



AGENDA

Henderson City Council Regular Meeting
Monday, 11 February 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

In order to provide for the highest standards of ethical behavior and Transparency in Governance as well as provide for good and open government, the City Council has approved Core Values regarding Ethical Behavior¹ and Transparency in Governance². The Mayor now inquires as to whether any Council Member knows of any conflict of interest, or appearance of conflict, with respect to matters before the City Council. If any Council Members knows of a conflict of interest, or appearance of conflict, please state so at this time.

¹ **Core Value 4: Ethical Behavior:** We value the public trust and will perform our duties and responsibilities with the highest levels of integrity, honesty, trustworthiness and professionalism.

² **Core Value 10: Transparency in Governance:** We value transparency in the governance and operations of the City.

V. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA

VI. APPROVAL OF MINUTES

- a) 23 January Strategic Planning Retreat [*See Notebook Tab 1*]
- b) 28 January Short Regular Meeting
- c) 28 January Work Session

VII. 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

VIII. NEW BUSINESS

- a) Consideration of Approval of 1) Resolution 13-05, Ratifying and Approving an Application to the North Carolina Governor's Crime Commission in the Amount of \$54,092.40 for NC Governor's Crime Commission Initiative Phase III; and 2) Resolution 13-08, Ratifying and Approving an Application to the North Carolina Governor's Crime Commission in the Amount of \$45,000.00 to Purchase Eight (8) New Mobile Data Terminal/In Car Camera Systems. (*CAF 13-07*) [*See Notebook Tab 2*]
 - Resolution 13-05
 - Resolution 13-08
- b) Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of December 2012. (*CAF 13-13*) [*See Notebook Tab 3*]

IX. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may only speak on non-Agenda items only at this time. Citizens wishing to address the Council must sign-in on a form provided by the City Clerk prior to the beginning of the meeting. The sign-in form is located on the podium. When recognized by the Mayor, come forward to the podium, state your name, address and if you are a city resident. Please review the Citizen Comment Guidelines that are provided below.³

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

X. WORK SESSION

- a)* Consideration of Approval of Resolution 13-16, Authorizing a Contract with McGill Associates to Perform Work Associated with Grant/Loan Applications and Engineering Work for Water and Sewer Projects as Noted in the Executive Summary. (CAF 13-21) [See Notebook Tab 4]
 - Resolution 13-16
- b)* Consideration of CM 13-11, Lamb and Main Street Demolition Project. [See Notebook Tab 5]
- c)* Consideration of CM 13-10, Retreat Discussion Points Continued [See Notebook Tab 6]
 - i. Use of Fund Balance to Balance the Budget
 - ii. Economic Development

XI. REPORTS

- a)* Mayor/Mayor Pro-Tem
- b)* City Manager
- c)* City Attorney
- d)* City Clerk
 - i. Calendar Update [See Notebook Tab 7]
 - ii. Various Departmental Reports
 - a)* Henderson Fire Department
 - b)* Henderson-Vance County 911

XII. CLOSED SESSION

- a)* Pursuant to G.S.§143-318.11 (a)(6) regarding a Personnel Matter
- b)* Pursuant to G.S.§143-318.11 (a)(3) regarding Attorney/Client Privilege

XIII. ADJOURNMENT

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
Regular Meeting
11 February 2013

PRESENT

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

ABSENT

None

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, Jr., City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Katherine C. Brafford, Police Chief Keith Sidwell, Planning and Community Development Director Erris Dunston and Code Compliance Director Corey Williams.

CALL TO ORDER

The 11 February 2013 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:01 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 all present.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. With Council's approval, one item was added to New Business: *Consideration of Approval of Resolution 13-17, Acceptance of an Amended Clean Water State Revolving Fund (CWSRF) Loan Offer in the Amount of \$17,115,000 for Improvements at the Henderson Water Reclamation Facility.* Mayor O'Geary asked for the pleasure of Council. Council Member Rainey moved to accept the Agenda as amended. Motion seconded by Council Member Peace-Jenkins 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 23 January 2013 Strategic Planning Retreat, 28 January Short Regular and 28 January Work Session minutes as presented. Motion seconded by Council Member Daeke 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

Resolution 13-05, Ratifying and Approving an Application to the North Carolina Governor's Crime Commission in the Amount of \$54,092.40 for NC Governor's Crime Commission Initiative Phase III; and 2) Resolution 13-08, Ratifying and Approving an Application to the North Carolina Governor's Crime Commission in the Amount of \$45,000.00 to Purchase Eight (8) New Mobile Data Terminal/In Car Camera Systems.
(Reference: CAF 13-07; Resolution 13-05 and Resolution 13-08)

City Manager Griffin asked Police Chief Sidwell to provide a brief review. Chief Sidwell said if approved, the grant dollars requested in Resolution 13-05 would go toward funding overtime for police officers and the purchase of equipment and materials to expand the Department's partnerships with citizen groups, government agencies and private businesses to help reduce Part 1 UCR Crimes. He said Resolution 13-08 if approved, would provide dollars for the purchase of eight (8) updated Mobile Data Terminal Computer/In-Care Camera Systems. Chief Sidwell added that the matching funds for these grants would come from Asset Forfeiture Funds.

Council Member Inscoe asked for the balance in the Asset Forfeiture account. City Manager Griffin said as of June 30 the balance was \$768,674 with \$244,500 appropriated, leave \$524,474 undesignated.

Council Member Daeke asked if the purchase of the in-car cameras would replace outdated cameras and if they had any value. Chief Sidwell responded the new cameras would replace the older of all the department's cameras and although the replaced cameras will be listed on PoliceDeals, most other municipalities are not interested in outdated systems; thus there is little interest and value for this equipment. Council Member Rainey asked if all the police vehicles are currently using these cameras. Chief Sidwell said the cameras are all fleet compatible and that he is current fully staffed. He also said for the first time in a long time, he has three individuals on a waiting list for joining the force.

Mayor O'Geary then asked for the pleasure of Council.

Council Member Coffey moved the approval of *Resolution 13-05, Ratifying and Approving an Application to the North Carolina Governor's Crime Commission in the Amount of \$54,092.40 for NC Governor's Crime Commission Initiative Phase III*; and 2) *Resolution 13-08, Ratifying and Approving an Application to the North Carolina Governor's Crime Commission in the Amount of \$45,000.00 to Purchase Eight (8) New Mobile Data Terminal/In Car Camera Systems*. Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, and Brown. NO: None. ABSTAIN: None. ABSENT: Daye. (See Resolution Book 3, pp. 111 and 117)

Tax Releases and Refunds from Vance County for the Month of December 2012.
(Reference: CAF 13-13)

City Manager Griffin said this is a routine matter. He said the Finance Director has reviewed the tax releases and refunds and has found them to be in order.

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

Council Member Inscoe moved the approval the *Tax Releases and Refunds from Vance County for the Month of December 2012*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown and Kearney. NO: None. ABSTAIN: None. ABSENT: Daye . (See next page)

Dec 2012 Tax Releases

Name	Reason	Tax Year	Amount
Real & Personal Property			
Brodie B T Heirs	Taxes lost to foreclosure	2000	\$ 16.80
Brodie B T Heirs	Taxes lost to foreclosure	2001	\$ 16.80
Brodie B T Heirs	Taxes lost to foreclosure	2002	\$ 18.30
Brodie B T Heirs	Taxes lost to foreclosure	2003	\$ 18.30
Brodie B T Heirs	Taxes lost to foreclosure	2004	\$ 19.20
Beck J W Heirs	Taxes lost to foreclosure	2004	\$ 16.00
Beck J W Heirs	Taxes lost to foreclosure	2005	\$ 16.75
Brodie B T Heirs	Taxes lost to foreclosure	2005	\$ 20.10
Beck J W Heirs	Taxes lost to foreclosure	2006	\$ 16.75
Brodie B T Heirs	Taxes lost to foreclosure	2006	\$ 20.10
Beck J W Heirs	Taxes lost to foreclosure	2007	\$ 16.75
Brodie B T Heirs	Taxes lost to foreclosure	2007	\$ 20.10
Beck J W Heirs	Taxes lost to foreclosure	2008	\$ 16.95
Brodie B T Heirs	Taxes lost to foreclosure	2008	\$ 22.04
Beck J W Heirs	Taxes lost to foreclosure	2009	\$ 17.55
Brodie B T Heirs	Taxes lost to foreclosure	2009	\$ 22.82
Beck J W Heirs	Taxes lost to foreclosure	2010	\$ 17.55
Brodie B T Heirs	Taxes lost to foreclosure	2010	\$ 22.82
Beck J W Heirs	Taxes lost to foreclosure	2011	\$ 17.55
Brodie B T Heirs	Taxes lost to foreclosure	2011	\$ 22.83
Beck J W Heirs	Taxes lost to foreclosure	2012	\$ 17.55
Brodie B T Heirs	Taxes lost to foreclosure	2012	\$ 22.83
Canon Financial Services	CORRECT VALUE	2012	\$ 16.77
Clearton, Janet R	GOVERNMENT	2012	\$ 231.17
Hamlett Investments	CORRECT OWNERSHIP	2012	\$ 156.00
Mostly Handcrafted LLC	CORRECT VALUE	2012	\$ 444.77
Nguyen Vu Linh	CORRECT OWNERSHIP	2012	\$ (12.74)
Reddy, Sarala D	CORRECT OWNERSHIP	2012	\$ 12.74
Valdes Bonifacio Rdr	CORRECT OWNERSHIP	2012	\$ (112.41)
Vasques, Santa Ibarra	CORRECT OWNERSHIP	2012	\$ (43.59)
Woodruff Trucking Inc	CORRECT VALUE	2012	\$ 146.25
Total Releases/R & P Prop			\$ 1,255.40

Registered Vehicle			
Refunds			
Woodall, Verna	PRO-RATE	2011	\$ 2.60
Adcock, Patricia Bowes	PRO-RATE	2012	\$ 4.41
Faulkner, Roy Hurst	PRO-RATE	2012	\$ 8.74
Faulkner, Roy Hurst	PRO-RATE	2012	\$ 12.05
Hargrove, Janice	PRO-RATE	2012	\$ 2.23
Kamel, Jamie Bramen	PRO-RATE	2012	\$ 14.72
Mata, Guadalupe Zuniga	PRO-RATE	2012	\$ 1.97
Total Refunds			\$ 46.72
Registered Vehicle			
Releases			
Faines, Mary Esther	PRO-RATE	2011	\$ 2.55
Hawley, Geraldine	PRO-RATE	2011	\$ 1.14
Williams, Reginal Dar	PRO-RATE	2011	\$ 30.73
Woodard, Gerald Tobias	PRO-RATE	2011	\$ 0.73
Carroll, Doris Terry	TRANSFER OUT	2012	\$ 64.99
Henderson, Willie	CORRECT SITUS	2012	\$ 35.74
Inscoe, Michael Coy	PRO-RATE	2012	\$ 44.38
Jones, Shirley Marie	PRO-RATE	2012	\$ 6.38
Mills, Anthony Wayne	PRO-RATE	2012	\$ 42.65
Nii, Athena Demetriade	CORRECT VALUE	2012	\$ 14.30
Perry, Petrina Lavette	CORRECT SITUS	2012	\$ 35.45
Richardson, Renardo	PRO-RATE	2012	\$ 35.25
White, Tracy Renee	PRO-RATE	2012	\$ 25.55
Williams, Daniel Keith	PRO-RATE	2012	\$ 16.03
Williams, Linda Branch	PRO-RATE	2012	\$ 11.75
Wright, Lattimore Ale	CORRECT SITUS	2012	\$ 104.53
Total Reg Veh Releases			\$ 472.15
			\$ -
Total Reg Veh Releases			
& Refunds			\$ 518.87
Total All Release & Refunds			\$ 1,774.27

(Clerk's Note: Council Member Daye arrived at 6:12 p.m.)

Acceptance of an Amended Clean Water State Revolving Fund (CWSRF) Loan Offer in the Amount of \$17,115,000 for Improvements at the Henderson Water Reclamation Facility. *(Reference: CAF 13-22; Resolution 13-17)*

City Manager Griffin said this is a redundancy as Council accepted the Budget Amendment at the 14 January 2013 meeting for this project and asked Assistant City Manager Frank Frazier to update Council on this request. Mr. Frazier said after taking bids in December 2012, Council awarded the contract to DeVere Construction and subsequently, the Infrastructure Finance Section increased the loan amount by \$500,000 as requested. The Offer and Acceptance document requires final approval which is what is before Council this evening. He said there was no change in the terms of the loan.

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

Council Member Rainey moved the approval of Resolution 13-17, *Acceptance of an Amended Clean Water State Revolving Fund (CWSRF) Loan Offer in the Amount of \$17,115,000 for Improvements at the Henderson Water Reclamation Facility.* Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. *(See Resolution Book 3, p. 135)*

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address City Council.

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 Inscoe moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3) regarding an Attorney-Client Privilege matter, and G.S. §143-318.11(a)(6) regarding a Personnel matter. Motion seconded by Council Member Coffey and unanimously approved.

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

Before going into the Work Session, Mayor O'Geary asked if Council was willing to allow Dr. Cassandra Sparrow from RED, Inc. to address Council. Council was in unanimous agreement so Mayor O'Geary asked Dr. Sparrow to come forward.

Dr. Sparrow thanked Council for the opportunity to speak and also thanked Ward 3 for hosting the January Listening Post. As an update she said dialogue continues and she appreciated the good support from Council and citizens. Dr. Sparrow also mentioned the \$50,000 in the Downtown Development Commission budget.

WORK SESSION

Authorizing a Contract with McGill Associates to Perform Work Associated with Grant/Loan Applications and Engineering Work for Water and Sewer Projects as Noted in the Executive Summary. (Reference: CAF 13-21)

City Manager Griffin asked Assistant City Manager Frazier to brief Council on these opportunities. Mr. Frazier said work continues with McGill and Associates with updating the CIP and identifying areas of need in both water and sewer. With the help of McGill, three possible projects have been identified as possibly qualifying for loans/grants:

- 1) Beckford Drive Water Main Loop – to provide a looped system with a new 8” main extending from just west of Franklin Place to North Park Drive which would be approximately 3,000 linear feet at an estimated cost of \$180,000.
- 2) US 158 Business Water Main - This is outside City limits but would improve five flow redundancies and an extension of an 8” water main from Ruin Creek Road to Poplar Creek Road which would open opportunities for new business. This project would be a distance of approximately 10,600 linear feet at the cost of approximately \$614,800.
- 3) Sandy Creek/Elmwood Cemetery Sewer Main Replacement – Mr. Frazier said this is also a good potential project for State Revolving Funds and is currently under design. The estimated cost will be forthcoming and was identified as part of the Sandy Creek Flow Capacity Study prepared by O’Brien & Gere Engineers.

Council Member Kearney asked if there would be any impact on the County’s plan to which Mr. Frazier responded he did not believe the County was moving forward with their plans at this time and it should not create a problem.

There was no further discussion and these projects will be brought forward to the next Council meeting.

Lamb and Main Street Demolition Project. (Reference: CM 13-11)

City Manager Griffin asked Code Compliance Director Corey Williams to update Council on the current demolition projects. Mr. Williams said the \$30,000 recently approved by Council has been used to begin demolition of 6 structures located on Main, Lamb and Lowry streets. He presented a PowerPoint presentation showing before and after pictures, and said although the

demolitions are not complete due to weather issues, he expects the lots to be totally cleared by the end of the week. The estimated total for the demolition of the 6 structures (2 with asbestos issues) is \$22,650.

Council Member Kearney asked if the demolition crew and asbestos removers had been used before and Mr. Williams responded yes. Council Member Coffey asked if the lots would be leveled and seeded. Again, Mr. Williams responded yes and said he did not want pooling water like what showed in the presentation.

City Manager Griffin explained that Mr. Williams continues to work closely with the Tax Collector in establishing a collection process before going to a foreclosure process which seems to be working to the City's benefit.

Mr. Griffin asked Mr. Williams to provide Council with periodic updates.

Retreat Discussion Points Continued. *(Reference: CM 13-10)*

City Manager Griffin reminded Council of its desire to continue discussions on certain Retreat issues and began by saying it would be helpful for him and the staff to know how Council would like to proceed with using the undesignated fund balance in balancing the 2014 budget. There was no discussion.

Council Member Kearney said he would like to work with the One-Stop PIT Team for permitting. He went on to say he had made contact with the County Commission about the need to work together not only as a Council representative but also from an EDC perspective. City Manager Griffin said the PIT Team is currently working on in-house issues and asked Planning Director Erris Dunston, as lead staff on the Team, to share their progress.

Ms. Dunston said internal permitting is needed from several departments (zoning, fire, planning, sewer, engineering and utilities) and currently all the departments are working together to define their needs and to establish a process of not only what is needed but the timing and how to disseminate the details. This Team plans to have a proposal prepared for the first Council meeting in March.

Mr. Griffin said once the in-house issues are defined, it will be much easier to blend with the County needs. Mayor O'Geary asked if Council could be briefed at the next meeting. Ms. Dunston agreed to provide an update at the 25 February meeting.

Mr. Griffin then asked if Council wished to discuss any Economic Development issues at this time. There were no comments.

REPORTS

- a) Mayor/Mayor Pro-Tem (No Report)
- b) City Manager (No Report)
- c) City Attorney (No Report)
- d) City Clerk – Ms. McCrackin thanked Council for being able to attend the Clerk’s Academy. She said the topic covered made it one of the best.

Mayor O’Geary then asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Coffey moved for adjournment. Motion seconded by Council Member Peace-Jenkins and unanimously approved. The meeting adjourned at 7:42 p.m.

James D. O’Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk