



AGENDA

Henderson City Council Regular Meeting
Monday, 14 February 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 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) 24 January 2011 Short Regular Meeting [See Notebook Tab# 1]
- b) 24 January 2011 Work Session [See Notebook Tab# 1]
- c) 28 January 2011 Strategic Planning Retreat [See Notebook Tab# 1]
- d) 8 February 2011 Special Called Meeting [See Notebook Tab# 1]

VII. 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

VIII. OLD BUSINESS

- a) Consideration of Approval of Ordinance 11—06, Amending Section 7-48, Section 7-64, Section 7-80.1 and Section 7-86 of the City Code Relative to Clark Street and Charles Street. (CAF: 11—20)[See Notebook Tab# 2]
 - Ordinance 11—06
- b) Consideration of Approval of Ordinance 11—10, Amending the City Code to Incorporate the Clean Up Henderson Committee. (CAF: 11—29)[See Notebook Tab# 3]
 - Ordinance 11—10
- c) Consideration of Approval of Ordinance 11—11, Relative to Handicap Parking on Wyche Street (CAF 11—30) [See Notebook Tab# 4]
 - Ordinance 11—11
- d) Consideration of Approval of Ordinance 11—13, Providing for Four Alternates for City Members and Extra-Territorial Members of the Planning Board (CAF 11—33) [See Notebook Tab# 5]
 - Ordinance 11—13

- e) Consideration of Approval of Resolution 11—11 Authorizing Planned Improvements for Fox Pond Park - Phase 2 (CAF 11—18) [See Notebook Tab# 6]
 - Resolution 11—11
- f) Consideration of Approval of Resolution 11—12, Authorizing the Mayor to Sign and Submit an Application to the State Revolving Fund Grant/Loan for future funding relative to improvements at the Henderson Water Reclamation Facility. (CAF 11-38)[See Notebook Tab# 7]
 - Resolution 11—12
- g) Consideration of Approval of Resolution 11—17, Providing For the Appointment of a City Council Liaison to the Vance County Board of Commissioners and Reorganizing the Intergovernmental Committee (CAF 11—25) [See Notebook Tab# 8]
 - Resolution 11—17

IX. NEW BUSINESS

- a) Consideration of Approval of Resolution 11—23, Accepting the Audit Report for Fiscal Year 2009-2010 (CAF 11—41) [See Notebook Tab# 9]
 - Resolution 11—23
- b) Consideration of Approval of Ordinance 11—12, Authorizing the Demolition of 204 Hamilton Street (CAF 11—32) [See Notebook Tab# 10]
 - Ordinance 11—12
- c) Consideration of Approval of Ordinance 11—15, Authorizing the Demolition of 230 Kittrell Street (Second Dwelling) (CAF 11—42) [See Notebook Tab# 11]
 - Ordinance 11—15
- d) Consideration of Approval of Ordinance 11—16, Authorizing Demolition of 1048 William Street (CAF 11—43) [See Notebook Tab# 12]
 - Ordinance 11—16
- e) Consideration of Approval of Resolution 11—26, Affirming the Roles and Expectations of Mayor, City Council and City Manager (CAF 11—47) [See Notebook Tab# 13]
 - Resolution 11—26

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

- a) Mr. Bennet Franklin concerning a water utility bill

XII. REPORTS

- a) Mayor/Mayor Pro-Tem
- b) City Manager
- c) City Attorney
- d) City Clerk
 - i. Calendar Notes and Schedule Update *[See Notebook Tab# 14]*
 - ii. Various Departmental Reports *[See Notebook Tab# 15]*
 - a) Henderson-Vance County-911
 - b) Henderson Fire Department

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. CLOSED SESSION

- a) Pursuant to GS 143-318.11(a)(3) Attorney-Client Matter

XIII. ADJOURNMENT

City Council Minutes
Regular Meeting
14 February 2011

PRESENT

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

ABSENT

None

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Sandra Wilkerson, Parks & Recreation Director Alan Gill, Public Works Director Linda Leyen, Code Compliance Director Corey Williams, and Youth Services Supervisor Donna Stearns.

CALL TO ORDER

The 14 February 2011 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 7:01 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

Mayor O'Geary welcomed everyone by saying it was a beautiful day and hoped everyone had a wonderful Valentine's Day.

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 advised there were two (2) changes to the agenda: *Amending the City Code to Incorporate the Clean Up Henderson Committee* should refer to Chapter 26-C and the sub-headings should all be "C", not

“B”; and Mr. Bennett Franklin advised that he no longer wished to speak to Council during the Public Comment Period for Non-Agenda Items. No other requests were made to adjust the Agenda. Mayor O’Geary asked for the pleasure of Council. Council Member Inscoe moved to accept the Agenda as revised. 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 Davis moved the approval of the following minutes: 24 January 2011 Short Regular Meeting; 24 January 2011 Work Session; 28 January 2011 Strategic Planning Retreat; and 8 February 2011 Special Called Meeting. 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 one wished to speak to Council regarding agenda matters.

OLD BUSINESS

Amending Section 7-48, Section 7-64, Section 7-80.1 and Section 7-86 of the City Code Relative to Clark Street and Charles Street. (Reference: CAF 11-20; Ordinance 11-06)

City Manager Griffin advised the City Council that this amendment was considered at the last work session and is part of an effort to clean up old signs within the City. Council Member Inscoe asked if this meant other areas needing changes will have to come before Council. City Attorney Zollicoffer answered if they are already in the Code, then yes.

With no further questions, Mayor O’Geary asked for the pleasure of Council.

Council Member Peace-Jenkins moved the approval of Ordinance 11-06, Amending Section 7-48, Section 7-64, Section 7-80.1 and Section 7-86 of the City Code Relative to Clark Street and Charles Street. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 8, Page 215)

Amending the City Code to Incorporate the Clean Up Henderson Committee. (Reference: CAF 11-29; Ordinance 11-10)

City Attorney Zollicoffer apologized for not catching the technical error and stated the “B” should be removed from this Code and replaced with “C”. Manager Griffin advised the City Council this item resulted from discussion within the Boards and Commissions Committee to revitalize the Clean Up Henderson Committee and this was discussed with Council at the prior work session. Council Member Daeke chairs the Boards and Commission Committee and

Council Member Peace-Jenkins and Mayor O'Geary attend. This Ordinance incorporates much of the existing language; however changes have been made in the number of fixed seats, number of voting members and the demographics of members.

Council Member Daeke urged Council members to encourage individuals in their Ward to apply for this committee to fill any vacancies that may exist. Council Member Rainey asked if current participants would continue to serve. Mr. Daeke responded yes, if they submitted an application and are appointed by Council. City Manager Griffin stated many members currently do not attend for a variety of reasons and if approved, the City Clerk will contact each current member for confirmation as to whether they wish to continue to participate. City Attorney Zollicoffer stated Clean Up Henderson would become part of the governing body falling under the jurisdiction of Council and the public has the right to attend any meeting but would have no voting rights.

Mayor O'Geary asked for the pleasure of Council.

Council Member Daeke moved the approval of Ordinance 11-10, Authorizing the Amendment of the City Code to Incorporate the Clean Up Henderson Committee. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye and Coffey: NO: None. ABSTAIN: None. ABSENT: None. (*See Ordinance Book 8, p.223*)

Handicap Parking on Wyche Street. (*Reference: CAF 11-30; Ordinance 11-11*)

City Manager Griffin stated this request, discussed at the prior work session, came from the First Baptist Church for four additional handicapped parking spaces on Wyche Street on Sunday only.

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

Council Member Coffey moved the approval of Ordinance 11-11, Relative to Handicap Parking on Wyche Street. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Davis, Daye, Coffey and Inscoe. NO: None. ABSTAIN. None. ABSENT. None. (*See Ordinance Book 8, p.225*)

Providing for Four Alternates for City Members and Extra-Territorial Members of the Planning Board. (*Reference: CAF 11-33; Ordinance 11-13*)

City Manager Griffin advised this Ordinance had been discussed at a previous work session and City Attorney Zollicoffer prepared this ordinance as directed by Council. Council Member Rainey asked if the four (4) Alternates referred to two (2) City and two (2) County. Mr. Griffin responded there would be four (4) City and four (4) County. Mr. Rainey asked if the Extra-territorial members fell under the County. Mr. Zollicoffer stated the Extra-Territorial members do fall under the County.

With no further discussion, the pleasure of Council was requested by Mayor O'Geary.

Council Member Peace-Jenkins moved the approval of Ordinance 11-13, An Ordinance Providing for Four Alternates for City Members and Extra-Territorial Members of the Planning Board. Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Davis, Daye, Coffey, Inscoc and Rainey. NO: None. ABSTAIN: None. ABSENT: None. *(See Ordinance Book 8, p. 229)*

Authorizing Planned Improvements at the Fox Pond Park - Phase 2. *(Reference: CAF 11-18; Resolution 11-11)*

City Manager Griffin advised Council this was discussed at the last work session. This Resolution authorizes the Mayor to sign and file grant application(s) to support the Phase 2 plans. Mr. Griffin mentioned the thinning of timber will provide income to go toward any needed matching grant funds. Thinning timber will require significant input from the City Attorney as the process proceeds.

Mayor O'Geary requested the pleasure of Council.

Council Member Rainey moved the approval of Resolution 11-11, Authorizing Planned Improvements at Fox Pond Park – Phase 2. Motion seconded by Council Member Davis and APPROVED by the following vote: YES: Daeke, Davis, Daye, Coffey, Inscoc, Rainey and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: None. *(See Resolution Book 2, p. 21)*

Authorizing the Mayor to Sign and Submit an Application to the State Revolving Fund Grant/Loan for Future Funding Relative to Improvements at the Henderson Water Reclamation Facility. *(Reference: CAF 11-38; Resolution 11-12)*

City Manager Griffin reminded Council that during the Retreat and the last work session this issue was discussed as the necessary next-step to stay in the “pipeline” for potential funding. The deadline for submitting paperwork is 1 March 2011. The next date for submission would be in 2012, thus delaying the process for an entire year. Signing of this Resolution will not limit Council’s decisions regarding the specifics of improvements.

Council Member Peace-Jenkins moved the approval of Resolution 11-12, Authorizing the Mayor to Sign and Submit an Application to the State Revolving Fund Grant/Loan for future funding relative to improvements at the Henderson Water Reclamation Facility. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Davis, Daye, Coffey, Inscoc, Rainey, Peace-Jenkins, and Daeke. NO: None. ABSTAIN: None. ABSENT: None. *(See Resolution Book 2, p. 23)*

Providing For the Appointment of a City Council Liaison to the Vance County Board of Commissioners and Reorganizing the Intergovernmental Committee. (Reference: CAF 11-25; Resolution 11-17)

City Manager Griffin stated Council had extensively discussed this issue during both the 10 January 2011 Regular Council Meeting and at the Retreat. During those discussions Council outlined the roles and expectations it wished the Liaison to follow with the final decisions being the responsibility of Council. Council Member Coffey asked if the Liaison would be appointed now and would that person be re-appointed after the October election. City Manager Griffin explained the appointment made now would run through December. The January Council meeting is considered the organizational meeting after all elected officials are sworn in. at the December meeting. The Mayor and Vice Mayor meet after the December meeting to make recommendations for various committees' appointments and that process would include the Liaison. These appointments would be brought before Council at the December 2012 meeting.

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

Council Member Daeke moved the approval of Resolution 11-17, Providing for the Appointment of a City Council Liaison to the Vance County Board of Commissioners and Reorganizing the Intergovernmental Committee. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Daye, Coffey, Inscoc, Rainey, Peace-Jenkins, Daeke and Davis. NO; None. ABSTAIN. None. ABSENT: None. (See Resolution Book 2, p. 33)

Mayor O'Geary appointed Council Member Inscoc to serve as Liaison. Council Member Inscoc accepted, on condition the Council supported the appointment. Motion was made by Council Member Davis to support and accept Council Member Inscoc as Liaison. Motion was seconded by Council Member Daeke and unanimously approved.

Council Member Daeke suggested joint funding should be considered at the next meeting with the County. Council Member Davis asked that discussion not be limited to this topic.

NEW BUSINESS

Accepting the Audit Report for Fiscal Year 2009-2010. (Reference: CAF 10-41; Resolution 11-23)

City Manager Griffin stated Mr. Michael Brafford, CPA with Phillips, Dorsey, Thomas, Watters & Brafford, P.A. was present and invited Mr. Brafford to come forward to summarize the audit findings. Mr. Brafford summarized the audit by stating the City has received an unqualified opinion overall meaning the City finances are in good standing. Mr. Brafford highlighted several areas including the General Fund balance. The Intergovernmental revenues have been reduced which means the State has less control of City revenue. Debt/loan service has also been decreased which is good.

Sales tax receipts for December were less than November, thus not reflecting well of Christmas season spending. Council Member Coffey asked why. Council Member Rainey asked if it would

be due to on-line shopping, shopping out of town and/or the economy. Mr. Brafford stated it was probably due to a combination of all three.

Mr. Brafford stated that a couple of departments had overages which are seen as potential problems but the City was able to move budget dollars so this was inconsequential to the State.

Council Member Inscoe asked if there was a benchmark for asset/debt ratio with the State. Mr. Brafford said this information is not provided.

Mr. Brafford went on to state the water fund is on a good trend and property taxes increased in 2009. He went on to state that there are areas that management should consider "beefing" up.

One area is an assistant to the Finance Director for backup. Another consideration that would benefit the City would be a Grant Administrator who would monitor existing grants and help create new applications for grant funds.

Council Member Coffey asked how long it took to complete the audit. Mr. Brafford stated it normally takes approximately 2-3 months. Council Member Inscoe asked for a snapshot in time regarding the bond rating. Mr. Brafford said the City is in good financial status with a AA⁻ rating. City Manager Griffin interjected that the Fund Balance would have grown more, but Council had approved appropriating approximately \$219,000 into the current fiscal year.

Council Member Rainey thanked Mr. Brafford for the hard work it took to finalize the audit. Mr. Rainey then asked about collection tax problem described in the CRM: 11-17 *Updates on 1) Motor Vehicle Property Tax; 2) Timesheet Implementation*, memo that was distributed under separate cover at the Council meeting.

At this point Mr. Griffin summarized the CRM: 11-7 *Updates on 1) Motor Vehicle Property Tax; 2) Timesheet Implementation*. The collection rate for the motor vehicle tax shows a loss of 54.5% of its levy during fiscal 2006 and 2007. Seemingly this loss occurred at the same time as the new registration system was implemented by the North Carolina Department of Motor Vehicles. Mr. Griffin requested an Inquiry Team, composed of Finance Director Sandra Wilkerson and Accounting Supervisor Judith Woods, be established to investigate the situation and County Manager Ayscue is agreeable. Mr. Griffin will keep Council members apprised as the situation develops.

Council Member Rainey stated the DMV should have listing of vehicles and that one cannot obtain a tag without proof of payment. Mr. Griffin stated he is unsure what happened and it definitely needed research. Council Member Coffey wondered how this could fall through the cracks. Mayor O'Geary stated it was a lot of money over the years. Mr. Griffin wondered if there was a problem with the process, thus the Inquiry Team. City Attorney Zollicoffer felt perhaps it was a time issue and that those put on a different system with the transition were never captured back into the system.

Mr. Brafford thanked Council for the opportunity to complete the Audit. He also thanked Ms. Wilkerson and her staff for their assistance during the process, and asked if there were any questions.

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

Council Member Rainey moved the approval of Resolution 11-23, Receipt of Comprehensive Annual Financial Audit. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: None. ABSTAIN: None. ABSENT: None. *(See Resolution Book 2, p. 45)*

Authorizing the Demolition of 204 Hamilton Street. *(Reference: CAF 11-32; Ordinance 11-12)*

City Manager Griffin asked Code Compliance Manager Williams come forward to discuss this Ordinance and the following two Ordinances with Council. Mr. Williams advised Council Members that the proper enforcement steps had been taken and asked Council for approval to move forward with the demolition.

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

Council Member Daeke moved the approval of Ordinance 11-12, Authorizing the Demolition of 204 Hamilton Street. Motion seconded by Council Member Davis and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye and Coffey. NO: None. ABSTAIN: None. ABSENT: None. *(See Ordinance Book 8, p.227)*

Authorizing the Demolition of 230 Kittrell Street (Second Dwelling). *(Reference: CAF 11-42; Ordinance 11-15)*

Code Compliance Director Williams stated the proper enforcement steps have been taken for this property. Mr. Williams stated this parcel has been researched twice by the City Attorney, as a first dwelling has already been torn down.

As there was no discussion, Mayor O'Geary asked for the pleasure of Council.

Council Member Coffey moved the approval of Ordinance 11-15, Authorizing the Demolition of 230 Kittrell Street. Motion seconded by Council Member Davis and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Davis, Daye, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: None. *(See Ordinance Book 8, p. 233)*

Authorizing Demolition of 1048 William Street. *(Reference: CAF 11-43; Ordinance 11-16)*

Code Compliance Director Williams advised Council that this property is a very large dilapidated building as evidenced in photos included in their packet. The proper enforcement steps have been taken and he is now seeking approval from Council to move forward. Council

Member Daeke asked what the anticipated cost is for this demolition. Mr. Williams said he is unsure. Mr. William stated a joint demolition effort may be possible with the adjacent property owners.

Council Member Daeke stated it is tragic that people allow their property to deteriorate in such a manner that the demolition cost falls on the City. Council Member Inscoe asked if the budget has been exhausted. Mr. Williams stated there are some funds available for grass cutting and perhaps help may be obtained from sources such as the Redevelopment Commission. Mr. Inscoe then asked how many demolitions the City has completed this year. Mr. Williams responded a total of sixteen (16).

Council Member Daeke moved the approval of Ordinance 11-16, Authorizing Demolition of 1048 William Street. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Davis, Daye, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: None. *(See Ordinance Book 8, p. 235)*

Affirming the Roles and Expectations of Mayor, City Council and City Manager.
(Reference: CAF: 11-47; Resolution 11-26)

City Manager Griffin advised the City Council this issue was discussed during the Strategic Planning Retreat and reminded Council that has been part of the organizational culture for the past four (4) years.

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

Council Member Daeke moved the approval of Resolution 11-26, Affirming the Roles and Expectations of Mayor, City Council and City Manager. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Daeke, Davis, Daye, Coffey, Inscoe, Rainey and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: None. *(See Resolution Book 2, p. 51)*

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

As stated earlier, Mr. Bennett Franklin has resolved his water utility issue and no longer wishes to speak to Council. One individual was present and wished to speak to Council.

Mr. George M. Hood, 2468 Bees Creek Road, Ridgeland, South Carolina - Mr. Hood addressed Council Members regarding the septic system at Lynndale Trailer Park. He came before Council to ask permission to have the system repaired.

Mayor O'Geary thanked Mr. Hood for his comments. Council Member Inscoe asked if this property was outside city limits and if so, the septic system fell under County jurisdiction. City Manager Griffin responded yes. Mr. Griffin stated the City would contact the individual residing at the property in question.

REPORTS

- a) Mayor/Mayor Pro-Tem - Council Member Davis asked the Council endorse February as Black History Month and stated he was pleased to see the display in the lobby of City Hall. Mayor O'Geary stated the display should be completed on Tuesday.
- b) City Manager - (No Report)
- c) City Attorney (No Report)
- d) City Clerk – The following reports were distributed via the Agenda packet: Henderson-Vance County 911 for December 21, 2010 – January 20, 2011) and Henderson Fire Department report for January 2011.

CLOSED SESSION

City Attorney Zollicoffer stated there would be no report following the Closed Session.

Council Member Davis moved for Council to convene in closed session pursuant to GS§143-318.11(a)(3) Attorney-Client Matter. Motion seconded by Council Member Coffey and unanimously approved. (*Council convened in close session at 8:06 p.m.*)

Council Member Davis moved for Council to convene in open session. Motion seconded by Council Member Peace-Jenkins and unanimously approved. (*Council convened in open session at 9:17 p.m.*)

ADJOURNMENT

Council Member Peace-Jenkins moved for adjournment. Motion seconded by Council Member Inscoe and unanimously approved. The meeting adjourned at 9:18 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk