



AGENDA

Henderson City Council Regular Meeting

Monday, 13 February 2012, 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 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) 23 January Short Regular Meeting [See Notebook Tab 1]*
- b) 23 January Work Session*
- c) 26 January Annual Strategic Planning Retreat*

VII. PUBLIC HEARING

- a) Consideration of Approval of Resolution 12-13, Requesting the Closeout of the A. L. Harris Estates Grant 06-C-1609. (CAF 12-24) [See Notebook Tab 1-A]*
 - Public Hearing
 - Resolution 12-13

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 12-04, Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2011. (CAF 12-17)[See Notebook Tab 3]*
 - Resolution 12-04
- b) Consideration of Resolution 12-09, Agreement Setting Forth Mayor, City Council and City Manager Roles, Responsibilities and Expectations. (CAF 12-25)[See Notebook Tab 4]*
 - Resolution 12-09
- c) Consideration of Resolution 12-10, Setting Date for One Day Team Building and Date for 2013 Strategic Planning Retreat. (CAF 12-26)[See Notebook Tab 5]*
 - Resolution12-10
- d) Consideration of Approval of Ordinance 12-11, Creating an Availability Charge for any Habitable Structure in the City for Failure to Connect to Available Water and Sewer. (CAF 12-14) [Notebook Tab 6]*
 - Ordinance 12-11

e) Consideration of Resolution 12-12, Ratifying Mayor's Endorsement on a Letter of Support Regarding the Joint City-County Fox Pond Park Project. (CAF 12-32)[See Notebook Tab 7]

- Resolution 12-12

X. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may 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. WORK SESSION - General

a) Consideration of Ordinance 12-10, Amending City Code 16-37 Relative to Stormwater Runoff Regulations. (CAF 12-13) [See Notebook Tab 8]

- Ordinance 12-10

WORK SESSION – Continued Strategic Planning Retreat Discussions (from 26 January 2012 Meeting (No CAF) [See Notebook Tab 9]

1. Consideration of Community Appearance Discussion Item (Refer to the Strategic Planning Retreat Binder)
2. Consideration of Any Other Items Council Wishes to Discuss Not Covered During the Retreat.

XII. CLOSED SESSION

- a) Pursuant to NCGS §143-318.11 (a)(4), Economic Development Matter.
- b) Pursuant to NCGS §143-318-11 (a)(3), Attorney Client Matter.

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.

XIII. REPORTS

- a) Mayor/Mayor Pro-Tem
- b) City Manager
- c) City Attorney
- d) City Clerk
 - i. Calendar Notes and Schedule Update *[See Notebook Tab 10]*
 - ii. Various Departmental Reports *[See Notebook Tab 11]*
 - Henderson Fire Department
 - Henderson-Vance County 911
 - Henderson Police Department

XIV. ADJOURNMENT

City Council Minutes
Regular Meeting
13 February 2012

PRESENT

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

ABSENT

Lonnie Davis, Jr..

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Katherine C. Brafford, Kerr Lake Regional Water Plant Manager Christy Lipscomb, Engineering Director Peter Sokalski, Code Compliance Director Corey Williams and Planning Director Erris Dunston.

CALL TO ORDER

The 13 February 2012 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:03 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

Mayor O'Geary welcomed citizens, staff and Council to the meeting. He said Council Member Davis was unable to attend due to health reasons, and we all look forward to his return.

ROLL CALL

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin asked that the Henderson-Kerr Lake Regional Water Plant be recognized during the

Awards/Presentation Section and Council Member Inscoe asked that the High Speed Rail be added to the agenda. With no objection to these additions, Mayor O'Geary asked for the pleasure of Council. Council Member Peace-Jenkins moved to accept the adjusted Agenda. 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 Kearney asked for one adjustment to the 23 January Work Session minutes under Industry Drive showing he was frustrated over this matter. With that change, Council Member Daeke moved the approval of the following minutes: 23 January 2012 Short Regular meeting and Work Session and the 26 January Strategic Retreat. Motion seconded by Council Member Rainey and unanimously approved.

AWARDS AND PRESENTATIONS

City Manager Griffin asked Kerr Lake Regional Water Plant Manager Christy Lipscomb to tell Council about an award her department will be receiving.

Ms. Lipscomb stated the water plant is one of twenty-three (23) in the State to be awarded the North Carolina Waterworks Operators Association (NCWOA) Optimization Award. The award will be presented in Winston-Salem February 16th. Mr. Griffin wanted Council to be able to congratulate Christy and her staff prior to reading about it in the news.

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

Closeout of the A.L. Harris Estates Grant 06-C-1609. (*Reference: CAF: 12-25; Resolution 12-13*)

City Manager Griffin thanked Gateway Community Development and the Department of Community Assistance in Raleigh for working with Planning Director Dunston to amend this grant so it can be finalized. Ms. Dunston told Council that after meeting with the State, the City is in compliance with the amended grant and with Council's approval, this grant is ready to be submitted to the State for closeout.

There was no discussion so Mayor O'Geary opened the Public Hearing by asking if anyone would like to speak in favor of this grant. No one came forward so Mayor O'Geary asked if anyone wished to speak in opposition to this grant. No one came forward and Mayor O'Geary closed the Public Hearing and asked for the pleasure of Council.

Council Member Inscoe moved the approval of Resolution 12-13, *Closeout of the A. L. Harris Estates Grant 06-C-1609*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Daeke, Davis and Daye: NO: None. ABSTAIN: Peace-Jenkins. ABSENT: Davis. *(See Resolution Book 2, p. 275) (Clerk's Note: Council Member Peace-Jenkins abstained as she is a board member of Gateway Community Development)*

Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2011.
(Reference: CAF 12-17; Resolution 12-04)

City Manager Griffin introduced Mr. Michael Brafford, Certified Public Accountant with Phillips, Dorsey, Thomas, Waters & Brafford, P.A. who will present the audit findings.

Mr. Brafford reviewed the fund balance, sales tax, enterprise ratios, property tax income, along with intergovernmental ratio and operating ratio, saying that overall the City is healthy. Council Member Kearney asked if restructuring the Aycock Recreation Center debt was reflected in these figures. Mr. Brafford stated no; the restructuring occurred in August 2011.

There were no further questions. Mr. Brafford thanked Council for the opportunity to serve the City for the last three years. The firm of Phillips, Dorsey, Thomas, Waters & Brafford, P.A. will no longer provide audit services due to a conflict of interest with the hiring of Finance Director Kathy Brafford.

Mayor O'Geary asked for Council's pleasure.

Council Member Kearney moved the approval of Resolution 12-04, *Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2011*. Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, and Daye. NO: None: ABSTAIN: None. ABSENT: Davis. *(See Resolution Book 2, p 257)*

Agreement Setting Forth Mayor, City Council and City Manager Roles, Responsibilities and Expectations. *(Reference: CAF 12-25; Resolution 12-09)*

City Manager Griffin said this amended resolution includes the changes discussed during the Retreat and will become part of Council policy.

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

Council Member Daeke moved the approval of Resolution 12-09, *Agreement Setting Forth Mayor, City Council and City Manager Roles, Responsibilities and Expectations*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: Davis. (See Resolution Book 2, p. 267)

Setting Date for One Day Team Building and 2013 Strategic Planning Retreat. (Reference: CAF 12-26; Resolution 12-10)

City Manager Griffin reminded Council that during the 2012 Retreat it was suggested that a one day team building session be planned following the 2012 municipal election and seating in July of new Council, along with setting the date for the 2013 Strategic Planning Retreat. The dates were set for 23 August 2012 and 31 January 2013. Mr. Griffin said the date(s) could be changed if necessary but setting them now allows for proper public notification and reservation of meeting space.

With no discussion, Mayor O'Geary asked for the pleasure of Council

Council Member Rainey moved the approval of Resolution 12-10, *Setting Date for One Day Team Building and 2013 Strategic Planning Retreat*. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Davis. (See Resolution Book 2, p. 269)

Creating an Availability Charge for any Habitable Structure in the City for Failure to Connect to Available Water and Sewer. (Reference: CAF 12-14; Ordinance 12-11)

City Manager Griffin reminded Council that this issue has been discussed at prior work sessions and asked Assistant City Manager Frazier to review the matter. Mr. Frazier stated that as a result of annexations and/or utility assessments, some water and sewer extensions were funded through revenue bonds. In the past, those property owners were allowed to delay connecting to water/sewer until their well/septic system failed. Revenues could be insufficient without an ordinance allowing the City to charge for water and/or sewer service once construction is complete and Council is now being asked to consider a \$12.12 minimum fee, beginning 1 July 2012, for property owners who have not connected.

Council Member Coffey asked if the property is sold could the new owner be forced to connect. Attorney Zollicoffer stated no, but (although he did not have the City Code with him), he thought there were code provisions requiring connections by all City property owners when water or sewer were available. Council Member Kearney commented that lenders might require connection and stated he felt the timing was positive as it allowed time to educate the public. He also mentioned that perhaps the "grandfathering" could stop with new owners. Council Member Daeke asked what incentive there was with such a low fee. Discussion then turned to whether a City Code already existed and this needs to be looked into further. It was the consensus of

Council that if there is a code, it should have been enforced earlier. City Manager Griffin mentioned this, along with prior changes to utility fees is standardizing policies and said he would look into the City Code for further clarification and bring his findings back to Council.

Council Member Kearney asked if the Public Health Department could condemn and enforce this issue. City Manager Griffin responded the Public Health Department is not an enforcement agency.

Council Member Coffey, with agreement from several other Council Members felt the \$12.12 was not enough to encourage property owners to "hook on."

With no further discussion, Mayor O'Geary asked for the pleasure of Council.

Council Member Kearney moved the approval of Ordinance 12-11, *Creating an Availability Charge for any Habitable Structure in the City for Failure to Connect to Available Water and Sewer* with the effective date 1 July 2012. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Daye, Kearney, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: Davis. (See Ordinance Book 8, p. 373)

Ratifying the Mayor's Endorsement on a Letter of Support Regarding the Joint City-County Fox Pond Park Project. (Reference: CAF 12-32; Resolution 12-12)

City Manager Griffin said in early January the park group realized a grant opportunity for the second phase of the Fox Pond project. The Mayor signed the letter of support to get the process started and Council is now being asked to ratify the letter supporting a joint commitment with Vance County for a local match not to exceed \$17,500 for each entity. This match can be in the form of funds and/or in-kind services and materials. Mr. Griffin said \$4,000 from each entity would be for administrative costs and felt the remainder could be offset by the hard work of the park group and City staff.

Council Member Daeke inquired about sale of timber on the property. Mr. Griffin stated after thinning minor trees and removing dead wood there was not as much timber as hoped. Council Member Kearney inquired about in-kind services. Mr. Griffin stated no overtime has been incurred but City staff and vehicles have been utilized as time allowed for debris removal. Mr. Griffin also said Mr. George Watkins has been working hard to receive donations for this project.

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

Council Member Rainey moved the approval of Resolution 12-12, *Ratifying the Mayor's Endorsement on a Letter of Support Regarding the Joint City-County Fox Pond Park Project.* Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Daeke, Daye, Kearney, Coffey, Inscoe, Rainey and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: Davis. (See Resolution Book 2, p. 273)

High Speed Rail.

Council Member Inscoe stated he met with Mr. Steve Green in Senator Burr's office about the high speed rail. It seems the rail stop(s) are no longer the decision of the Department of Transportation but will be made by the High Speed Rail Authority. Since this is out of the State's purview, Council Member Inscoe asked that letters of endorsement/support be considered to be sent to Federal representatives.

City Attorney commented it was unusual for a change like this to be determined this late in the process.

Council was in consensus that letters should be written and mailed.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

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

Ms. Almice Floyd-Gill, 280 George Floyd Road, Henderson – Ms. Floyd-Gill is a pastor who, along with pastors from three other churches, holds services at America's Best Value Hotel. The four churches have been in contact with the property owner expressing interest in purchasing the property and she asked what steps have been taken regarding the property.

City Attorney Zollicoffer stated it is in the Court system with Attorney Karlene Turrentine representing the property owner. He asked if the churches used more than the conference (banquet) room as the rented rooms were of concern. Ms. Floyd-Gill stated they use the conference room (banquet) room for conferences, workshops, education and enrichment programs, along with feeding people.

City Manager Griffin said he spoke with Ms. Floyd-Gill last week and earlier today and was pleased with their interest. He had asked Ms. Floyd-Gill for a letter from the owners expressing willingness to sell and also a letter from her laying out their plans for the property.

Discussion ensued regarding the renovation needs of the building along with the need for a plan for the entire complex. Suggestions were for Ms. Floyd-Gill to meet with Attorney Zollicoffer and Police Chief Sidwell to further discuss the plans.

WORK SESSION – General

Amending City Code 16-37 Relative to Stormwater Runoff Regulations. (*Reference: CAF 12-13; Ordinance 12-10*)

City Manager Griffin stated Council previously asked for more time to review this matter and then asked City Engineer Peter Sokalski to share an overview. Mr. Sokalski stated this

amendment brings the City Code into compliance with new rules and asked what questions he could answer.

Council Member Inscoe asked several questions regarding whether this affects future permit holders, how the code will be enforced and whether this policy meets all State regulations. Mr. Sokalski stated the code would be enforced by the Planning Department and lastly, the code is slightly above what the State requires. Mr. Sokalski explained that because Henderson sits in both the Roanoke River Basin and the Tar-Palmico River Basin, the Code meets the more stringent portion of the Tar-Palmico requirements.

Council Member Kearney inquired about civil penalty recourse. City Attorney Zollicoffer stated the court system is the recourse and suggested this be discussed in more detail.

It was the consensus of Council to carry this issue forward to the next regular meeting.

WORK SESSION – Continued Strategic Planning Retreat Discussions (from 26 January 2012 Meeting) *(Reference: Annual Strategic Planning Manual)*

City Manager Griffin stated that Community Appearance was an issue not covered during the Retreat. Issues mentioned in the Retreat survey mentioned key gateways into the City such as Ruin Creek, Raleigh Road, I-85 and US39 all needing revitalization. Council Member Daeke mentioned the graffiti problem and asked if it would be addressed more quickly. He also asked about the grass on the edge of streets which has been an ongoing problem.

Council Member Kearney asked if the Appearance Commission could work with the County to help address the gateway revitalization. City Manager Griffin felt this might be an opportunity for the County to contract with the City for work together as visitors do not know where the County ends and the City starts. Council Member Coffey asked about the trash on the streets. Assistant City Manager Frazier shared his team does pick up trash but it is an on-going problem. The discussion turned to citizen groups doing major cleanup such as Community Watch groups or church groups. Council Member Peace-Jenkins said her church did this and within 24 hours the trash was back. She asked how you stop people from throwing out their trash. Mayor O'Geary asked how can citizens be educated and mentioned the Appearance Commission does a major once a year clean up around the City. Council Member Inscoe said it is taking personal responsibility. Mr. Frazier said a charter school has inquired about adopting a street and the City is looking at establishing a policy that mirrors the Department of Transportation.

City Manager Griffin said if there were no other issues a draft amendment of all the items discussed during Retreat and at this meeting would be compiled and presented to Council by March at the latest. He also asked if bringing the graffiti ordinance back before Council would be appropriate. He also stated that graffiti on State signs can no longer be removed by City staff – the Department of Transportation has to be notified and they remove the graffiti.

CLOSED SESSION

Council Member Coffey moved for Council to convene in closed session pursuant to G.S. §143-318.11 (a)(4), Economic Development matter and §143-318.11 (a)(3), two (2) Attorney Client matters. *(Council convened in close session at 7:28 pm.)*

Council Member Coffey moved for Council to convene in open session. Motion seconded by Council Member Rainey and unanimously approved. Council re-convened in open session at 8:44 p.m.

There were two reports from the Close Session:

An Authorizing Resolution by the Henderson City Council in Support of a North Carolina Rural Center and Golden Leaf Foundation Grants' Applications for Water Line for Economic Development Prospect 12-2. *(Reference: Resolution 12-16)*

It was the consensus of Council to move forward with this project.

Co-Locate 911 Center at the Operations Center on Beckford Drive.

Council authorizes the City Attorney and City Manager to coordinate with Vance County an interlocal agreement for Council's consent.

REPORTS

- a) Mayor/Mayor Pro-Tem/Chairman Pro-Tem (No Report)
- b) City Manager (No Report)
- c) City Attorney (No Report)
- d) City Clerk - (No Report)

ADJOURNMENT

Council Member Coffey moved for adjournment. Motion seconded by Council Member Rainey and unanimously approved. The meeting adjourned at 8:49 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk