



## AGENDA

Henderson City Council Regular Meeting

Monday, 14 November 2011 7:00 p.m.

R. G. (Chick) Young, Jr. Council Chambers, Municipal Building

134 Rose Avenue

Henderson, North Carolina

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### Mayor and City Council Members

Mayor James D. O'Geary, Presiding  
Councilmember James C. Kearney, Sr.  
Councilmember Sara M. Coffey  
Councilmember Michael C. Inscoe  
Councilmember D. Michael Rainey

Councilmember Brenda G. Peace—Jenkins  
Councilmember Garry D. Daeke  
Councilmember Lonnie Davis, Jr.  
Councilmember George M. Daye

### City Officials

A. Ray Griffin, Jr., City Manager  
John H. Zollicoffer, Jr., City Attorney  
Esther J. McCrackin, City Clerk

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION AND PLEDGE OF ALLEGIANCE
- IV. OPENING REMARKS

In order to provide for the highest standards of ethical behavior and Transparency in Governance as well as provide for good and open government, the City Council has approved Core Values regarding Ethical Behavior<sup>1</sup> and Transparency in Governance<sup>2</sup>. 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.

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<sup>1</sup> **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.

<sup>2</sup> **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) 10 October 2011 Regular Meeting Minutes [*See Notebook Tab #1*]
- b) 18 October 2011 Special Called Meeting Minutes
- c) 26 October 2011 Special Called Meeting Minutes
- d) 7 November 2011 Special Called Meeting Minutes

**VII. PRESENTATIONS AND RECOGNITIONS**

- a) Recognition – Finance Director Sandra Wilkerson by City of Henderson
- b) Recognition – Finance Director Sandra Wilkerson by Representative Michael Wray
- c) United Way –James Edwards, President and Donna Stearns

**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.<sup>3</sup>

**IX. NEW BUSINESS**

- a) Consideration of Approval of Resolution 11—106, Authorizing an Investigation into the Efficacy of Developing a Dabney Drive—Corbitt Road One-Way Pair from South Garnett Street to Interstate 85. (*CAF 11—136*) [*See Notebook Tab #2*]
  - Resolution 11—106
- b) Consideration of Approval of Ordinance 11—51, FY12 Budget Amendment #18 Relating to Professional Services Costs for Refinancing of Revenue Bonds. (*CAF 11—138*) [*See Notebook Tab #3*]
  - Ordinance 11—51
- c) Consideration of Approval of Ordinance 11—62, Awarding Contract with McGill Associates Relative to Engineering Services Needed in Conjunction with Improvements at the Henderson Water Reclamation Facility; and Ordinance 11—62, FY12 Budget Amendment #25, An Amendment to the CIP Sewer Fund Henderson Water Reclamation Facility Improvements Project. (*CAF 11—B—134*) [*See Notebook Tab #4*]
  - Ordinance 11—62

d) Consideration of Approval of Resolution 11—110, Appointments to the Board of Adjustment. *(CAF 11—146) [See Notebook Tab #5]*

- Resolution 11—110

## **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 11—59, Amending Portions of Chapter 29 Relating to Parks and Recreations and the FY 11-12 Annual Fee Schedule Regarding Rentals and Clean Up at Fox Pond Park Covered Picnic Shelters, FY 11-12 Budget Amendment #17. *(CAF 11—128) [See Notebook Tab #6]*

- Ordinance 11—59

b) Consideration of Approval of Ordinance 11—64, FY12 Budget Amendment #24, Establishing Budget for Revenue from Sale of Former Pump Station Lot off of US 1 Bypass. *(CAF 11—B—114) [See Notebook Tab #7]*

- Ordinance 11—64

c) Consideration of Approval of Ordinance 11—68, FY12 Budget Amendment #22, Closing Out the 2009 BJA Recovery Grant. *(CAF 11—141) [See Notebook Tab #8]*

- Ordinance 11—68

d) Consideration of Approval of Resolution 11—109, Authorizing Corporate Resolution Update for First Citizens Bank Amending Signatories on Account. *(CAF 11—145) [See Notebook Tab #9]*

- Resolution 11—109

## **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.<sup>1</sup>

## **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 #10]*
  - ii. Various Departmental Reports *[See Notebook Tab #11]*
    - a) Henderson Fire Department
    - b) 911
    - c) Code Compliance

## **XII. ADJOURNMENT**

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### **<sup>i</sup> Citizen Comment Guidelines**

The Mayor and City Council welcome and encourage citizens to attend City Council meetings and to offer comments on matters of concern to them. Citizens are requested to review the following public comment guidelines prior to addressing the City Council.

- 1) Citizens are requested to limit their comments to five minutes; however, the Mayor, at his discretion, may limit comments to three minutes should there appear to be a large number of people wishing to address the Council;
- 2) Comments should be presented in a civil manner and be non-personal in nature, fact-based and issue oriented. Except for the public hearing comment period, citizens must speak for themselves during the public comment periods;
- 3) Citizens may not yield their time to another person;
- 4) Topics requiring further investigation will be referred to the appropriate city official, Council Committee or agency and may, if in order, be scheduled for a future meeting agenda;
- 5) Individual personnel issues are confidential by law and will not be discussed. Complaints relative to specific individuals are to be directed to the City Manager;
- 6) Comments involving matters related to an on-going police investigative matter and/or the court system will not be permitted; and
- 7) Citizens should not expect specific Council action, deliberation and/or comment on subject matter brought up during the public comment section unless and until it has been scheduled as a business item on a future meeting agenda.

# City Council Minutes

## Regular Meeting

### 14 November 2011

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#### **PRESENT**

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

#### **ABSENT**

Council Member Lonnie Davis, Jr. and James C. Kearney, Sr.

#### **STAFF PRESENT**

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther McCrackin, Assistant City Manager Frank Frazier, Interim Finance Director C. B. (Butch) Watson, Youth Services Director Donna Stearns and Recreation and Parks Director Alan Gill.

#### **CALL TO ORDER**

The 14 November 2011 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 7:00 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

#### **ROLL CALL**

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

Mayor O'Geary welcomed all and specifically welcomed former Council Member Bernard Alston, *The Daily Dispatch* Editor, James Edwards and recently retired Finance Director Sandra Wilkerson and her family.

#### **ADJUSTMENTS TO/APPROVAL OF AGENDA**

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin clarified the concealed weapons section mentioned in Resolution 11—59 was dealt with during the 13 September 2011 meeting and is currently in compliance with State regulations. City Attorney Zollicoffer, Jr., asked for a Closed Session as provided in G.S. §143-318.11(a)(6) for two personnel matters. City Manager Griffin asked that item IX (c) be tabled so more information could be provided regarding Ordinance 11—62, *Awarding Contract with McGill Associates Relative to Engineering Services Needed in Conjunction with Improvements at the Henderson Water Reclamation Facility*. Council Member Rainey moved to accept the agenda

with the above changes. Motion seconded by Council Member Peace-Jenkins and unanimously approved.

## **APPROVAL OF MINUTES**

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Peace-Jenkins moved the approval of the following minutes as presented: 10 October 2011 Regular Meeting; 18 October 2011 Special Called Meeting; 26 October 2011 Special Called Meeting and 7 November, 2011 Special Called Meeting. Motion seconded by Council Member Daye and unanimously approved.

## **PROCLAMATIONS AND RECOGNITIONS**

**Finance Director Sandra C. Wilkerson's Retirement Recognition.** Mayor O'Geary honored Ms. Wilkerson by reading a resolution and told her how much she has meant to the City over the years. The Mayor stated she will be missed and thanked her for her years of service. Mayor O'Geary also recognized her family members for their support.

Representative Michael Wray then presented Ms. Wilkerson with the Governor's *Order of the Long Leaf Pine* which is a very prestigious award; one of the highest honors the governor bestows on a citizen. Representative Wray stated, with the acceptance of this award, Ms. Wilkerson has joined an exclusive group of individuals recognized for their extra-ordinary dedication.

Council Member Peace-Jenkins stated she was unable to attend the retirement reception for Ms. Wilkerson and took a moment to tell Sandra what a special, capable lady she was in the Finance Director position and also as an individual. Ms. Peace-Jenkins expressed appreciation for all Ms. Wilkerson did and wished her the best.

Ms. Wilkerson said a personal thank you to the Mayor, each Council Member, and to former Council Member Alston.

**United Way – James Edwards, President and Donna Stearns.** United Way President James Edwards gave a brief presentation stating this year United Way is supporting just under twenty (20) agencies. He thanked Council Member Peace-Jenkins for attending the Kick-Off and shared Rose Oil has offered three prizes for their raffle. Mr. Edwards asked Council to help sell tickets and Council responded positively. Ms. Stearns stated last year was the second best year United Way has ever had in this community and they hope to meet or exceed that amount this year.

Mayor O'Geary thanked Mr. Edwards and Ms. Stearns for their time and the presentation. City Manager Griffin recognized Ms. Stearns for her involvement stating she is an amazing campaign manager and he was pleased to know she was involved once again this year.

## **PUBLIC COMMENT PERIOD ON AGENDA ITEMS**

No citizen wished to address Council on agenda items.

## NEW BUSINESS

**Authorizing an Investigation into the Efficacy of Developing a Dabney Drive—Corbitt Road One-Way Pair from South Garnett Street to Interstate 85.** (*Reference: CAF 11—136; Resolution 11—106*)

City Manager Griffin reminded Council that this was presented during an earlier work session and this just asks for further information. It does not commit Council at this time to the project but it does establish a public policy position authorizing the project to move forward to conceptual design.

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

Council Member Daeke moved approval of Resolution 11—106, *Authorizing an Investigation into the Efficacy of Developing a Dabney Drive—Corbitt Road One-Way Pair from South Garnett Street to Interstate 85*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke and Daye. NO: None. ABSENT: Davis and Kearney. (*See Resolution Book 2, p 213*)

**FY12 Budget Amendment #18 Relating to Professional Services Costs for Refinancing of Revenue Bonds.** (*Reference: CAF 11—138; Ordinance 11—51*)

City Manager Griffin stated this budget amendment is a housekeeping item which provides funds for costs associated with the refinancing. These costs include payment for services rendered by First Tryon, Gundars Aperans and will be financed through the escrow account.

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

Council Member Inscoe moved the approval of Ordinance 11—51, *FY12 Budget Amendment #18 Relating to Professional Services Costs for Refinancing of Revenue Bonds*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, and Daye. NO: None. ABSENT: Davis and Kearney. (*See Ordinance Book 2, p 305*)

**Appointments to the Board of Adjustment.** (*Reference: CAF 11—146; Resolution 11—110*)

City Manager Griffin stated the Boards and Commissions Committee met on 11 October to review applications and the Committee recommends two appointments to Council:

Mr. Garry Daeke to the Board of Adjustment for a one-year term, expiring 1 July 2012; and  
Ms. Sara Coffey to the Board of Adjustment as an Alternate for a two-year term, expiring 1 July 2013.

These were the only two applicants despite repeated efforts to encourage citizen participation in any of the Boards and Commissions Committees.

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

Council Member Inscoe moved the approval of Resolution 11—110, *Appointments to the Board of Adjustment*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Daye, Coffey and Inscoe. NO: None. ABSENT: Davis and Kearney. (See *Resolution Book 2, p 221*)

## CONSENT AGENDA

City Clerk McCrackin read the Consent Agenda, summarized as follows:

- a) **Amending Portions of Chapter 29 Relating to Parks and Recreations and the FY 11-12 Annual Fee Schedule Regarding Rentals and Clean Up at Fox Pond Park Covered Picnic Shelters, FY 11-12 Budget Amendment #17.** This matter was discussed during the 10 October 2011 meeting and based on the consensus of Council is now considered for amendment approval. (Reference: *CAF 11—128; Ordinance 11-59*) (See *Ordinance Book 8, p 321*)
- b) **FY12 Budget Amendment #24, Establishing Budget for Revenue from Sale of Former Pump Station Lot off of US 1 Bypass.** This matter was discussed during the 22 August 2011 and 10 October 2011 meetings, and was brought before Council for budget amendment approval. (Reference: *CAF 11—B—114; Ordinance 11—64*) (See *Ordinance Book 8, p 331*)
- c) **FY12 Budget Amendment #22, Closing Out the 2009 BJA Recovery Grant.** This matter was brought before Council as an ordinary business item. (Reference: *CAF 11—141; Ordinance 11—68*) (See *Ordinance Book 8, p 339*)
- d) **Authorizing Corporate Resolution Update for First Citizens Bank Amending Signatories on Account.** This matter was brought before Council as a routine business matter. (Reference: *CAF 11—145; Resolution 11—109*) (See *Resolution Book 2, p 219*)

Mayor O'Geary asked if anyone wished to remove an item from the Consent Agenda. There was no such request. Mayor O'Geary then asked for a motion to approve the Consent Agenda as presented.

Council Member Rainey moved for the approval of the Consent Agenda as presented. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Daye, Coffey, Inscoe and Rainey. NO: None. ABSENT: Davis and Rainey.

## PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

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

## REPORTS

Mayor/Mayor Pro Tem/Chairman Pro Tem –

**Chairman Pro-Tem** Rainey stated he recently represented the City at an open house held by Tony Hirst Builders. Mr. Rainey shared they have received three national awards and although located in the County, they definitely add value to the City.

Council Member Coffey shared that Council Member Peace-Jenkins, Mayor O'Geary and she recently attended a luncheon at the Kittrell Job Corp where Congressman Butterfield spoke. Ms. Coffey felt he offered good information on the economy and enjoyed the presentation.

**City Manager-** Mr. Griffin informed Council that he, along with select personnel from Finance, would be attending computer training for the next two days in expectation of further automating the budget process. Mr. Griffin said he would keep Council updated on the process.

Mr. Griffin took a moment to wish everyone a Happy Thanksgiving and thanked Council for their good work.

Council Member Coffey asked is any consideration had been given to increasing the proposed Christmas bonuses for staff. Mr. Griffin stated he had considered this but was unprepared to discuss options at this time and would share details in the future.

Council Member Inscoc asked if staff would provide an update on the status of two projects: the sewer replacement on Spring Street and the street repairs on Harriet Street. City Manager Griffin said he would ask for an update.

Council Member Peace-Jenkins shared she is selling calendars from Chick-fil-A to support the men's homeless shelter.

City Attorney – No Report

City Clerk - No Report

Mayor O'Geary then asked Council to move into Closed Session.

## CLOSED SESSION

Council Member Rainey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(6), for two personnel matters. Motion seconded by Council Member Coffey and unanimously approved. *(Council convened in closed session at 7:40 p.m.)*

Council Member Rainey moved for Council to convene in open session. Motion seconded by Council Member Inscoc and unanimously approved. *(Council convened in open session at 8:45 p.m.)*

Mayor O'Geary advised there was no report from the Executive (Closed) Session.

**ADJOURNMENT**

Council Member Rainey moved for adjournment. Motion seconded by Council Member Daye and unanimously approved. The meeting adjourned at 8:46 p.m.

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James D. O'Geary  
Mayor

*ATTEST:*

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Esther J. McCrackin  
City Clerk