

City Council Minutes

Work Session

22 July 2013

PRESENT

Mayor James D. O'Geary, Presiding; and Council Members James C. Kearney, Sr., Sara M. Coffey, Michael C. Inscoc, D. Michael Rainey, Brenda Peace-Jenkins, Garry Daeke, Vernon L. Brown and George M. Daye.

ABSENT

None.

STAFF PRESENT

City Manager Ray Griffin, City Clerk Esther McCrackin, Assistant City Manager Frank Frazier, Human Resources Director Cathy Brown and Interim Police Chief Marcus Barrow.

CALL TO ORDER

The 22 July 2013 Work Session of the Henderson City Council was called to order by Mayor James D. O'Geary at 7:40 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.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. There were no adjustments and it was the consensus of Council to approve the Agenda.

WORK SESSION ITEMS

Closing Out the Public Library Fund (*Reference: CAF 13-14; Ordinance 13-41*)

City Manager Griffin said this is a routine housekeeping matter to close out the library fund. This account has not been used for several years as it is now appropriated from the General Fund. The Finance Director is asking for approval to transfer the remaining \$461.00 into the General Fund.

There was no further discussion and by unanimous consensus this item will be considered at the next Council meeting.

Amendments to City Administrative Policies 203 Definitions, 5.11 Part-Time Employment and 5.12 Temporary Employees, 6.06.00 Dress and Appearance Policy and 4.13 Separation Pay. (*Reference: CAF 13-55; Resolution 13-55*)

City Manager Griffin asked Human Resources Director Cathy Brown to explain the proposed changes to the administrative policy. Ms. Brown greeted Council and began by saying the Human Resources Committee met 16 July and approved these proposed changes. The first policy change defines a part-time employee as a pro-active response to the Affordable Care Act (implemented by Federal government is anticipated in 2015).

Council Member Rainey asked why 28 hours a week. Ms. Brown responded the Affordable Care Act is based on an average of 30 hours a week and this allows room for error. Any hours over 30 hours a week in excess of 35 weeks or more than 19 hours a week annually would require the City to provide health care to part-time employees in the same manner it provides insurance to full-time employees.

Council Member Coffey asked what the difference is between a part-time employee and a temporary employee. Ms. Brown responded a part-time employee is someone who works year round where a temporary employee is someone like the leaf season crew who works a limited number of days for a specific reason. Examples of part-time employees were given as the Crime Analyst and a school crossing guard who work 12 months a year but only limited hours.

Ms. Brown said the second amendment has to do with dress code. The current code simply says to dress professionally. Ms. Brown said professionally has a different connotation to different generations so a PIT (Process Improvement Team) was formed from various departments and various ages to create more specific guidelines without taking away individuality.

Council Member Inscoe asked if employees are provided a personnel policy. Ms. Brown said it is provided on-line; however, employees do receive a handbook that summarizes the policy. She also said new hires are required to sign a statement saying they have read and understand this policy as well as signing other statements for other policies.

The last amendment tweaks the existing separation policy. Compensation for accumulated annual leave will not be paid if an employee is immediately dismissed for reasons outlined in Section 10.03 of the Disciplinary Actions of the policy. Other reasons for loss of leave compensation are now listed in the policy and include failure of a drug screening, violence in the workplace, theft of City property and conviction of a felony.

Council Member Rainey asked if a CDL driver will lose their job if they fail a drug test. Ms. Brown said yes. She explained drug tests are done randomly and the individuals tested are selected by Maria Parham Hospital from a list provided by the City. Ms. Brown also said if an

employee exhibits any erratic behavior, a drug test can be required. Mr. Rainey asked if the DMV required random drug tests. Ms. Brown said she did not know.

Council Member Coffey asked if conviction of a felony excluded any specific felonies. Ms. Brown responded no.

Before closing this discussion, Council Member Peace-Jenkins asked about hair styles in the examples of appropriate/inappropriate dress. Ms. Brown responded what the City is looking for is a clean and neat style that does not create a safety issue.

There was no further discussion. By unanimous consensus this item will be brought forward to the next Council meeting.

Providing for Limited Enforcement in the Extra-Territorial Jurisdiction Area (ETJ), Pursuant to Section 40 of the City Charter and Asking the Planning Board to Review and Provide a Recommendation on Same to the City Council. (Reference: CAF 13-82; Ordinance 13-42)

Both City Manager Griffin and Code Compliance Director Williams spoke to this issue. Mr. Griffin began by saying several requests and frustrated citizens in the ETJ have come to the City with code compliance issues. He said when the ordinance was adopted the original intent was to allow enforcement associated with grants or in areas immediately adjacent to City limits or that were health hazards. Because of limited funds and a budget that is not sufficient to staff and enforce the code within the City, consideration needs to be given to the ETJ area. Mr. Williams said the ETJ extends 1.5 miles from the City limits. He said, overall, with limited funds and staffing, the citizens of Henderson should come first.

Council Member Kearney asked if the City Manager would discuss this matter with the County Manager to see if the County could contribute to the code compliance budget for ETJ issues.

Council Member Inscoe asked if the County has a minimum housing code. Mr. Williams responded he thought they might have some type of code but he was not positive.

After a brief discussion it was suggested the Manager talk with the County before making any decisions on this matter.

Accepting the North Carolina Governor's Highway Safety Program Grant in the Amount of \$18,300 for the Purchase of Traffic Enforcement Equipment and Establishing Budget for Said Grant. (Reference: CAF 13-27-A; Resolution 13-21-A, Ordinance 13-46)

City Manager Griffin asked Interim Police Chief Marcus Barrow to explain this grant. Chief Barrow said in February Council approved application for this grant which at that time required a match of \$4,575. The good news is the approved grant requires no match.

Other than expressions of pleasure regarding the fully funded grant, there was no discussion.

It was the unanimous consensus of Council to bring this item forward to the next Council meeting.

Water Deposit & Fees Discussion. *(Reference: CM 13-15)*

City Manager Griffin said regarding the water fee issues brought to Council at the last meeting by Mr. Jones and Council Member Coffey, he prepared and sent Council a brief memo regarding the existing policy. Mr. Griffin proposed in the memo that the one-time waiver on the late fee be extended to customers with a good pay history within the previous 12 months (currently they must ask for the waiver). He also recommended ratification to change the grace period from 7 to 10 days as this seems to be the standard.

Council Member Coffey and Council Member Brown agreed waiving the late fee for good customers in a rolling 12 month period rather than an 18 month period presents a more user friendly policy.

Council Member Rainey asked if individuals on fixed incomes could put payments on draft. Mr. Griffin said yes, other than many of the customers do not have bank accounts. Mr. Griffin also asked how to define a fixed income and explained the billing system is based on a cyclical process and he did not know if it could be customized. Mr. Griffin did say he would be willing to contact other utilities for further information.

Council Member Daeke said progress is being made with the billing process and agreed with the 12 month waiver. He also said he felt changing the grace period from 7 to 10 calendar days was a good revision but he was also mindful to the dollars lost because of unpaid bills.

City Manager Griffin said increasing the deposit has definitely improved payments; especially with businesses. He added he has authorized the City Attorney to take one business account to small claims court in an effort to recover the outstanding balance owed. If successful, this may become routine.

Council Member Kearney is in favor of consistency and due process.

The Mayor asked for a consensus of Council regarding changing the grace period from 7 days to 10 calendar days, and allowing a one-time waiver every 12 month period. The results were as follows: YES: Kearney, Coffey, Inscoc, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: None.

General Projects Update. *(No Reference)*

City Manager Griffin asked Assistant City Manager Frank Frazier to review these projects. Mr. Frazier reviewed Regional Water, Water, Sewer and Powell Bill/General projects. Most pressing is a recent break (last week) on Avis Lane. Mr. Frazier said there have been several breaks in the area with two within the last six weeks. Although this is not budgeted, Mr. Frazier said there are

funds in the Capital Reserve Utilities account and work has already begun to replace the 10" AC main. Mr. Griffin added it is being replaced with ductile pipe.

Council Member Coffey asked if the study performed provided any conclusion as to the cause of these breaks. Mr. Frazier said nothing definite was found and it may be a case of just old materials. He said they are currently looking at the relief valve.

Council Member Kearney asked about the Beckford Drive widening project. Mr. Frazier said there is a problem with obtaining right-of-ways. Council Member Inscoe asked about eminent domain and requested a report at the next meeting.

Mr. Frazier said revisions have been received from the State for the Chavasse Avenue project.

Council Member Daeke inquired about the "fly" situation at the wastewater treatment plant. Mr. Griffin said thankfully it has been taken care of. Council Member Kearney said he talked with several residents in the area and they are satisfied.

Mr. Frazier told Council that work on installing the new power poles in downtown by Duke Energy is scheduled to begin 4 August. They plan to have 4-5 crews working on Sundays to complete the work as quickly as possible. He also advised the Dot will be installing new LED signals (stoplights).

Council Member Inscoe said he spoke to Duke representative Joel Proctor, who said there is a pilot program in Oxford for installing LED streetlights in residential and business areas with lighting more than 20 years old at no cost to the city. Mr. Inscoe asked that the City look into this as he indicated many areas of Henderson have lighting that meet the criteria.

There was no further discussion.

Mayor O'Geary informed Council that the Henderson Vance Community Water Association Board will have a Q&A session with four (4) City Council Members and four (4) County Commissioners on Thursday 22 August. He asked for volunteers and the following Council Members agreed to attend: Coffey, Daeke, Inscoe and Kearney. The City Manager and Mayor will also be in attendance and all other Council Members are certainly welcome. The event will be held at the Maria Parham Medical Center auditorium.

Council Member Rainey asked for a report on how many bad checks are received in the water department. Mr. Griffin said he did not know and would report back. He added the department has instituted a process of tagging accounts in the system and they also post account numbers with each representative to avoid acceptance of more bad checks.

Council Member Coffey requested a list of available properties for rent in the downtown area.

There was no further discussion. Mayor O'Geary asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Daeke and unanimously approved. The meeting adjourned at 8:43 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin, City Clerk