



AGENDA

Henderson City Council Regular Short Meeting
Monday, 22 August 2011, 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, Sr.
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) 8 August 2011 Regular Meeting *[See Notebook Tab #1]*

VII. PRESENTATIONS AND RECOGNITIONS

- a) Ty Graham, Center Director for Kittrell Job Corp
b) Firefighters Recognition - Resolution 11—83, *(CAF 11—112) [See Notebook Tab #2]*

VIII. PUBLIC HEARINGS

Citizens may only speak on public hearing items at this time. Citizens do not need to sign-up in order to speak at a public hearing. When recognized by the Mayor, come forward to the podium, *clearly* 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) Consideration of Ordinance 11—43, Rezoning 1508 Lynne Avenue to OIA (Office and Institutional) from R8 (Moderate to High Density Residential). *(CAF 11—110) [See Notebook Tab # 3]*

- Public Hearing
- Ordinance 11—43

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 Resolution 11—45, Authorizing Bid Award for the Shirley Drive Water Main Replacement Project to HG Reynolds Company, Inc., in the Amount of \$230,929 and Ordinance 11—30, FY 12 Budget Amendment #10, Authorizing Funds to the Shirley Drive Water Main Replacement Project. *(CAF 11—A—106) [See Notebook Tab # 4]*

- Resolution 11—45
- Ordinance 11—30

- b) Consideration of Resolution 11—86, Authorizing the Application for a FEMA Grant by the Henderson Fire Department in the Amount of \$225,000. (CAF 11—116)
[See Notebook Tab #5]
 - Resolution 11—86
- c) Consideration of Resolution 11-35, Authorizing the Contract Award to Upgrade KLRW SCADA System to Nix Purser and Associates in the Amount of \$53,830 and Ordinance 11—31, Budget Amendment #9, Transferring Funds from Regional Water Fund Balance to Cover the Cost of Upgrading the SCADA System. (CAF 11—111) [Notebook Tab # 6]
 - Resolution 11—35
 - Ordinance 11—31
- d) Consideration of Resolution 11—84, Affirming the City of Henderson’s Position on Certain Street Reconfigurations Required by the Southeastern High Speed Rail Project as Articulated During the 25 April 2011 City Council Work Session. (CAF 11—113)
[See Notebook Tab # 7]
 - Resolution 11—84
- e) Consideration of Resolution 11—85, Intent to Sell Former Sanitary Sewer Pump Station Property Located Off Martin Creek Service Road. (CAF 11—114) [See Notebook Tab #8]
 - Resolution 11—85

XI. 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

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;

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. Library Card Month Proclamation

XVI. ADJOURNMENT

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- 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
Short Regular Meeting
22 August 2011

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 Daeke, and George M. Daye.

ABSENT:

Council Member Lonnie Davis, Jr.

STAFF PRESENT

City Manager Ray Griffin, City Clerk Esther McCrackin, Assistant City Manager Frank Frazier, Finance Director Sandra Wilkerson, Engineering Director Peter Sokalski, Planning Director Erris Dunston, Fire Chief Danny Wilkerson, Kerr Lake Regional Water Director Christy Lipscomb and Attorney Michael Satterwhite, representing City Attorney John Zollicoffer, Jr.

CALL TO ORDER

The 22 August 2011 meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:00 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

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

OPENING REMARKS

Mayor O'Geary welcomed everyone saying he is always pleased to see citizens in attendance. He also stated that Council Member Davis is out of the hospital and current at the Guardian Care Nursing Home. He asked that Mr. Davis be remembered in our thoughts and prayers.

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. Motion was made by Council Member Rainey to approve the agenda. 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 Daeke moved the approval of the following minutes: 8 August 11 Regular Meeting. Motion seconded by Council Member Daye and unanimously approved.

PRESENTATIONS & RECOGNITIONS

Mayor O'Geary read Resolution 11—83, Recognizing North Carolina Firefighters Week of 11 September 2011 through 17 September 2011 and presented a fully executed copy of the Resolution to Fire Chief Danny Wilkerson.

A prior commitment delayed Ms. Graham, Center Director for the Kittrell Job Corp from arriving at this time so her introduction was postponed until her anticipated arrival later in this meeting.

PUBLIC HEARING

Rezoning 1508 Lynne Avenue to OIA (Office and Institutional) from R8 (Moderate to High Density Residential). (*Reference: CAF 11-A-106; Resolution 11—45; Ordinance 11—30*)

City Manager Ray Griffin asked Planning Director Erris Dunston to brief Council on this rezoning.

Ms. Dunston stated a request was received to rezone 1508 Lynne Avenue from R8 to OIA. This parcel connects to existing OAI zoned properties and the area has previously been designated as a mixed-use area. The request was brought before the Planning Board which approved the rezoning request.

Council Members had no questions so Mayor O'Geary opened the Public Hearing for those wishing to speak in favor of the rezoning.

Audrey Tippett, 1508 Lynne Avenue. Ms. Tippett and her husband, Robert, own the property under consideration. It is their wish that Council approve their request in hopes that it will create opportunities for business tenants.

With no other citizen indicating they would like to speak in favor of this rezoning, Mayor O'Geary asked if anyone wished to speak in opposition to the rezoning.

Diane Barbario, 2100 Coleman Place. Ms. Barbario expressed concern that if 1508 Lynne Avenue is rezoned to OIA, businesses will spread and the street will no longer serve well the residents in the area. Ms. Barbario asked if there were any stipulations on the rezoning. Ms. Dunston stated OIA zoning could allow for either low volume business or residential. Ms. Barbario asked that Council reconsider the zoning in this area.

No other citizen came forward to speak in opposition to the rezoning so Mayor O'Geary closed the public hearing and asked for the pleasure of Council.

Council Member Daeke moved the approval of Ordinance 11--43, *Rezoning 1508 Lynne Avenue to OIA (Office and Institutional) from R8 (Moderate to High Density Residential.* Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke and Daye. NO: None. ABSENT: Davis. (See Ordinance Book 8, p. 289.)

(Clerk's Note: Public Notice was properly posted, as required by State law.)

RECOGNITION

Ms. Ty Graham arrived and at this time, Mayor O'Geary asked her to come forward to introduce herself. Ms. Graham stated she has seventeen years of experience and has worked at several of the 124 Job Corp locations before coming to Vance County. She chose to relocate to the Kittrell Job Corp location because of the need and it is where she felt she could contribute the most. In two months she has increased student capacity to 370 students (which is full capacity) and stated her biggest concern is unlearning bad habits and re-educating the students with employable skills. She asked for community support and stated she is here to assist the community in any way she can help.

Council Member Coffey thanked Ms. Graham for her hard work. Mayor O'Geary expressed his appreciation for Ms. Graham and the work she has done in such a short time.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

No citizen indicated a desire to speak to Council on agenda items.

NEW BUSINESS

Authorizing Bid Award for the Shirley Drive Water Main Replacement Project to HG Reynolds Company, Inc., in the Amount of \$230,929. (Reference CAF 11-A-106; Resolution 11-45; Ordinance 11-30)

City Manager Griffin asked Engineering Director Peter Sokalski to brief Council on the bidding process.

Since Council has been well-versed on this process, Mr. Sokalski stated an informal bid request was made and the City received two bids. The \$230,929 bid was the lowest responsible bid and staff now requests Council's consensus to move forward with awarding the bid to HG Reynolds Company, Inc.

Council Member Kearney asked if the study results are complete. Mr. Sokalski stated it is believed the water hammer culprit has been located that has caused the surges and that he and Kerr Lake Regional Water Manager Christy Lipscomb will be meeting on Friday with representatives of Hazen and Sawyer who have conducted the surge study.

Council Member Rainey complimented Mr. Sokalski for selecting a local company as he feels it is important to support local businesses.

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

Council Member Inscoe moved the approval of Resolution 11-45, *Authorizing Bid Award for the Shirley Drive Water Main Replacement Project to HG Reynolds Company, Inc., in the Amount of \$230,929*, and Ordinance 11—30, *FY 12 Budget Amendment #10, Authorizing Funds to the Shirley Drive Water Main Replacement Project*. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Daye, Kearney and Coffey. NO: None. ABSENT: Davis. (See Resolution Book 2, p 89; Ordinance Book 8, p. 263.)

Authorizing the Application for a FEMA Grant by the Henderson Fire Department in the Amount of \$225,000. (Reference CAF 11—116; Resolution 11—86)

City Manager Griffin asked Fire Chief Wilkerson to address Council regarding this grant opportunity.

Chief Wilkerson stated this FEMA grant provides an opportunity to apply for 20 sets of protective gear; 23 sets of breathing apparatus which are priority equipment and a medium priority new Crown Victoria vehicle. Chief Wilkerson stated there is a local match of \$11,250 which is minimal cost compared to what each set would cost if paid for individually.

Council Member Rainey asked what the expected life span is for the protective gear. Chief Wilkerson stated approximately one (1) year. Mr. Rainey then asked if the existing vehicle could be handed down to another department. Chief Wilkerson stated it is on its last legs and City Manager Griffin stated there might be an ethic issue involved but a determination would be made after the grant is received.

Council Member Coffey asked if there was a state requirement on how often the turn-out gear needed to be replaced. Although a definite time frame was not stated, Chief Wilkerson stated there was concern expressed about the current gear during a recent State inspection. Chief Wilkerson went on to say that the timeframe for applying for this grant is short as it opened August 15 and closes on September 19.

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

Council Member Daye moved the approval of Resolution 11—86, *Authorizing the Application for a FEMA Grant by the Henderson Fire Department in the Amount of \$225,000*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Rainey,

Peace-Jenkins, Daeke, Daye, Kearney, Coffey and Inscoe. NO: None. ABSENT: Davis, (See Resolution Book 2, p.173.)

Authorizing the Contract Award to Upgrade KLRW SCADA System to Nix Purser and Associates in the Amount of \$53,830 and Ordinance 11—31, FY 12 Budget Amendment #9, Transferring Funds from Regional Water Fund Balance to Cover the Cost of Upgrading the SCADA System. (Reference CAF 11—111; Resolution 11—35; Ordinance 11—31)

City Manager Griffin asked Kerr Lake Regional Water Manager Christy Lipscomb to brief Council on this request.

Ms. Lipscomb stated the SCADA system runs the equipment at the plan and was installed in 2002. Recently one computer “crashed.” If Council concurs, this upgrade will allow for the purchase of one (1) laptop and replacing two (2) existing computers and will bring the entire system up to date. Ms. Lipscomb stated the laptop would remain in her possession so she will be able to make immediate decisions when needed. At Mr. Griffin’s request, Ms. Lipscomb also stated in addition to running the equipment, this software handles the water billings for other users such as Oxford and Warren County.

Council Member Inscoe, as a member of the KLRW Advisory Board, added that this purchase has been approved by the Kerr Lake Regional Water Advisory Board member was well. Council Member Kearney asked if the funds would be taken from the General Fund. Mr. Inscoe replied the funds were to be taken from the KLRW account which is approximately \$1.7M.

There was no further discussion so Mayor O’Geary asked for the pleasure of Council.

Council Member Kearney moved the approval of Resolution 11—35, *Authorizing the Contract Award to Upgrade KLRW SCADA System to Nix Purser and Associates in the Amount of \$53,830 and Ordinance 11—31, FY 12 Budget Amendment #9, Transferring Funds from Regional Water Fund Balance to Cover the Cost of Upgrading the SCADA System.* Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Daye, Kearney, Coffey, Inscoe and Rainey. NO: None. ABSENT: Davis. (See Resolution Book 2, p. 69; Ordinance Book 8, p. 265.)

Affirming the City of Henderson’s Position on Certain Street Reconfigurations Required by the Southeastern High Speed Rail Project as Articulated During the 25 April 2011 City Council Work Session. (Reference: CAF 11—113; Resolution 11—84)

City Manager Griffin stated after a very long work session on 25 April with State representatives responding to Council’s concerns, the State is happy to consider the consensus of Council from that discussion. However, they have requested formal documentation and this resolution articulates the consensus of Council during the April meeting.

Council Member Coffey asked about ADA availability. After a brief discussion, City Manager Griffin suggested rewording Resolution 11-84, under the *Now Therefore...Section vi* to read: "*The proposed pedestrian underpass to be approved and to be made ADA compliant if at all possible...*"

Mayor O'Geary asked for the pleasure of Council.

Council Member Daeke moved the approval, with corrections, of Resolution 11—84, *Affirming the City of Henderson's Position on Certain Street Reconfigurations Required by the Southeastern High Speed Rail Project as Articulated During the 25 April 2011 City Council Work Session*. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Daeke, Daye, Kearney, Coffey, Inscoe, Rainey and Peace-Jenkins. NO: None. ABSENT: Davis. (See Resolution Book 2, p. 169.)

Intent to Sell Former Sanitary Sewer Pump Station Property Located Off Martin Creek Service Road. (Reference: CAF 11—114; Resolution 11—85)

Before beginning discussion, City Clerk McCrackin stated Assistant City Manager Frank Frazier requested a change to the draft minutes of the Land Planning Committee to show that he had been approached by Donald Matthews of Fellowship Farms, not Freedom Life Church.

City Manager Griffin stated the Land Planning Committee met on 19 July 2011 and recommends the approval of this sale. He stated that earlier in the day Attorney Michael Satterwhite, who was filling in for City Attorney Zollicoffer was unable due to a prior commitment, called to suggest changes to the resolution and the purchase agreement. Attorney Satterwhite suggested amending the third *Whereas* in the Resolution to reflect changes in the purchase agreement which should read *non-warranty deed* instead of *general deed* in all locations. Attorney Satterwhite also suggested the addition on page 3, section (i) of the purchase agreement, a phrase stating a 30' easement on either side of the pipe.

Council Member Kearney asked for clarification regarding whether the funds would go to the General Fund or the sewer fund. Finance Director Sandra Wilkerson stated the sewer fund.

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

Council Member Daeke moved the approval of Resolution 11—85 with the suggested changes, *Intent to Sell Former Sanitary Sewer Pump Station Property Located Off Martin Creek Service Road*. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Daye, Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins and Daeke. NO: None. ABSENT: Davis. (See Resolution Book 2, p. 171.)

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

The City Clerk advised no one wished to address Council on non-agenda items.

REPORTS

Mayor/Mayor Pro-Tempore (No Report)

(Clerk's Note: Council Member Peace-Jenkins left the meeting at 6:42 p.m. and returned at 6:44 p.m.)

City Manager - Mr. Griffin shared four items.

- 1) Mr. Martinez addressed Council during the last meeting regarding his water bill. Finance Director Sandra Wilkerson discussed the problem with Mr. Martinez. Billing Supervisor Shay Bennett advised Mr. Griffin today that an agreement has been worked out for the payment of the bill and as the memo he distributed this evening explains, appropriate steps were taken which showed no problems on the City side. Mr. Martinez was advised twice of high utilization; however their usage level is now normal.
- 2) Boom truck training will begin this week and the truck should be back in full use by the end of the week.
- 3) Engineering Director Peter Sokalski has informed the Manager the doorway lintel has been repaired and a temporary wall has been erected so security is no longer necessary. Mr. Sokalski informed Council that the metal door has been ordered and in should be installed within the next two weeks.
- 4) Mr. Griffin announced that Finance Director Sandra Wilkerson submitted her notice to retire on 31 October 2011 with retirement being effective 1 November 2011.

City Attorney (No Report)

City Clerk (No Report)

With no further business, Mayor O'Geary asked for adjournment.

ADJOURNMENT

Council Member Daeke moved for adjournment. Motion seconded by Council Member Daye and unanimously approved. The meeting adjourned at 6:44 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin, City Clerk