



AGENDA

Henderson City Council Regular Meeting

Monday, 14 May 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) 23 April Short Regular Meeting *[See Notebook Tab 1]*
- b) 24 April Special Called Meeting

VII. PRESENTATIONS/RECOGNITIONS

- a) Peace Officers' Memorial Day and National Police Week Presentation

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 Approval of Resolution 12-42, 1) Supporting the Amended Changes to the Andrews Avenue Crossing, Including Acquiring Properties Along Andrews Avenue Between the Intersection of Garnett Street and Chestnut Street, and 2) Requesting an Urban Design Exit Ramp onto Garnett Street be Incorporated in the Proposed Amendment. (CAF 12-63) *[See Notebook Tab 2]*
 - Resolution 12-42
- b) Consideration of Approval of Ordinance 12-25, Authorizing the Vance County Tourism Development the Right to Issue Peddler's or Vendor's Permits During Special Tourism Sponsored Events. (CAF 12-60) *[See Notebook Tab 3]*
 - Ordinance 12-25
- c) Consideration of Approval of Resolution 12-41, 2012-2014 Strategic Plan. (CAF 12-29) *[See Notebook Tab 4]*
 - Resolution 12-41
- d) Consideration of Approval of Resolution 12-39, Establishing Date of Organizational Meeting to Seat New Council. (CAF 12-61) *[See Notebook Tab 5]*
 - Resolution 12-39
- e) Consideration of CM 12-07, CDBG Infrastructure Hook-Up Grant. *[See Notebook Tab 6]*

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

a) Consideration of Approval of Resolution 12-A-18, 1) Accepting the State Revolving Fund Grant/Loan for Future Funding Relative to Improvements at the Sandy Creek Pump Station of the Sanitary Sewer Collection System; and 2) Approving an Engineering Contract with McGill Associates to Prepare a Preliminary Engineering Report; and 3) Approval of Ordinance 12-37, FY 12 Budget Amendment #46, Amending the CIP Sewer Fund Relative to the Preliminary Engineering Report for the Sandy Creek Pump Station Improvements Project. (CAF 12-A-36) [See Notebook Tab 7]

- Resolution 12-A-18
- Ordinance 12-37

b) Presentation of FY 12-13 Budget. [See Notebook Tab 8]

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 9]
 - ii. Various Departmental Reports
 - Henderson Fire Department
 - Henderson-Vance County 911
 - Code Compliance
 - iii. Proclamations/Recognitions
 - Nursing Home Week
 - Breath of Life Ministry

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 G.S. §143-318.11 (a)(3) regarding an Attorney-Client Matter

XIV. ADJOURNMENT

City Council Minutes
Regular Meeting
14 May 2012

PRESENT

Mayor Pro Tem Lonnie Davis, Jr., 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., and George M. Daye.

ABSENT

Mayor James D. O'Geary

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, Planning Director Erris Dunston, Henderson Water Reclamation Facility Director Tom Spain, Recreation and Parks Director Alan Gill, Fire Chief Danny Wilkerson, Engineering Director Peter Sokalski, Code Compliance Director Corey Williams, Human Resources Director Cathy Brown and the Police Chief Keith Sidwell along with various members of the Police Force.

CALL TO ORDER

The 14 May 2012 Regular Meeting of the Henderson City Council was called to order by Mayor Pro Tem Lonnie Davis, Jr., at 6:00 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, and 134 Rose Avenue, Henderson, NC.

ROLL CALL

The City Clerk called the roll and advised a quorum was present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Peace-Jenkins led those in attendance in the Lord's Prayer and the Pledge of Allegiance.

Mayor Pro Tem Davis stated it was a pleasure to see so many in the audience and said concern about the affairs of the municipality were important. He congratulated Council Members on being re-elected and also congratulated Mr. Vernon Brown on being elected to represent Ward 4. Mr. Davis said it's easy to sit on sidelines but indicated this Council has done a good job.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Pro Tem Davis asked if there were any adjustments to the Agenda as presented. City Clerk McCrackin said two issues will be added to the Closed Session (a total of three issues will be discussed). Mr. Davis asked if there would be any comment following the meeting and City Attorney Zollicoffer said possibly. Council Member Peace-Jenkins moved to accept the amended Agenda. Motion seconded by Council Member Rainey and unanimously approved.

APPROVAL OF MINUTES

Mayor Pro Tem Davis asked for any corrections to and/or approval of the minutes. Council Member Coffey moved the approval of the following minutes: 23 April 12 Short Regular meeting and 24 April 12 Special Called Meeting. Motion seconded by Council Member Daye and unanimously approved.

PRESENTATIONS/RECOGNITIONS

Mayor Pro-Tem Davis asked Chairman Pro-Tem Rainey to present a Proclamation to Police Chief Sidwell for Peace Officers' Memorial Day and National Police Week. Mr. Rainey read the proclamation which Chief Sidwell accepted. Chief Sidwell then asked each officer to introduce himself and to state which Ward they work. City Hall will fly all flags at half-mast on May 15th to honor Peace Officers' Memorial Day.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

The City Clerk advised the Mayor and Council Members that no citizen wished to address Council regarding agenda matters.

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

NEW BUSINESS

Supporting the Amended Changes to the Andrews Avenue Crossing, Including Acquiring Properties Along Andrews Avenue between the Intersection of Garnett Street and Chestnut Street, and Requesting an Urban Design Exit Ramp onto Garnett Street be Incorporated in the Proposed Amendment. *(Reference: CAF 12-63; Resolution 12-42)*

City Manager Griffin asked Planning Director Erris Dunston to introduce the North Carolina Department of Transportation (DOT) representatives. Ms. Dunston introduced Mr. Wally Bowman, division engineer with the DOT and his team. Mr. Bowman distributed two maps showing Council the incomplete, preliminary plans for erecting a retaining wall on Andrews Avenue between Garnett and Chestnut streets. These revised plans call for acquiring properties along Andrews Avenue. The revised plan also showed reasons to deny Council's request for an urban design exit ramp onto Garnett Street. The purpose of the plans is to be prepared for the High Speed Rail project which is being considered.

City Attorney Zollicoffer asked if Andrews Avenue would be four lanes to handle the increased traffic flow since it is a major corridor. Council Member Rainey asked for clarification about what the State planned for Andrews between Pinkston Street and Garnett.

The DOT spokesperson said the plan proposes three lanes from Rowland to Chestnut to alleviate traffic backups by incorporating a turn lane. They emphasized the importance of establishing a plan now by saying other communities that had plans in place have already received funding.

Council Member Coffey asked about the parking on Hamilton Street and expressed concern about the street being too narrow when discussion turned to using Hamilton Street as an option for traveling North/South through the City. Mr. Bowman said that was certainly a concern to be reviewed.

Discussion then turned to the urban ramp. Mr. Hamel, the rail planning engineer for the DOT cited several reasons the ramp would be unacceptable. The ramp would make the Andrews Avenue/Chestnut street intersection too congested with very limited space to determine the desired path of travel --- he felt the ramp would set the intersection up for multiple vehicle accidents. He also stated having only one ramp (i.e., only an on-ramp and not an off-ramp) would be unacceptable to the State and Federal authorities.

During the discussion, the DOT showed a map with a roundabout intersection at North Chestnut, North Garnett and Beckford Drive, that they propose to alleviate traffic flow problems. They stated if accepted, it would be built to accommodate two lanes of traffic in the future but would not be painted for two lanes until drivers had experienced many years of one lane traffic in the roundabout.

Mr. Hamel said no property/right-of-ways would be purchased until the High Speed Rail project was approved and he said at this time, Henderson is still being considered as one of the few, passenger rail station stops.

With no further questions Mr. Bowman confirmed that Council endorsed the plan for the amended changes to Andrews Avenue including acquiring properties along Andrews Avenue between Garnett and Chestnut streets and were willing to reject the request for an urban design exit ramp.

Mayor Pro Tem Davis then asked for the pleasure of Council

Council Member Rainey moved the amended approval of Resolution 12-42, by removing the request for an urban designed exit ramp off Andrews Avenue going southeast on to Garnett Street. The amended Resolution 12-42 now reads, *Supporting the Amended Changes to the Andrews Avenue Crossing, Including Acquiring Properties Along Andrews Avenue between the Intersection of Garnett Street and Chestnut Street*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Kearney, Coffey, Inscoc, Rainey, Peace-Jenkins, Daeke, and Daye NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 2, p.333)

Authorizing the Vance County Tourism Development the Right to Issue Peddler's or Vendor's Permits During Special Tourism Sponsored Events. (Reference: CAF 12-45; Ordinance 12-26)

City Manager Griffin stated the Vance County Tourism Development Authority has requested Council's authorization to issue peddler or vendor permits during Tourism sponsored events.

Mr. Griffin said Nancy Wilson, Director of the Vance County Tourism Development Authority and Mr. Bill Edwards, former Director of the Chamber of Commerce were both present to answer any questions regarding this request. He then asked City Attorney Zollicoffer to explain the ordinance.

City Attorney Zollicoffer said the ordinance allows the Tourism Authority to issue permits during any Tourism sponsored event located in downtown Henderson and approved by the Henderson City Council relative to all peddlers or vendors operating on the streets within a one block radius of the event boundaries.

Council Member Rainey asked if this would include events such as Meet in the Street and Council Member Inscoe asked about the where the revenue goes. City Attorney said the revenue would go to the Tourism Authority. City Manager Griffin said if the City issued the permits, the funds would go into the general funds.

Mr. Edwards told Council that Chamber events such as Meet in the Street occurs with sponsor support only and the vendors are restricted to the sponsors. Ms. Wilson said the Tourism Authority follows proper channels and obtains a permit from the City for their events. She said their events require all vendors/peddlers to produce certificates of insurance and health inspections. If an attendee were injured or became ill from a non-permitted vendor/peddler, the attendee might look to the City/Tourism Authority for compensation.

Council Member Rainey asked if the one block radius was enough. Ms. Wilson said yes. Council Member Coffey felt this would be good to maintain health control and Council Member Daeke asked who would control non-permitted individuals. Ms. Wilson said Henderson Police.

City Manager Griffin explained that when a petition is received at City Hall for an event, the request is forwarded to the public safety department heads (i.e., police, fire, etc.) and if there are problems, the City works with the application so their event can occur, if at all possible, in a safe manner.

City Attorney Zollicoffer asked if the ordinance should be re-drafted to include Chamber events. It was decided to not only include the Chamber but also the Downtown Development Commission.

With those changes, Mayor Pro Tem Davis asked for Council's pleasure.

Council Member Coffey moved the approval of Ordinance 12-26, *Authorizing the Vance County Tourism Development the Right to Issue Peddler's or Vendor's Permits During Special Tourism Sponsored Events* with the addition of the Chamber of Commerce and the Downtown Development Commission. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 8, p. 403)

2012-2014 Strategic Plan. (Reference: CAF 12-29; Resolution 12-41)

City Manager Griffin reminded Council that the Strategic Plan was reviewed during the Retreat in January and asked City Clerk McCrackin to brief Council on the Changes. Ms. McCrackin

said there were very few changes and pointed out the changes as they were outlined in the agenda packet.

There was no discussion. Mayor Pro Tem Davis asked for Council's pleasure.

Council Member Kearney moved the approval of Resolution 12-41, *2012-2014 Strategic Plan*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Daye, Kearney and Coffey. NO: None: ABSTAIN: None. ABSENT: None. (See Resolution Book 2, p 331)

Establishing Date of Organizational Meeting to Seat New Council. (Reference: CAF 12-61; Resolution 12-39)

City Manager Griffin reminded Council that during the 28 March 2011 meeting the date for seating of new council members was stated as July in the CAF. However, the resolution did not state a date and this Resolution officially establishes the seating of the new Council as 9 July 2012. Mr. Griffin stated this is in accordance with G.S. §160A-23.1(d) which states the Council may be seated any time after the results of the election but no later than the first regular meeting in December. Because of the delayed election, this timing differs from regular election statutes.

Council Member Kearney mentioned this shortens the term. Mr. Griffin said yes. Because of implementing the staggered terms there was a long term for existing Council Members and the seating in July establishes a short term until the next election in November 2013.

There was no discussion. Mayor Pro Tem Davis asked for Council's pleasure.

Council Member Inscoe moved the approval of Resolution 12-39, *Establishing Date of Organizational Meeting to Seat New Council*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Daye, Kearney, Coffey and Inscoe. NO: None: ABSTAIN: None. ABSENT: None. (See Resolution Book 2, p 327)

(Clerk's Note: Council Member Rainey left the meeting at 7:10 p.m. and returned at 7:12 p.m. Council Member Peace-Jenkins left the meeting at 7:15 p.m. and returned at 7:18 p.m.)

CDBG Infrastructure Hook-Up Grant. (Reference: CM 12-07)

Mr. Griffin said that based on the responses received regarding the CDBG program regarding the infrastructure hook-up grant, the Kerr-Tar Regional Council of Governments is recommending no further efforts be put into this grant application.

(Clerk's Note: Council Member Inscoe asked to abstain from voting.)

There were no comments made. Although this was a CM (Council Memo) it was the consensus of Council to vote on this grant application so Mayor Pro Tem Davis asked for Council's pleasure.

Council Member Peace-Jenkins moved to withdraw this grant request. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Daye, Kearney, Coffey, Inscoc and Rainey. NO: None. ABSTAIN: Inscoc. ABSENT: None.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised no citizen signed-in to address Council.

WORK SESSION

Accepting the State Revolving Fund Grant/Loan for Future Funding Relative to Improvements at the Sandy Creek Pump Station of the Sanitary Sewer Collection System; and 2) Approving an Engineering Contract with McGill Associates to Prepare a Preliminary Engineering Report; and 3) Approval of Ordinance 12-37, FY 12 Budget Amendment #46, Amending the CIP Sewer Fund Relative to the Preliminary Engineering Report for the Sandy Creek Pump Station Improvements Project. (Reference: CAF 12-A-36; Resolution 12-A-18 and Ordinance 12-37)

City Manager Griffin asked both Assistant City Manager Frazier and Henderson Water Reclamation Facility Director Tom Spain to address Council on this matter. Mr. Frazier stated the City has received notification from the Infrastructure Finance Section (IFS) that the City's application was found eligible to receive a low interest CWSRF loan for the Sandy Creek Pump Station Improvement Project. The loan offers \$900,000 in the form of principal forgiveness with the balance (\$900,000) offered at the prevailing CWSRF interest rate at the time of approval by the Local Government Commission (LGC) which is expected to be approximately 2.445%. Due to the timing required to proceed with this project, the next deadline is 2 July 2012.

It was the consensus of Council to bring this item back to the 11 June 2012 meeting.

Due to a misunderstanding, Council agreed to allow Ms. Henrietta Clark to address Council at this time.

Ms. Henrietta Clark, 620 Witherspoon Street. Ms. Clark had several concerns regarding traffic on Pearl Street. She felt it was being used as a speedway and with trees overhanging the street, vision is limited. She urged the City to take preventive measures so children would not be injured. She also expressed concern regarding the overgrown lot behind her deceased sister's home.

The City Manager said he would look into her concerns and staff spent additional time with her outside Council chambers.

Presentation of FY 12-13 Budget

City Manager Griffin distributed the FY 12-13 budget work book to Council and staff, and gave a brief PowerPoint presentation. He highlighted key fund issues and reviewed items impacting the budget. Mr. Griffin said in order to balance the budget in these difficult times, tax increases were inevitable and said he looked forward to working with Council during the Work Sessions in establishing a budget for FY 12-13. He thanked the staff for their conservative budget requests and also thanked Council for their dedication in reviewing the budget materials.

Council Member Rainey mentioned the countless hours he has seen Mr. Griffin put in to put the budget work sheets together. Council Member Inscoe inquired about the Drug Forfeiture dollars and Council Member Coffey inquired about the possibility of selling the old water meters for scrap.

Mr. Griffin thanked Mr. Rainey for his kind words. He said asset forfeiture dollars are being received and that the old water meters will be sold for scrap metal. He said a sale of the meters, along with other obsolete equipment is planned for July or August and that the monies gained will be allocated to the associated fund.

REPORTS

- a) Mayor/Mayor Pro-Tem/Chairman Pro-Tem - Chairman Pro-Tem Rainey represented the City at the *Girls on the Run* event last Saturday. He stated it was a great event with over 220 runners.
- b) City Manager (No Report)
- c) City Attorney (No Report)
- d) City Clerk (No Report)

Council Member Coffey sponsored a basketball team at the Aycock Center. Her team took first place and she wanted everyone to know how proud she is of that team.

Council Member Inscoe represented the City at Kerr Lake Nursing Home for Nursing Home Week. He said the nursing home has a week of events planned for the residents and staff.

With no further discussion, Mayor Pro-Tem Davis asked if Council was prepared to go into Closed Session and stated there possibly could be a report following the session.

CLOSED SESSION

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

City Attorney Zollicoffer stated an ordinance exempting franchises and certain non-profits from payment of right-of-way permit fees was discussed during the Closed Session. This ordinance allows for the waiver of fees for any non-profit organization providing utility services to schools, libraries, hospitals or other non-profit entities and also for governmental issued franchises exempting the following: 1) Excavation Permit Fees set forth in Section 16A-11(a); 2) Construction permit fees set forth in Section 1A-11(b); and 3) annual right-of-way cost recover fees as set forth in Section 16A-11(c), (d) and (e).

Mayor Pro Tem Davis asked for the pleasure of Council.

Council Member Peace-Jenkins moved the approval of Ordinance 12-09, *An Ordinance Exempting Franchises and Certain Non-Profits From Payment of Right-Of-Way Permit Fees*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Daeke, Daye, Kearney, Coffey, Inscoc, Rainey and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: None.

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Daeke and unanimously approved. The meeting adjourned at 9:42 p.m.

Lonnie Davis, Jr.
Mayor Pro Tem

ATTEST:

Esther J. McCrackin
City Clerk