



AGENDA

**Henderson City Council Short Regular Meeting
Monday 24 February 2014, 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 Peace-Jenkins
Councilmember Garry D. Daeke
Councilmember Fearldine A. Simmons
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) 27 January 2014 Short Regular Meeting [See Notebook Tab 1]
- b) 27 January 2014 Work Session

VII. PUBLIC HEARING

- a) Consideration of Approval of Ordinance 14-13, Rezoning Seven (7) Tracts Located Off Wilbur Street From I2 (Industrial Non-Park Zoning District) To B4 (Neighborhood Commercial Zoning District). (CAF 14-25) [See Notebook Tab 2]
 - Public Hearing
 - Ordinance 14-13
- b) Consideration of Approval of Ordinance 14-18, Amending the Zoning Ordinance Section 405.3 and City Code Section 10-33.3 Relative to Signs in Street Right of Ways and in Public Places. (CAF 14-30) [See Notebook Tab 3]
 - Public Hearing
 - Ordinance 14-18

VIII. PUBLIC COMMENT PERIOD ON AGENDA ITEMS

Citizens may only 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 below.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;
- 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.

IX. NEW BUSINESS

- a)** Consideration of Approval Ordinance 14-06, FY 13-14 Budget Amendment #25, Transferring Water Reservation Fees Received From Granville County From the Water Fund to the Rate Stabilization Capital Reserve Fund. (CAF 14-24) [See Notebook Tab 4]
- Ordinance 14-06
- b)** Consideration of Approval of Ordinance 14-14, FY 14 Budget Amendment #26, for the 2-Inch Watermain & Services Replacement Project Increasing the Budget from \$1,726,000 to \$1,898,571; and 2) Change Order #1 Updating Project Construction Cost from \$1,568,267 to the Approved \$1,732,940 for the Contractor, HG Reynolds, Inc.; and 3) Resolution 14-19, Authorizing Additional Areas for Watermain and Services Replacement to the 2” Watermains and Services Replacement Project Subject to Approval from DWSRF and Availability of Remaining Funds. (CAF 14-26) [See Notebook Tab 5]
- Ordinance 14-14
- c)** Consideration of Approval of Resolution 14-18, A Resolution Honoring Charles Peete “Charlie” Rose as North Carolinian of the Year by the North Carolina Press Association. (CAF 14-32) [See Notebook Tab 6]
- Resolution 14-18

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 Resolution 14-11, Awarding Contract for David Avenue Stormsewer Replacement Project in the Amount of \$31,422 to M. T. Murphy, Inc. (CAF 14-17) [See Notebook Tab 7]
- Resolution 14-11
- b)** Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of January 2014. (CAF 14-27) [See Notebook Tab 8]

XI. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may only 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 below.⁴

XII. REPORTS

- a)* Mayor/Mayor Pro-Tem
- b)* City Manager
- c)* City Attorney
- d)* City Clerk
 - i. Meeting and Events Calendar [*See Notebook Tab 9*]
 - ii. 911 Monthly Report
 - iii. Fire Department Monthly Report

XIII. CLOSED SESSION

- a)* Pursuant to G.S.§143-318.11 (a)(3) regarding two (2) Attorney/Client Privilege Matters.

XIV. ADJOURNMENT

⁴ 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.

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- 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

Short Regular Meeting

24 February 2014

PRESENT

D. Michael Rainey, Mayor Pro-Tem, Presiding; and Council Members James C. Kearney, Sr., Michael C. Inscoe, Brenda Peace-Jenkins, Garry D. Daeke, and George M. Daye.

ABSENT

Mayor James D. O'Geary, and Council Members Sara M. Coffey and Fearldine A. Simmons.

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Kathy Brafford, Planning & Community Development Director Erris Dunston, Engineering Director Peter Sokalski and Henderson Water Reclamation Facility Director Tom Spain.

CALL TO ORDER

The 24 February 2014 Short Regular Meeting of the Henderson City Council was called to order by Mayor Pro-Tem D. Michael Rainey at 6:03 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 Pro-Tem Rainey a quorum was present.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

OPENING COMMENTS

Mayor Pro-Tem Rainey greeted all in attendance. He asked that we keep the Mayor in our hearts and prayers as he was taken back to the hospital over the weekend. Mayor Pro-Tem Rainey also asked that we keep the family of Mr. Sam Watkins in our prayers. Mr. Watkins was a pillar of the community who often worked without recognition to better this community in which he grew up and loved. He will be greatly missed.

(Clerk's Note: The Mayor Pro-Tem shall preside in the absence of the Mayor under City Code Section 13, 15 and 20. and State Statute 160A-70; while acting as Mayor, the Mayor Pro-Tem votes only in the case of a tie.)

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Pro-Tem Rainey asked if there were any adjustments to the Agenda. Council Member Inscoe moved to accept the Agenda as presented. Motion seconded by Council Member Daye and unanimously approved.

APPROVAL OF MINUTES

Mayor Pro-Tem Rainey asked for any corrections to and/or approval of the minutes. Council Member Daeke moved the approval of the 27 January 2014 Short Regular Meeting and 27 January 2014 Work Session minutes as presented. Motion seconded by Council Member Kearney and unanimously approved.

PUBLIC HEARING

Rezoning Seven (7) Tracts Located Off Wilbur Street From I2 (Industrial Non-Park Zoning District) to B4 (Neighborhood Commercial Zoning District. *(Reference: CAF 14-25; Ordinance 14-13)*

City Manager Griffin asked Planning and Community Development Director Erris Dunston to come forward to explain this rezoning. Ms. Dunston showed by PowerPoint the area of consideration which is located just south of US 1 on Andrews Avenue. Two of three warehouses are currently empty and the third has a tenant that will relocate. This property is adjacent to other B4 zoned tracts and was formerly used for industrial purposes. There are nine (9) lots under the same ownership and the front two lots were rezoned in 2002 and 0.43 acres of an adjacent lot was approved for rezoning at the Planning Board meeting 6 January 2013. Final approval came from Council at the 27 January 2014 meeting. This rezoning includes the remainder of the commonly owned lots.

Council Member Daeke asked if the Planning Board heard any input from citizens. Ms. Dunston responded no, and added proper notification was given.

There was no further discussion. Mayor Pro-Tem Rainey then opened the Public Hearing by asking if anyone was present who wished to speak in favor of this rezoning. No one came forward so Mayor Pro-Tem Rainey then asked if anyone was present who wished to speak in opposition to the rezoning. No one came forward.

Mayor Pro-Tem Rainey then closed the Public Hearing and asked for Council's pleasure.

Motion was made by Council Member Inscoe to approve Ordinance 14-13, *Rezoning Seven (7) Tracts Located Off Wilbur Street From I2 (Industrial Non-Park Zoning District) to B4 (Neighborhood Commercial Zoning District.* Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Kearney, Inscoe, Peace-Jenkins, Daeke, and Daye. NO: None. ABSTAIN: None. ABSENT: Coffey and Simmons. *(See Ordinance Book 9, p 89)*

Amending the Zoning Ordinance Section 405.3 and City Code Section 10-33.3 Relative to Signs in Street Right of Ways and in Public Places. (Reference: CAF 14-30, Ordinance 14-18)

City Manager Griffin asked Planning Director Erris Dunston to explain this amendment. Ms. Dunston said this amendment gives more strength to the existing ordinance and shared there has been an influx of inappropriately placed signage on street right of ways and in public places. Sign sweeps are performed on a regular basis for violating signs by both the Public Works and Planning Department employees and the signs collected are disposed of in the appropriate manner. This Ordinance provides a \$50.00 civil penalty that shall not be deemed waived by the removal of the sign once it is inappropriately placed. Ms. Dunston added the Planning Board unanimously approved this recommendation at its 3 February 2014 meeting.

Council Member Daeke said he favors this amendment but asked for clarification that this will not affect signs on private property. City Attorney Zollicoffer, Jr., said the City would be trespassing if it removed signs on private property; however, there are existing exceptions such as placement of political signs and City sponsored events. Mr. Daeke said this is a step in the right direction.

Council Member Kearney asked about signs advertising property for rent and after a brief discussion, it was suggested the City notify the Board of Elections, Board of Realtors and the media of this amendment so no one is caught unaware. Council Member Daeke suggested delaying the effective date of this ordinance to allow time for proper notification.

With no further discussion. Mayor Pro-Tem Rainey then opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment. No one came forward so Mayor Pro-Tem Rainey then asked if anyone was present who wished to speak in opposition to the amendment. No one came forward.

Mayor Pro-Tem Rainey then closed the Public Hearing and asked for Council's pleasure.

Motion was made by Council Member Kearney to approve Ordinance 14-18 with an effective date of 1 April 2014, *Amending the Zoning Ordinance Section 405.3 and City Code Section 10-33.3 Relative to Signs in Street Right of Ways and in Public Places* Motion seconded by Council Member Daye and APPROVED as amended by the following vote: YES: Inscoc, Peace-Jenkins, Daeke, Daye, and Kearney. NO: None. ABSTAIN: None. ABSENT: Coffey and Simmons. (See Ordinance Book 9, p 99)

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

The City Clerk advised the Mayor Pro-Tem and Council Members that no citizen wished to address Council on agenda matters.

NEW BUSINESS

Transferring Water Reservation Fees Received From Granville County From the Water Fund to the Rate Stabilization Capital Reserve Fund. (*Reference: CAF 14-24; Ordinance 14-06*)

City Manager Griffin asked Finance Director Kathy Brafford to summarize the requested action. Ms. Brafford said this is an accounting correction suggested by the auditors. The auditors felt since the note receivable for the Utilities Sales Agreement between the City and Granville County resides in the Water Fund, it would be appropriate to transfer funds received in FY2013 and 2014 to the Rate Stabilization Capital Reserve Fund.

There was no discussion. Mayor Pro-Tem Rainey asked for the pleasure of Council.

Motion was made by Council Member Inscoe to approve Ordinance 14-06, *Transferring Water Reservation Fees Received From Granville County From the Water Fund to the Rate Stabilization Capital Reserve Fund*. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Inscoe, Peace-Jenkins, Daeke, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: Coffey and Simmons. (*See Ordinance Book 9, p. Book 9, p 75*)

2 Inch Watermain & Services Replacement Project Increasing the Budget from \$1,726,000 to \$1,898,571 and Change Order #1 Updating Project Construction Cost from \$1,568,267 to the Approved \$1,732,940 for the Contractor, H.G. Reynolds, Inc., and Authorizing Additional Areas for Watermain and Services Replacement to the 2-Inch Watermains and Services Replacement Project Subject to Approval from DWSRF and Availability of Remaining Funds. (*Reference: CAF 14-26; Ordinance 14-14, Resolution 14-19*)

City Manager Griffin asked City Engineer Peter Sokalski to come forward to present this item. Mr. Griffin informed those who had not already been informed that Mr. Sokalski is leaving the City for another position closer to home in March. He said Peter has added great value and set the bar high in the City's Engineering Department for those that will follow him. He commended Mr. Sokalski for developing and overseeing projects in an exceptional manner. His smile and expertise will be greatly missed.

Mr. Sokalski thanked Mr. Griffin for his kind words and began his presentation by saying the first two parts of this item are housekeeping items. Approval was received on 17 July 2012 from DWSRF for a loan in the amount of \$1,726,000 to replace approximately 13,000 linear feet of existing 2" water mains with larger mains. The loan was accepted by Council on 13 August 2012. After formal advertisement, H.G. Reynolds Co., Inc was the low bidder with an estimated cost of \$1,732,940. A request was submitted to DWSRF to increase funding by 10% for the project which was approved on 26 November 2013. The total amount of the loan is \$1,898,571; however, a budget amendment was never brought before Council.

Change Order #1 includes updating the current construction costs to \$1,732,940 which reflects the actual contract amount for the project. This increase was approved by DWSRF in the 26 November 2013 letter.

Because the project is approximately 75% completed, the total cost to date is \$572,034.80 which is 33% of the estimated total project cost. To utilize all the funding efficiently, Staff now proposes adding four (4) additional streets to the project, contingent on DENR and DWSRF approval and remaining funds. The streets are Zollicoffer Avenue, Cedarwood Drive, Crestwood Drive and Lynn Avenue.

City Attorney Zollicoffer, Jr. asked Mr. Sokalski if the contract was fully executed last year. Mr. Sokalski said yes.

Council Member Kearney questioned the balance of work being done and whether all sections of the City are being considered. Mr. Sokalski said after review it was felt these streets were the most pressing.

Mayor Pro-Tem Rainey asked how certain the department is that there will be savings. Mr. Sokalski said at this time it looks very good.

Council Member Kearney and other council members thanked Mr. Sokalski and said he will be missed.

Mayor Pro-Tem Rainey now asked for the pleasure of Council.

Motion was made by Council Member Peace-Jenkins to approve Ordinance 14-14, FY14 Budget Amendment #26, *2 Inch Watermain & Services Replacement Project Increasing the Budget from \$1,726,000 to \$1,898,571 and Change Order #1 Updating Project Construction Cost from \$1,568,267 to the Approved \$1,732,940 for the Contractor, H.G. Reynolds, Inc.*, and Resolution 14-19, *Authorizing Additional Areas for Watermain and Services Replacement to the 2 Inch Watermains and Services Replacement Project Subject to Approval from DWSRF and Availability of Remaining Funds*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Daye, Kearney and Inscoe. NO: None. ABSTAIN: None. ABSENT: Coffey and Simmons. (See Ordinance Book 9, p. 91 and Resolution Book 3, p 303)

Honoring Charles Peete “Charlie” Rose as North Carolinian of the Year by the North Carolina Press Association. (Reference: CAF 14-32, Resolution 14-18)

City Manager Griffin asked City Clerk McCrackin to brief Council on this matter. Ms. McCrackin said Mr. Rose is a native of Henderson who is being recognized by the North Carolina Press Association on 27 February 2014 as *North Carolinian of the Year*. Mr. Rose currently co-anchors *CBS This Morning* and is well-known in the world of journalism.

There was no discussion. Mayor Pro-Tem Rainey asked for the pleasure of Council.

Motion was made by Council Member Daeke to approve Resolution 14-18, *Honoring Charles Peete “Charlie” Rose as North Carolinian of the Year by the North Carolina Press Association*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Daye, Kearney, and Inscoe. NO: None. ABSTAIN: None. ABSENT: Coffey and Simmons. (See Resolution Book 3, p 301)

CONSENT AGENDA

The City Clerk read the Consent Agenda which is summarized as follows:

Awarding Contract for David Avenue Stormsewer Replacement Project in the Amount of \$31,422 to M. T. Murphy, Inc. (Reference: CAF 14-17; Resolution 14-11) This project was discussed at the 27 January 2014 Work Session and awards M.T. Murphy, Inc. the contract for the David Avenue Stormsewer Replacement project.

Tax Releases and Refunds from Vance County for the Month of January 2014. (Reference: CAF 14-27). This is a routine matter which has been reviewed and approved by the Finance Director and is listed below.

January 2014 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property Releases			
Ascencio, Maurico	Correct Ownership	2013	\$ 38.90
Burnette Financial	Correct Value	2013	\$ 791.99
Carolina Independent	Correct Value (add building)	2013	\$ (9,300.00)
E & B Partnership	Correct Value	2013	\$ 168.37
Granille Co. Habitat for Humanity	Charitable LW/MD	2013	\$ 288.50
Hauter, Naegi	Correct Ownership	2013	\$ (465.01)
Morado, Noberto	Pers. Prop. Billed in Error	2013	\$ 36.87
Pitol, Augustina	Pers. Prop. Billed in Error	2013	\$ 35.02
Rodriguez, Bonifacio	Pers. Prop. Billed in Error	2013	\$ 45.54
Salazar, Jose	Pers. Prop. Billed in Error	2013	\$ 50.60
State Employees Credit Union	Correct Ownership	2013	\$ 465.01
Total Releases/R & P Property			\$ (7,844.21)

January 2014 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property Refunds			
None			\$ -
Total Refunds/ R & P Property			\$ -
			\$ -
Total Refunds & Releases RP			\$ (7,844.21)
Registered Vehicle			
Refunds			
Nguyen, Vu Ngoc	Pro-Rate	2012	\$ 18.05
Vaultrust	Pro-Rate	2012	\$ 62.83
Guilmette, Marie Claire	Pro-Rate	2013	\$ 4.53
Watkins, William David	Pro-Rate	2013	\$ 3.89
Total Refunds			\$ 89.30
Registered Vehicle			
Releases			
Hartsell, April Reynolds	Discharged Bankruptcy	2009	\$ 191.35
Hedgepeth, Crystal Weaver	Pro-Rate	2012	\$ 6.29
Manson, Bennett Moore	Pro-Rate	2012	\$ 1.26
Santes, Edi Huerte	Pro-Rate	2012	\$ 3.10
Henderson, Arthur, Jr.	Pro-Rate	2013	\$ 9.90
Nguyen, Minh Quoc	Pro-Rate	2013	\$ 23.48
Terry, Ada Cook	Correct Situs	2013	\$ 100.85
Whitaker, Callie Lynn	Pro-Rate	2013	\$ 2.25
Total Reg Veh Releases			\$ 338.48
Total Reg Veh Releases			
& Refunds			\$ 427.78
Total All Release & Refunds			\$ (7,416.43)

Mayor Pro-Tem Rainey asked if anyone wished to remove an item from the Consent Agenda. There were no requests. Mayor Pro-Tem Rainey asked for a motion to approve the consent Agenda

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

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised one citizen wished to address City Council.

Rev. William Brodie, Pinkston Street. Rev Brodie expressed his concern regarding the condition of the roads in Henderson. He specifically referred to Rock Spring Street, Pinkston

Street, Main Street, Clark Street, Bridger Street, East Avenue, and Dabney Drive. He said the potholes and manholes are unavoidable. Rev. Brodie felt the blacktop used to fill potholes shrinks, thus depressions in the roads. He asked if the City has received any grants to repair the roads.

City Manager Griffin said the grants received by the City are for sewer and water repair and the only street resurfacing funds received in the City's share of the Powell Bill which comes from the gas tax. Mr. Griffin said he and the Assistant City Manager Frank Frazier would look at the schedule of repairs and report back to Council and Rev. Brodie.

Rev. Brodie said he would appreciate anything the City can do.

Council Member Kearney said some of the streets mentioned are State owned streets. Mr. Griffin agreed and said notification would be sent to the State after a review is completed. He reiterated a comprehensive report will be compiled and brought back to Council and Rev. Brodie.

Mayor Pro-Tem Rainey thanked Rev. Brodie for his comments.

REPORTS

- a) Mayor/Mayor Pro-Tem --- Mayor Pro-Tem Rainey mentioned the Retreat was very professional and he appreciated everyone participating. He felt a lot of effort went into the process and looks forward to seeing the outcome.
- b) City Manager (No Report)
- c) City Attorney (No Report)
- d) City Clerk - Ms. McCrackin reminded Council of Employee Service Awards Banquet on March 6; said the ribbon cutting scheduled for February 25 has been changed to 2:00 p.m. due to Mr. Watkins funeral and asked Council Members attending the funeral to arrive at 10:30 so they can be seated with the delegation of city officials.

Mayor Pro-Tem Rainey now asked if Council was prepared to go into Closed Session. He said no report is expected.

CLOSED SESSION

Council Member Daeke moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3) for two Attorney-Client Privilege Matters. Motion seconded by Council Member Daye and unanimously approved.

Following the Closed Session, Council Member Kearney moved for Council to convene in open session. Motion seconded by Council Member Daye and unanimously approved.

City Attorney Zollicoffer, Jr. requested authority to settle the \$72,161 claim of CSX for the sum of \$36,450 for a broken water main under a railroad tract.

Mayor Pro-Tem asked if there were any questions. No questions were raised so he asked for the pleasure of Council.

Council Member Peace-Jenkins moved the approval of settling the CSX Claim in the amount of \$36,450. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Kearney, Inscoe, Peace-Jenkins and Daye. NO: Daeke. ABSTAIN: None. ABSENT: Coffey and Simmons.

City Manager Griffin said a budget ordinance to cover this expense will be brought back to Council for formal approval.

With no further discussion Mayor Pro-Tem asked if Council was prepared to adjourn and move into the Work Session.

Council Member Daeke moved for adjournment. Motion seconded by Council Member Daye and was unanimously approved. The meeting adjourned 7:29 p.m.

D. Michael Rainey
Mayor Pro-Tem

ATTEST:

Esther J. McCrackin
City Clerk