.

Council Member Coffey moved the approval of Resolution 11—105, *Accepting an Offer of \$5,000 for a Former Pump Station Lot Off of US 1 Bypass, Plat Box "X", Page 910, Vance County Registry*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Daye and Kearney. NO: None. ABSENT: Davis. (See Resolution Book 2, p.211)

**Approving Change Order No. 1 to the Contract for the Ultraviolet Disinfection Equipment Installation with H. G. Reynolds Company of Henderson, North Carolina in the Amount of \$71,124. (Reference: CAF 11—96; Resolution 11—107)**

City Manager Griffin asked Henderson Water Reclamation Facility Director Tom Spain to enlighten Council.

Mr. Spain stated three items have been identified which were not in the original contract that are very important to completing this project and ensuring safe operation and maintenance of the Henderson Water Reclamation Facility. The three items are: 1) 24" interconnection piping from the post air; 2) concrete pad at new UV; and 3) electrical modifications. The existing project budget has sufficient funds to cover these changes and the Clean Water Management Trust Fund has approved the changes.

Council Member Inscoe asked if this will complete the project. Mr. Spain replied yes.

City Manager Griffin asked when the UV system became operational. Mr. Spain replied approximately 3 ½ weeks ago.

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

Council Member Daeke moved the approval of Resolution 11—103, *Approving Change Order No. 1 to the Contract for the Ultraviolet Disinfection Equipment Installation with H. G. Reynolds Company of Henderson, North Carolina in the Amount of \$71,124*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Daye, Kearney and Coffey. NO: None. ABSENT: Davis. (*See Resolution Book 2, p 215*)

Mr. Griffin then commended Mr. Spain for his efforts at securing funding and managing the UV project. This project began in 2004, and \$1M in grant fund was rescinded by government during the early years of the Great Recession. Funding was restored about 2010 and with Mr. Spain's persistence and help from Representative Crawford, the Rural Center and Clean Water Management the project has finally come to fruition. Mr. Spain said he is glad to see it completed and stated it is a necessary component for the future.

Council Member Inscoe asked the Mayor to send a note of thanks to Representative Crawford.

## CONSENT AGENDA

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

- a. **FY12 Budget Amendment #15, Adjustment and Close Out of 2009 BJA JAG Grant.**  
This ordinance allows for the use of Federal Asset forfeiture money to balance the project at \$37,759.77 and to close out the project. (*Reference: CAF 11—A—100; Ordinance 11—45*) (*See Ordinance Book 8, p 293*)
- b. **Preventing a House Which has been Cited to be in Violation of the Minimum Housing Code to be Re-Occupied Until Passing an Inspection and After the Water has been Turned On to Service the Premises.** This resolution prevents a house in violation of code to be re-occupied until it has been re-inspected and the water is turned on. (*Reference: CAF 11—A—122; Ordinance 11—56*) (*See Ordinance Book 8, p 315*)
- c. **FY12 Budget Amendment #16, Adjustment and Close Out of 2007 Governor's Crime Commission Gang Violence Prevention Grant.** This ordinance balances and closes out the grant with use of Asset Forfeiture money in the amount of \$7,261.98. (*Reference: CAF11—132; Ordinance 11—61*) (*See Ordinance Book 8, p 325*)
- d. **A Resolution of the Henderson City Council Ratifying the Mayor's Signature on North Carolina Rural Economic Development Center Contract 2010-227-40101-112, Amendment No. 2.** This resolution ratifies Mayor O'Geary's signature expediting the grant revision process. (*Reference: CAF 11—133; Resolution 11—102*) (*See Resolution Book 2, p 205*)
- e. **Accepting Two North Carolina League of Municipalities Safety Grants for Purchase of ANSI II Safety Clothing and Equipment; and Approval of Ordinance 11-60, FY 12 Budget Amendment #14, Establishing the NC League of Municipalities Grant Budget for the Above Mentioned Grants.** This resolution and ordinance allows for the purchase

*Minutes Book 42*

10 October 2011 Regular Minutes

Page 4 of 9

of safety clothing and work zone equipment and signage for employees within various city departments. (*Reference: CAF 11—130; Resolution 11—100, Ordinance 11—60*)(*See Resolution Book 2, p 201; Ordinance Book 8, p 323*)

- f. **Transferring Municipal Court Dockets from 7 June 1927 through 30 June 1949 to the North Carolina Department of Cultural Resources.** This resolution allows for the eight (8) court docket books to be sent to the State for safe keeping. (*Reference: CAF 11—119; Resolution 11—89*) (*See Resolution Book 2, p 179*)

Mayor O'Geary asked if anyone wished to remove an item from the Consent Agenda. There was no such request. Mayor O'Geary then asked for a motion to approve the Consent Agenda as presented.

Council Member Inscoe moved for 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, Daye, Kearney, Coffey and Inscoe. NO: None. ABSENT: Davis.

## WORK SESSION ITEMS

**Authorizing an Investigation into the Efficacy of Developing a Dabney Drive-Corbitt Road One-Way Pair from South Garnett Street to Interstate 85.** (*Reference: CAF 11—136; Resolution 11—136*)

City Manager Griffin said Mr. Mike Ciriello, Regional Planner for Kerr-Tar Council of Government asked for this opportunity to discuss the potential for improving traffic flow on Dabney Drive and asked Mr. Ciriello to introduce the State Highway planners in attendance. Lauren Nicholls, from the Transportation Planning Branch of the North Carolina Department of Transportation then presented a corridor concept plan on a survey conducted earlier this year by the State. Ms. Nicholls first shared the results of the survey which showed traffic on Dabney Drive to be a major concern. When the State reviewed the survey results they found Dabney Drive currently exceeds capacity and so they brought this one-way pair concept to Council to see if there was enough interest to continue with planning and obtaining public input.

Ms. Nicholls showed a brief PowerPoint presentation showing the proposed changes which incorporated pedestrian sidewalks, bike lanes and traffic calming measures. She stated if Council found this project worthy of further development, the next step would be for the NCDOT to design a more detailed, functional plan and during the process obtain and incorporate public comment to the extent feasible.

City Attorney Zollicoffer stated he felt this was definitely something to look into further and asked whether the suggested changes would decrease fire response in certain locations.

With consent from the Mayor, Henderson Reclamation Facility Director Tom Spain spoke to the suggested plan from a personal standpoint stating it would put traffic flow in both the front and back yards of many residents in the area.

Council Member Kearney asked about the anticipated timeframe. After some discussion, it was

*Minutes Book 42*

10 October 2011 Regular Minutes

Page 5 of 9

felt that a reasonable timeframe for completion would be 10-15 years.

Council Member Inscoe felt this is something to pursue along with other options to lessen congestion.

Council Member Rainey asked how this plan would affect the Outer Loop and/or the High Speed Rail. He also asked if this ultimately was a Council decision or a DOT decision. Mr. Ciriello stated all projects are ranked by the DOT on issues such as traffic volume, accidents, etc. and that the Outer Loop is currently low in the rankings. He stated the ultimate decision on this plan would be the DOT; however, Council's input would be considered for issues such as segmentation, if necessary. Ms. Nicholls spoke to the High Speed Rail issue saying there is not a lot of input expected from the general public by the State.

Council Member Daeke said there is a definite need to look at alleviating traffic and wondered if sound walls might be useful in residential areas. Mr. Ciriello stated vegetation would probably be a better choice.

Mr. Spain shared that the Rails for Trails project was rejected by the public several years ago and he felt this project would not be well received either.

City Manager Griffin clarified the High Speed Rail, as currently developed, has no impact on Dabney. He went on to say this presentation is only an initial concept and that as it develops there will be input from both the Council and the community.

Ms. Nicholls and Mr. Ciriello thanked Council for their time and will continue to develop the plan and report back to Council at a later date.

**Approving an Exemption to the Mini Brooks Act Relative to Engineering Services Needed in Conjunction with Improvements at the Henderson Water Reclamation Facility.**  
(Reference: CAF 11—134; Resolution 11—103)

City Manager Griffin asked Assistant City Manager Frazier to address Council on this issue.

Mr. Frazier stated both Denny Martin and Doug Chapman from McGill Associates were present this evening. During the 14 February 2011 Council meeting, approval was given to submit an application to the State Revolving Fund Grant/Loan Funding program for improvements to the Henderson Water Reclamation Facility. On 1 April 2011 the City received notification of eligibility for a low interest loan in the amount of \$16,615,000 with \$1,000,000 of that total in the form of principal forgiveness. To meet the next milestone, which is June 2012, it is necessary to secure engineering services which may well take 8-9 months to complete. The staff feels it would be best to exempt this project from the Mini Brooks Act and approve McGill Associates as the project engineer.

Council Member Kearney asked what *yardstick* is used to determine fairness. Mr. Frazier stated past projects, design fees and other criteria are used and if no reasonable fee is submitted the City would look elsewhere.

Council Member Daeke asked about the exemption and how it is approved.

Council Member Inscoe noted the special meeting date of October 26 and asked if Council would be provided a comprehensive list of costs, permits and other details involved prior to that meeting.

Mr. Griffin stated normally that information comes after the Resolution to approve the exemption of the Mini Brooks Act. Following a brief discussion, stated he would do his best to provide as much information as could be gathered between now and the 26 October Special meeting. Mr. Griffin also reiterated that the proposed contract and other funding considerations would be brought to Council at the 14 November meeting. Mr. Griffin reminded Council that McGill Associates came to the City, wrote the grant and has already performed the preliminary engineering on this project. They know the plant inside and out which makes it sensible to continue using them. Projects such as this is why the Mini Brooks Act was written the way it was.

Council Member Daeke felt savings and fairness should be considered and requested as much information as possible be provided before the 26 October meeting.

Following a brief discussion motion was made by Council Member Peace-Jenkins to set a special meeting at noon on 26 October to further discuss this matter. Motion was seconded by Council Member Inscoe and unanimously approved.

**Amending Portions of Chapter 29 Relating to Parks and Recreations and the FY 11-12 Annual Fee Schedule Regarding Rentals and Clean UP at Fox Pond Park Covered Picnic Shelters, FY 11-12 Budget Amendment #17.** (*Reference: CAF 11—128; Ordinance 11—59*)

City Manager Griffin asked Recreation and Parks Director Alan Gill to explain these amendments.

Mr. Gill stated from time to time he and his staff review codes pertaining to the Parks and Recreation Department and found several sections that needed to be updated regarding the operating schedule. He went on to state the fee schedule also needed updating.

Mr. Griffin said the current code includes a fee amounts which are often duplicative and/or inconsistent with the annual fee schedule and should not be included as part of the Code --- the Code should only reference the fee schedule. Mr. Griffin said Council should expect more house cleaning issues in the future as the Code of Henderson continues to be reviewed.

There was no discussion and this item will be carried forward to the next Council meeting.

**Discussion Regarding Implementation Date of New Utility Disconnect and Security Deposits Policies.** (*Reference: CM 11—18*)

City Manager Griffin said Council Member Kearney asked that this matter be placed on the agenda and he asked Mr. Kearney to summarize his request.

Council Member Kearney said he and Council Member Peace-Jenkins had discussed this policy and would like to delay implementation of the *pay one bill – leave one bill* from taking effect on 1 November 2011 to 1 February 2012. November, December and January are traditionally the highest cutoff months and with the holidays it was felt delaying this change would be the right thing to do for the citizens of Henderson. Mr. Kearney emphasized that the new policy is good business and they do not want any changes made to the security deposit section of the policy.

Council Member Rainey expressed his thoughts about the expense of heating costs and stated this would only be a onetime forgiveness. Council Member Daeke felt this was acceptable.

City Manager Griffin confirmed that Council was agreeable to delaying implementation of the pay one - leave one from 1 November 2011 to 1 February 2012 and that the security deposit segment remains unchanged and there would be no changes to the reconnect fee.

Mr. Kearney suggested that citizens take this extra time to catch up on back payments and Council Member Rainey reinforced this is not a free pass – citizens owing back fees still have to pay.

Council Member Peace-Jenkins stated she appreciated the note in the water bill and said it seemed the City was doing everything they could to help citizens catch up. Mr. Griffin stated the Customer Service Representatives have gone to great lengths to explain the new policy and to work with citizens and thanked Ms. Peace-Jenkins for her comment.

Mr. Griffin asked for Council's approval to bring this change to the 26 October meeting. It was the consensus of Council to do so.

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

City Clerk McCrackin advised no citizen had signed-up to address City Council.

#### **REPORTS**

Mayor/Mayor Pro Tem/Chairman Pro Tem - No Report

City Manager-

Mr. Griffin informed Council that the Powell Bill is being paid to the City in two payments and that a budget amendment will be brought before Council at the next regular meeting.

Mr. Griffin shared this is the last officially scheduled Council Meeting before Finance Director Wilkerson retires and he stated she will be greatly missed.

Council Member Coffey asked how soon a replacement could be expected and who will handle her responsibilities. Mr. Griffin said he is looking for a temporary accountant and hopes to fill a customer service position to give Shay Bennett, Billing and Collections Supervisor more time to help fill the gap, along with Judi Woods, Accounting Supervisor, and is hopeful to have an

interim finance director in place shortly. He does not expect to have the Chief Financial Officer position filled for 4-6 months.

Ms. Coffey also mentioned there would be a Public Safety Committee meeting Tuesday, 11 October.

City Attorney – No Report  
City Clerk - No Report

Mayor O'Geary then asked Council to move into Closed Session.

### **CLOSED SESSION**

Council Member Inscoe moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3) Attorney-Client Privilege Matter. Motion seconded by Council Member Kearney and unanimously approved. (*Council convened in closed session at 8:25 p.m.*)

Council Member Rainey moved for Council to convene in open session. Motion seconded by Council Member Inscoe and unanimously approved. (*Council convened in open session at 8:41 p.m.*)

Mayor O'Geary advised there was no report from the Executive (Closed) Session.

### **ADJOURNMENT**

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Daeke and unanimously approved. The meeting adjourned at 8:42 p.m.

---

James D. O'Geary  
Mayor

***ATTEST:***

---

Esther J. McCrackin  
City Clerk

This Page Intentionally Left Blank

