



AGENDA

Henderson City Council Regular Short Meeting

Monday, 23 July 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. Inscoe

Councilmember D. Michael Rainey

Councilmember Brenda G. Peace—Jenkins

Councilmember Garry D. Daeke

Councilmember Vernon L. Brown

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) 9 July 2012 Regular Meeting [See Notebook Tab 1]

VII. 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

VIII. NEW BUSINESS

a) Consideration of Approval of Resolution 12-59, Acceptance of a Drinking Water State Revolving Fund (DWSRF) Loan in the Amount of \$1,129,000 for Replacement of a Kerr Lake Regional Water High Service Pump; and 2) Ordinance 12-48, FY13 Budget Amendment #2 Establishing the Budget for Above Mentioned Project. (CAF 12-88) [See Notebook Tab 2]

- Resolution 12-59
- Ordinance 12-48

b) Consideration of Approval of Resolution 12-A-34, Accepting the 2012 BJA Grant in the Amount of \$17,120; and Ordinance 12-49, FY13 Budget Amendment #3 Establishing the 2012 BJA Grant Project Budget. (CAF 12-A-45) [See Notebook Tab 3]

- Resolution 12-A-34
- Ordinance 12-49

c) Consideration of Approval of Resolution 12-65, Approval of a Water Sales Agreement with Vance County for Phases 2-A and 2-B. (CAF 12-94) [See Notebook Tab 4]

- Resolution 12-65

d) Consideration of Approval of Resolution 12-61, Council Committee Appointments. (CAF 12-90) [See Notebook Tab 5]

- Resolution 12-61

IX. 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

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 6*]
 - ii. Proclamations/Recognitions
 - The Henderson Rec Players

XIV. CLOSED SESSION

- a) Pursuant to G.S. §143-318.11 (a)(4) for an Economic Development Matter

ADJOURNMENT

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.

City Council Minutes
Regular Short Meeting
23 July 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, Vernon L. Brown and George M. Daye.

ABSENT

None.

STAFF PRESENT

City Manager Ray Griffin, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Engineering Director Peter Sokalski, Police Chief Keith Sidwell, Fire Chief Danny Wilkerson, Battalion Chief Andy Culberth, Planning Director Erris Dunston, Kerr Lake Regional Water Director Christy Lipscomb, and Attorney Jerry Stainback, representing City Attorney John Zollicoffer.

CALL TO ORDER

The 23 July 2012 Short Regular 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

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Peace-Jenkins led those in attendance in a prayer and the Pledge of Allegiance.

Mayor O'Geary welcomed everyone and said Attorney Zollicoffer was under the weather so Attorney Jerry Stainback is in attendance this evening. Mayor O'Geary also said he and Mayor Pro-Tem Rainey had a good visit recently with former Council Member Lonnie Davis. Mr. Davis was very appreciative of the proclamation and gifts and sent his regards. The Mayor encouraged everyone to stop by to visit with Mr. Davis.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. There was one item added to the New Business Agenda: *Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of June 2012*. Council Member Daeke moved to accept the adjusted Agenda. Motion seconded by Council Member Rainey 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: 9 July 2012 Regular Meeting. Motion seconded by Council Member Daye and unanimously approved.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

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

NEW BUSINESS

Approval of Tax Releases and Refunds from Vance County for the Month of June 2012. (CAF 12-97)

City Manager Griffin said these releases and refunds (see list on next page) are a routine matter and stated Vance County's Tax Collector, Ms. Portia Brooks, plans to attend the August 13th meeting to answer any questions regarding the tax process.

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

Council Member Rainey moved the approval of CAF 12-97, *Approval of Tax Releases and Refunds from Vance County for the Month of June 2012*. Motion seconded by Council Member Insoe and APPROVED by the following vote: YES: Kearney, Coffey, Insoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: None

June 2012

NAME	REASON FOR RELEASES	TAX YEAR	AMOUNT OF RELEASE
Cofield, Felicia Ann	Pro-rate	2010	5.91
Hunt, Shameka Lavonn	Pro-rate	2010	10.78
Alston, Sean Antoine	Pro-rate	2011	3.35
Brown, Valeria Cassandra	Reg Vehicle Billed	2011	80.96
Brown, Valeria Cassandra	Pro-rate	2011	20.89
Bullock, George Ed	Pro-rate	2011	38.22
Cofield, Felicia Ann	Pro-rate	2011	3.13
Hargrove, John III	Pro-rate	2011	29.92
Hernandez, Ieshia M.	Pro-rate	2011	0.99
Jones, Davine Marie	Pro-rate	2011	17.82
Legg, Mary Clarke	Pro-rate	2011	15.42
Reid, Leo Dunnel	Pro-rate	2011	10.00
Rodwell, Quincy Lee	Pro-rate	2011	42.94
Schronce, Krystal L.& James David	Pro-rate	2011	32.02
Shearin, Floyd Eugene	Reg Vehicle Billed	2011	13.39
Steed, Janice Parham	Pro-rate	2011	5.25
Watson, Taushia Capri	Pro-rate	2011	15.22
Bennett, Cliff & Marilyn	Correct Situs	2012	68.21
Blaylock, Gilbert A.	Pro-rate	2012	65.48
Bullock, Ray Anthony	Correct Situs	2012	93.07
Drakeford, Freddie J.	Correct Situs	2012	125.19
Fields, Arnold Winston	Pro-rate	2012	137.23
Flores, Jessie Y.	Pro-rate	2012	51.50
Harriett Baptist Church	Religious	2012	138.17
Hermosillo, Rafael G.	Pro-rate	2012	14.48
Hernandez, Sergio G.	Pro-rate	2012	43.22
Hudson, John Russell	Correct Situs	2012	13.16
Hughes Mickey Mantle	Reg Vehicle Billed	2012	18.66
Perry, Regina M.	Pro-rate	2012	23.29
Popoca, Celia	Pro-rate	2012	24.40
Ragland, Mary Perry	Pro-rate	2012	2.41
Ranes, William Ray	Correct Situs	2012	51.68
Reed, Joshua Allan	Pro-rate	2012	46.77
Shearin, Floyd Eugene	Reg Vehicle Billed	2012	20.71
Shukair, Rand Adnan	Correct Value	2012	13.56
Talley, Joshua Gray	Correct Situs	2012	28.31
Thorpe, Louis S. & Linda B.	Pro-rate	2012	59.71
Williams, Pattie Lee	Correct Situs	2012	46.33
Total			1,431.75

NAME	REASON FOR REFUND	TAX YEAR	AMOUNT OF REFUND
Adcock, Patricia Bowes	Pro-rate	2011	11.87
Bullock, Betty Jean	Pro-rate	2011	3.71
Comerstone General Construction	Pro-rate	2011	32.76
Crusader Rent to Own LLC	Pro-rate	2011	20.11
Drake, Wilton Rodwell Jr.	Pro-rate	2011	9.98
Games, Kimberly Benita	Pro-rate	2011	5.34
Stevenson, Timothy Ray	Pro-rate	2011	13.53
Total			97.30

Acceptance of a Drinking Water State Revolving Fund (DWSRF) Loan in the Amount of \$1,129,000 for Replacement of a Kerr Lake Regional Water High Service Pump; and 2) Ordinance 12-48, FY13 Budget Amendment #2 Establishing the Budget for Above Mentioned Project. (CAF 12-88; Resolution 12-59)

City Manager Griffin said this is good news and asked Assistant City Manager Frank Frazier to brief Council. Mr. Frazier said application was made last year and although this is not a grant, the loan amount of \$1,129,000 is offered at 0% interest for 20 years. Mr. Frazier said this high speed pump will replace a variable drive pump which is another step toward being able to produce 20MGD. He said unlike other loans, the DWSRF includes the closing fee (\$22,580) in the loan amount. Mr. Frazier concluded by saying that he is hopeful the project costs will be less than the current estimate.

Council Member Inscoe asked why the debt is not being shared with the Regional Water partners (Oxford and Warren County) on a 60-20-20 basis. Council Member Kearney asked if there was any downside to having this loan on the City books. Council Member Rainey concurred with Mr. Inscoe by saying he felt the responsibility should be shared.

Mr. Griffin said this could be discussed with the partners but that the City has a lease purchase debt that will be paid off this year that is approximately equal to the amount being incurred. Since it is in the same fund and the regional water accounts are solid he felt there would be no problem.

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

Council Member Kearney moved the approval of Resolution 12-59, *Acceptance of a Drinking Water State Revolving Fund (DWSRF) Loan in the Amount of \$1,129,000 for Replacement of a Kerr Lake Regional Water High Service Pump; and 2) Ordinance 12-48, FY13 Budget Amendment #2 Establishing the Budget for Above Mentioned Project.* Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 13; Ordinance Book 8, p 447)

Accepting the 2012 BJA Grant in the Amount of \$17,120; and Ordinance 12-49, FY13 Budget Amendment #3 Establishing the 2012 BJA Grant Project Budget. (CAF 12-A-45; Resolution 12-A-34; Ordinance 12-49)

City Manager Griffin asked Police Chief Keith Sidwell to update Council on this item. Chief Sidwell said this is a grant applied for yearly. The unique part of the grant is that it must be shared with the County. The City does the paperwork and the overtime is used for major crime investigations. Chief Sidwell said \$10,272 of the grant goes to the City and \$6,848 to the County.

Council Member Coffey asked how the officers are paid for the annual car show. Chief Sidwell said they are reimbursed.

There were no other questions so Mayor O'Geary asked for Council's pleasure.

Council Member Inscoe moved the approval of Resolution 12-A-34, *Accepting the 2012 BJA Grant in the Amount of \$17,120*, and Ordinance 12-49, *FY13 Budget Amendment #3 Establishing the 2012 BJA Grant Project Budget*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. *(See Resolution Book 3, p 317-A; Ordinance Book 8, p 449)*

Water Sales Agreement with Vance County for Phases 2-A and 2-B. *(CAF 12-94; Resolution 12-65)*

City Manager Griffin asked Council Liaison Michael Inscoe to brief Council on this agreement. Council Member Inscoe summarized the agreement by saying if approved Vance County would pay the City a \$1.75M reservation fee over forty (40) years and would pay up-front a \$140,000 tap fee and a guaranteed water rate of \$2.90 until 31 March 2015.

Council Member Coffey asked about the pay back mentioned in the agreement. Council Member Inscoe explained that the County has asked for an extension from the USDA. If the extension is not granted, the City will return the \$140,000 tap fee.

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

Council Member Kearney moved the approval of Resolution 12-65, *Approval of a Water Sales Agreement with Vance County for Phases 2-A and 2-B*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Brown, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: None. *(See Resolution Book 3, p 25)*

Council Committee Appointments. *(CAF 12-90; Resolution 12-61)*

City Manager Griffin asked Mayor O'Geary to brief Council. Mayor O'Geary said he and Mayor Pro-Tem Rainey met and reviewed Council Member's requests. He said they tried to abide by the wishes of each Council Member and said hopefully everyone was satisfied. Mayor Pro-Tem Rainey said they tried to make the assignments even as best possible.

Council Member Coffey inquired about the Henderson-Vance Industrial Park only having one seat. She also asked if the Board of Adjustment Alternates should plan to attend every meeting. The response was that alternates need to attend all meetings to ensure a quorum. Council

Member Rainey mentioned the need for alternates on the Planning Board and this led the discussion regarding the need of members on several committees. Council Member Daeke asked about the Planning Board having two seats and this will be reviewed.

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

Council Member Peace-Jenkins moved the approval of Resolution 12-61, *Council Committee Appointments*. Motion seconded by Inscoe, and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Brown, Daye, Kearney, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 17)

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk advised no citizen wished to address City Council on non-agenda item.

REPORTS

a) Mayor/Mayor Pro-Tem – Mayor Pro-Tem Rainey said if anyone missed the recent production of Willie Wonka by The Rec Players, they missed an excellent play. Mayor O'Geary concurred, saying for 40 years they have produced good entertainment for the children and adults of this community.

b) City Manager - Mr. Griffin mentioned the water break on Shirley and Nelson. He commended Assistant City Manager Frazier and Public Services Utilities Manager Andy Perkinson on their decisions and the good work in repairing the break.

Council Member Coffey asked about the situation on Pettigrew Street. Mr. Frazier said the line is expected to be repaired this week.

Council Member Peace-Jenkins mentioned the *Man Up Youth* program that is having a plate sale to raise money to purchase cleats for 17 youth this year.

Council Member Inscoe mentioned the Vance County EDC visiting VTech at North Carolina State University on August 8th. Council Members wishing to attend need to RSVP to Ms. Easler at the EDC as lunch and transportation will be provided.

c) City Attorney (No Report)

d) City Clerk McCrackin – Ms. McCrackin reminded Council of the COG Banquet September 27th in Warrenton; the Essentials of Government Class November 19th and mentioned the location for the Ribbon Cutting July 31 is at the school on Mt. Carmel Church Road, not Carey Chapel Road as stated on the invitation.

Before going into Closed Session, Mayor O'Geary asked if there was any other business. With no further discussion, Mayor O'Geary asked if Council was prepared to go into Closed Session and stated there would be no 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)(4) for an Economic Development Matter. Motion seconded by Council Member Daye and unanimously approved.

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

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Daye and unanimously approved. The meeting adjourned at 6:54 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin, City Clerk