



AGENDA

Henderson City Council Regular Meeting

Monday, 11 June 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. Inscoc

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) 14 May 2012 Regular Meeting *[See Notebook Tab 1]*
- b) 17 May 2012, Budget Work Session # 1
- c) 22 May 2012, Budget Work Session # 2
- d) 29 May 2012, Special Called Meeting and Budget Work Session #3

VII. PRESENTATIONS/RECOGNITIONS

- a) Boy Scout Troop #691

VIII. PUBLIC HEARING

- a) Consideration of Approval of Ordinance 12-12, 1) Adoption of FY 12 Budget; 2) Amending Water, Sewer and Regional Water Rates; 3) Amending Sanitation Fees; and 4) FY 13 Fee Schedule. *(CAF 12-A-62) [See Notebook Tab 2]*

- Public Hearing
- Ordinance 12-12

- b) Consideration of Approval of 1) Ordinance 12-A-06, An Ordinance Providing for the Zoning of Wind Turbines and 2) Ordinance 12-B-06, An Ordinance Providing for the Zoning of Solar Farms. *(CAF 12-A-09) [See Notebook Tab 3]*

- Public Hearing
- Ordinance 12-A-06
- Ordinance 12-B-06

IX. 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

X. NEW BUSINESS

- a) Consideration of Approval of Ordinance 12-26, FY11-12 Budget Amendment #51, Creating Fund 73: Economic Development Capital Reserve Fund and Resolution 12-46, An Authorizing Resolution by the Henderson City Council in Support of a NC Building Restoration and Reuse Grant Program for Economic Development Prospect 10-C. *(CAF 12-46) [See Notebook Tab 4]*

- Ordinance 12-26
- Resolution 12-46

- b) Consideration of Approval of Ordinance 12-38, FY 12 Budget Amendment #48, to Provide Funds to Restock Parts for the Kerr Lake Regional Water Facility. *(CAF 12-69) [See Notebook Tab 5]*
 - Ordinance 12-38
- c) Consideration of Approval of Resolution 12-43, Approval of Official Results for Municipal Election Held 8 May 2012 and Action to Receive by Council and File with the City Clerk. *(CAF 12-64) [See Notebook Tab 6]*
 - Resolution 12-43
- d) Consideration of Approval of Resolution 12-14, Authorizing Submission of the FY12 BJA Bulletproof Vest Grant Application for the Police Department. *(CAF 12-67) [See Notebook Tab 7]*
 - Resolution 12-14
- e) Consideration of Approval of Resolution 12-36, A Resolution Ratifying and Approving an Application to the US Department of Justice for a BJA-2012 Grant for Henderson Community Revitalization Initiative (CRI) Enhancement Grant. *(CAF 12-72) [See Notebook Tab 15 – Please note this Tab number is out of sequence]*
 - Resolution 12-36

X. CONSENT AGENDA

All matters listed under the Consent Agenda have either been previously discussed by City Council during a previous meeting and/or are considered in the ordinary course of business by the City Council and will be enacted-on by one motion and a roll call vote in the form listed. If discussion is desired by either the Council or the Audience, the item in question will be removed from the Consent Agenda and considered separately after the revised consent agenda has been approved.

- a) Consideration of Approval of Ordinance 12-13, FY 12 Budget Amendment #47, to Close Out the 2010 Weed & Seed Grant 2010-WS-QX-0108. *(CAF 12-16) [See Notebook Tab 8]*
 - Ordinance 12-13
- b) Consideration of Approval of Ordinance 12-39, Authorizing FY 12 Budget Amendment #49, to Budget a Reimbursement from Vance County for the City's Participation in a Disaster Preparedness Training Exercise Sponsored by FEMA. *(CAF 12-70) [See Notebook Tab 9]*
 - Ordinance 12-39

- c) Consideration of Approval of Resolution 12-27, Authorizing the Closeout of the 2007 HOPE VI Grant Number NC19URD27536M07 and Ordinance 12-30, FY12 Budget Amendment #40, Close Out the Revenue and Expense Accounts for this Grant. (CAF 12-11) [See Notebook Tab 10]
- Resolution 12-27
 - Ordinance 12-30
- d) Consideration of Approval of Tax Releases and Refunds from Vance County for the Months of July 2011 through January 2012. (CAF 12-68) [See Notebook Tab 11]
- e) Consideration of Approval of Resolution 12-45, Issuing Sewer Credit for Outside Watering of Lawns, Plants and Vegetation from 1 June 2012 through 31 October 2012. (CAF 12-65). [See Notebook Tab 12]
- Resolution 12-45
- f) Consideration of Approval of Ordinance 12-40, FY 12 Budget Amendment #50, Amending the 2010 BJA JAG Grant Fund Providing the Necessary Funds to Cover the Expense of Four (4) Mobile Data Terminal Computers and Docking Stations. (CAF 12-71) [See Notebook Tab 13]
- Ordinance 12-40

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

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.

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 14*]
 - ii. Various Departmental Reports
 - Henderson Fire Department
 - Henderson-Vance County 911
 - Code Compliance

XII. ADJOURNMENT

City Council Minutes
Recessed 11 June 2012 Regular Meeting
14 June 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, Lonnie Davis, Jr., George M. Daye.

Council Member Elect Vernon Brown.

ABSENT

None.

STAFF PRESENT

City Manager Ray Griffin, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Katherine C. Brafford, Planning Director Erris Dunston, Code Compliance Director Corey Williams, and Attorney Jerry Stainback - representing City Attorney Zollicoffer.

CALL TO ORDER

The 14 June 2012 Recessed 11 June 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.

ROLL CALL

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

MOTION TO RECONVENE

Council Member Coffey moved to reconvene the 11 June 2012 Regular Meeting. Motion seconded by Council Member Peace-Jenkins and unanimously approved.

City Clerk McCrackin stated a request was made for a Closed Session pursuant to G.S. §143-318.10 (a)(3) – Client-Attorney matters.

Mayor O'Geary asked if Council was prepared to go into Closed Session. No report was expected following the session.

CLOSED SESSION

Council Member Daeke moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3) for Attorney-Client Privilege Matter. Motion seconded by Council Member Inscoe and unanimously approved.

(Clerk's Note: Council Member Rainey arrived at 6:11 p.m.)

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

CONTINUATION OF DISCUSSION ON:

Adoption of 1) FY 12-13 Budget; 2) Amending Water, Sewer and Regional Water Rates; 3) Amending Sanitation Fees; and 4) FY 13 Fee Schedule. *(Reference: CAF 12-A-62; Ordinance 12-12)*

City Manager Griffin stated this meeting is a continuation from the 11 June 2012 Regular meeting because of comments made during the Public Hearing regarding the REEF Project, the Downtown Development full-time position and Code Compliance demolition. He said these three issues total \$110,000 and Council is here to discuss these matters.

Council Member Peace-Jenkins felt options should be discussed. Council Member Kearney felt commitment to the community was important saying the REEF project is a faith-walk. He suggested setting aside \$50,000 from the fund balance to be spent pro rata; adding \$0.50 to the Sanitation Fee for the DDC position with the dollars being replaced if grants became available and \$30,000 for demolition from the Fund Balance.

City Manager Griffin said he felt this would be supplantation and did not believe the City could reimburse itself from grant funds. He went on to say Code Compliance Director Williams is working closely with Police Chief Sidwell in hopes of receiving the Community Revitalization Initiative (CRI) Enhancement Grant which could provide up to \$100,000 for demolition.

Council Member Kearney asked if a decision regarding demolition dollars could be postponed until after the grant status is known. Mr. Griffin said the grant status is expected to be known sometime in the Fall. He said the grant is a three-year grant and was unsure if funds would be available for demolition during the first year of the grant.

Council Member Rainey asked if the \$0.50 (approximately \$30,000 for the year) was in addition to the \$19,000 already in the budget and restated his agreement to demolish the least expensive structures first.

Council Member Inscoe said he would like to see a schedule of houses ready for demolition and suggested houses on main thoroughfares be considered high on the list. City Manager Griffin said Code Compliance Director Mr. Williams already had an assessment completed as part of his

request for funding and recently submitted a pre-bid list for fifteen (15) structures. The cost estimate was over \$51,000 with five (t) structures considered to contain asbestos and/or lead paint. Mr. Inscoe asked if the bidding is done in groups to reduce costs. Mr. Griffin said Mr. Williams can certainly put together a list for review.

Council Member Inscoe spoke with Jason Stewardson, Henderson-Vance Downtown Commission earlier in the day since he was unable to attend the 11 June meeting, regarding the status of the Henderson Collegiate Charter School in regard to the REEF project. Mr. Stewardson told Mr. Inscoe the DDC has a Letter of Intent from the Charter School and that the School is waiting for a total cost determination. Mr. Inscoe said the DDC has the building available but no tenant commitments and said he asked Mr. Stewardson for accountability on the request to the City for \$50,000. Mr. Inscoe suggested approval item by item (i.e., a construction draw) and Mr. Stewardson was not opposed to this suggestion.

Council Member Rainey said he was not opposed to the project but would like to see where and for what the monies are going. He felt citizens need to see something happening.

Council Member Coffey agreed with the draw suggestion so the project would stay on track.

Council Member Daeke agreed with investing in the community. However, he said he would rather see the \$0.50 increase in the Sanitation Fee go toward demolition and the funds for the DDC position come out of the contingency fund.

Council Member Inscoe asked for clarification regarding Council's ability to approve the use of Fund Balance appropriations at any time. City Manager Griffin said that was correct and suggested polling Council for agreement.

Council Member Kearney made a motion that a total of \$80,000 should be taken from the Fund Balance; \$50,000 for the REEF project, pro rata and \$30,000 to fund the DDC full-time position. The \$0.50 increase in the Sanitation Fee (above the already agreed \$0.50 for the rate increase on the Waste Industry Contract) would be for demolition and would be held in abeyance until further notice.

Council Member Davis asked if this was for FY12-13 and Council Member Kearney said yes.

Mayor O'Geary then asked if Council concurred with this summary and all present concurred with the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis and Daye.

City Manager Griffin said considering previous decisions, and because this meeting was a continuation of the Regular Meeting of 11 June 2012, Council could move to approve the FY12-13 budget at this time if they so desired.

Council Member Peace-Jenkins moved the approval of Ordinance 12-12 *Adoption of 1) FY 12-13 Budget; 2) Amending Water, Sewer and Regional Water Rates; 3) Amending Sanitation Fees; and 4) FY 13 Fee Schedule.* Motion seconded by Council Member Kearney 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. 375*)

ADJOURNMENT

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Coffey and unanimously approved. The meeting adjourned at 7:16 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk