



AGENDA

Henderson City Council Regular Meeting

Monday, 11 July 2011, 7:00 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, Sr.
Councilmember Sara M. Coffey
Councilmember Michael C. Inscoe
Councilmember D. Michael Rainey

Councilmember Brenda G. Peace—Jenkins
Councilmember Garry D. Daeke
Councilmember Lonnie Davis, Jr.
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) 13 June 2011 Regular Meeting [See Notebook Tab #1]
- b) 27 June 2011 Short Regular Meeting
- c) 27 June 2011 Work Session

VII. PUBLIC HEARINGS

Citizens may only speak on public hearing items at this time. Citizens do not need to sign-up in order to speak at a public hearing. When recognized by the Mayor, come forward to the podium, *clearly* 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

- a) Consideration of Consideration Ordinance 11—42, A Zoning Amendment to Rezone 19.28+/- Acres Located at I – 85 Southbound and SR 1312 Parham Road (Vance County Tax Map 0037A, Block 06, Lot 003, 004 and 005) From R15M (Moderate to Low Density, Residential-HUD Code Home District) to B2 (Highway Commercial) Zoning District. (CAF 11—93) [See Notebook Tab # 2]
 - Public Hearing
 - Ordinance 11—42

VIII. PUBLIC COMMENT PERIOD ON AGENDA ITEMS

Citizens may only speak on Agenda items at this time. Citizens wishing to address the Council must sign-in on a form provided by the City Clerk prior to the beginning of the meeting. The sign-in form is located on the podium. When recognized by the Mayor, come forward to the podium, state your name, address and if you are a city resident, 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 Resolution 11—72, A Resolution of the Henderson City Council ratifying and approving the Mayor's signature on the 2009-2010 Clean Water Partner's Round 1 Supplemental Grant: Project # 2010-266-40101-112, Amendment No. 2. (CAF 11—99) [Notebook Tab # 3]
 - Resolution 11—72

X. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may only speak on non-Agenda items at this time. Citizens wishing to address the Council must sign-in on a form provided by the City Clerk prior to the beginning of the meeting. The sign-in form is located on the podium. When recognized by the Mayor, come forward to the podium, state your name, address and if you are a city resident. Please review the Citizen Comment Guidelines that are provided 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 Notes and Schedule Update *[See Notebook Tab #4]*
 - ii. Various Departmental Reports *[See Notebook Tab # 5]*
 - a) Henderson Fire Department
 - b) Henderson-Vance County 911

XVI. 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

Regular Meeting

11 July 2011

PRESENT

Mayor James D. O'Geary, Presiding; and Council Members, James C. Kearney, Sr., Sara M. Coffey, Garry Daeke, Michael C. Inscoe, D. Michael Rainey, Brenda G. Peace—Jenkins, Lonnie Davis, Jr., 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 Sandra Wilkerson, Planning Director Erris Dunston and Henderson Water Reclamation Facility Director Tom Spain.

CALL TO ORDER

The 11 July 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 to the meeting. He presented a plaque which was received from Franklin-Granville-Vance Partnership for Children thanking Council for its support of the Ducky Derby last year. The Mayor shared that Franklin-Granville-Vance raised almost \$8,000 at the Derby and expect to raise even more this year. Mayor O'Geary stated the children were very excited as they watched the ducks float down the street and he looks forward to watching them again this year.

(Clerk's Note: Council Members Davis and Daye arrived at 7:02 p.m.)

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Attorney John Zollicoffer, Jr. asked for ratification of the April 21 Resolution 11-46, A *Resolution Authorizing*

Refinancing of 2001 Revenue Bonds; and the June 27 Resolution 11-65, A Resolution Authorizing Issuance of Combined Enterprise System Revenue Refunding Bonds, Series 2011 of the City of Henderson, North Carolina and Requesting the North Carolina Local Government Commission to Sell Such Bonds at Private Sale, with the new resolutions which will be submitted to the Local Government Commission and bond attorney. With that addition, Council Member Rainey moved to accept the Agenda. Motion seconded by Council Member Inscoe and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. City Clerk Esther McCrackin advised that City Attorney John Zollicoffer Jr. requested a slight rewording on the discussion regarding the Bond issue and a new set of draft minutes for the 13 June Regular Meeting was distributed prior to the meeting with the rewording highlighted. Council Member Davis moved the approval of the following minutes: 13 June Regular Meeting (with the change), 27 June Short Regular Meeting and 27 June Work Session. Motion seconded by Council Member Daye and unanimously approved.

PUBLIC HEARINGS

A Zoning Amendment to Rezone 19.28+/- acres located at I-85 Southbound and SR 1312 Parham Road (Vance County Tax Map 0037A, Block 06, Lot 003, 004 and 005) from R-15M (Moderate to Low Density, Residential-HUD Code Home District) to B-2 (Highway Commercial) Zoning District. (Reference: CAF 11—93; Ordinance 11—42)

City Manager Ray Griffin asked Planning Director Erris Dunston to brief Council. Ms. Dunston stated this rezoning would open commercial access on Parham Road and said the other side of I-85 is currently zoned commercial. This rezoning was petitioned by the Vance County Tourism Development Authority and both the Planning Board and staff favor this change.

Council Member Kearney asked if this rezoning would allow for other business. Ms. Dunston responded yes.

Mayor O'Geary opened the public hearing and asked if anyone would like to speak in favor of this rezoning.

Ms. Nancy Wilson, Director of the Vance County Tourism Authority. Ms. Wilson expressed appreciation to Council for their consideration. The property is at Exit 215 and stated all other exits within Henderson are zoned commercial. She also stated their request was for two lots, not three.

No other citizen came forward to speak in favor of this rezoning.

Mayor O'Geary then asked for those who wished to speak against the rezoning to come forward.

Mr. Jesse Thomas, 401 Parham Road. Mr. Thomas stated his concern was how the space would be used after-hours and hoped the area would not become drug-infested. He had no problem with a Welcome Center as long as it did not bring crime to the area.

Ms. Audrey Davis, 116 Northwoods. Ms. Davis lives in the ETJ and her concern was lack of notification. She requested more information on the exact location, impact expected to the neighborhood and why that area.

Planning Director Dunston stated letters were sent to adjacent property owners and the property was posted.

There being no further comments, Mayor O'Geary thanked everyone for participating and closed the public hearing.

City Attorney Zollicoffer Jr. reminded Council that rezoning cannot be for specific uses. He also stated that the notifications complied with the law. Council Member Kearney felt going a step further would be a courtesy to the neighborhood and City Manager Griffin asked Ms. Dunston to set up a meeting with surrounding property owners to answer questions. Ms. Dunston agreed.

Council Member Davis moved the approval of Ordinance 11—42, *A Zoning Amendment to Rezone 19.28+/- acres located at I-85 Southbound and SR 1312 Parham Road (Vance County Tax Map 0037A, Block 06, Lot 003, 004 and 005) from R-15M (Moderate to Low Density, Residential-HUD Code Home District) to B-2 (Highway Commercial) Zoning District.* Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: None. ABSTAIN: None. ABSENT: None. *(See Ordinance Book 8, p.287.)*

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

City Clerk McCrackin advised no citizens desired to speak before Council on agenda items.

NEW BUSINESS

Ratification of Resolutions 11-46 and 11-65 Making Certain Findings in Connection with the Authorization and Issuance of Combined Enterprise System Revenue Refunding Bonds, Series 2011 of the City of Henderson, North Carolina and Requesting the Local Government Commission to Sell Such Bonds at Private Sale.

City Attorney Zollicoffer, Jr. asked Council to ratify *nunc pro tunc* Resolutions 11-46 and 11-65 which have been slightly reworded by Gundars Aperans to receive approval from the Local Government Commission and the Bond Council.

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

Council Member Rainey moved the approval of ratification of Resolutions 11-46 (now 11-A-46), *Making Certain Findings in Connection with the Authorization and Issuance of Combined Enterprise System Revenue Refunding Bonds, Series 2011 of the City of Henderson, North Carolina and Requesting the Local Government Commission to Sell Such Bonds at Private Sale*, and Resolution 11-65 (now 11-A-65), *Resolution Relating to the Authorization and Issuance of Combined Enterprise System Revenue Refunding Bonds, Series 2011 of the City Of Henderson, North Carolina*. Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye, and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 2, p 92-A and p 132-A.)

A Resolution of the Henderson City Council ratifying and approving the Mayor's signature on the 2009-2010 Clean Water Partner's Round 1 Supplemental Grant: Project # 2010-266-40101-112, Amendment No. 2). (Reference CAF 11—99; Resolution 11—72)

City Manager Griffin asked Henderson Water Reclamation Director Spain to address Council. Mr. Spain stated the US system is 2-3 weeks from start-up. He continued by saying that this amendment reflects the \$75,000 rebate received from Trojan.

Council Member Coffey asked for verification that the \$75,000 is a credit and the project budget would be recalculated by this amount. Mr. Spain responded yes. Council Member Inscoe asked if the \$100,000 was included in the original budget. City Manager Griffin responded yes.

Mr. Spain responded the \$75,000 was part of the original budget and that the Rural Center had already made the change.

Council Member Kearney asked if this was the final action. Mr. Spain responded yes; as far as he was aware and Mr. Griffin stated there have been several technical amendments because of the different organizations involved. He continued that this amendment holds the City harmless.

There was no further discussion so Mayor O'Geary asked for Council's pleasure.

Council Member Coffey moved the approval of Resolution 11—72, *A Resolution of the Henderson City Council ratifying and approving the Mayor's signature on the 2009-2010 Clean Water Partner's Round 1 Supplemental Grant: Project # 2010-266-40101-112, Amendment No. 2).* Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 2, p. 145.)

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised two citizens wished to address Council.

Ms. Carolyn H. Hicks, 1631 Stewart Avenue. Ms. Hicks expressed concern regarding the police and sheriff's departments and asked for time to discuss her issues. City Manager Griffin stated he would be happy to meet with Ms. Hicks and asked the City Clerk to arrange a

meeting. (Clerk's Note: At Ms. Hicks' request, a meeting has been set for the first week of August with the City Manager)

Mr. Armand Hargrove, 348 Fern Lane. Mr. Hargrove represented the non-profit organization Connections 4 Real. He presented Council members with a flyer detailing the Stop the Violence campaign which will be held in Henderson on July 29-30, 2011. Mr. Hargrove highlighted portions of the event and thanked Council Member Coffey for donating space at her work location for activities for kids. Council Member Coffey added she is currently attempting to obtain live radio time for the event.

REPORTS

- a) Mayor/Mayor Pro-Tem (No Report)
- b) City Manager - Mr. Griffin stated that a memo had been distributed prior to the meeting from Kerr Lake Regional Water System Director Christy Lipscomb showing 61 items had been sold through GovDeals Auction for a total of \$40,458.55.

Council Member Inscoe asked if these dollars went to the General Fund. Following a brief discussion Finance Director Wilkerson stated all \$40,458.55 was designated to the General Fund.

City Attorney Zollicoffer, Jr. reminded Council that a decision needed to be made regarding the Bennett Perry house before September. Mayor O'Geary asked Council members to contact the City Clerk with times they would be available to tour the building. Mayor O'Geary stated only two Council members at a time would be able to take the tour.

Council Member Coffey asked if the cost of renovations would be known before reaching an agreement. City Manager Griffin responded the home would need improvements but felt the first step was the tour and encouraged everyone to set up a time within the next couple of weeks. If this is done, Mr. Griffin will add this topic to the work session on 25 July.

Council Member Rainey expressed his desire to keep the home if at all possible. He stated so many old buildings had not been maintained within the City and felt this home represented a family which was a vital part of the City's development. Mayor O'Geary felt the same stating especially since it was a gift to the City.

- c) City Attorney (No Report)
- d) City Clerk (No Report)

ADJOURNMENT

Council Member Davis moved for adjournment. Motion seconded by Council Member Peace-Jenkins and unanimously approved. The meeting adjourned at 7:44 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk