



## AGENDA

Henderson City Council Regular Meeting

Monday, 24 January 2011, 6:00 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 Mary Emma Evans

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 January 2011 Regular Meeting [Tab #1]

**VII. PRESENTATIONS AND RECOGNITIONS**

- a) Consideration of Resolution R 11—14 Recognizing 16 Street Division Workers for Their Excellence in Snow Removal Efforts (CAF 11—22) [See Notebook Tab # 2]

- Resolution 11—14

- b) Consideration of Resolution R 11—18 to Recognize Jeannie Fox , Director of H. Leslie Perry Memorial Library(CAF: 11—26)[See Notebook Tab # 3]

- Resolution 11—18

**VIII. CLOSED SESSION**

- a) Pursuant to GS: 143-318.11.(a)(4) A Matter Concerning Economic Development

**IX. 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, 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>3</sup>

- a) Consideration of Ordinance 11—07, Rezoning A Portion of Dabney Shopping Center from B3 (Shopping Center Commercial) to B4 (Neighborhood Commercial)(CAF: 11—27) [See Notebook Tab # 4]

- Ordinance 11—07

- b) Consideration of Ordinance 11—09A, Amending Ordinance Text for Zone Setbacks(CAF: 11—28) [See Notebook Tab # 5]

- Ordinance 11—09A

## X. 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>

## XI. NEW BUSINESS

- a) Consideration of Resolution 11—09, Approval of Grant Application for Economic Development (CAF 11—34)[See Notebook Tab # 6]
  - Resolution 11—09
- b) Consideration of Resolution 11—20, Approval of CRI Grant Application for Police Department (CAF 11—37) [See Notebook Tab # 7]
  - Resolution 11—20
- c) Consideration of Resolution 11—21, Approval of Amending Change Orders 1 & 2 for Brookhaven Mobile Home Park Water Contract(CAF 11—39)[See Notebook Tab # 8]
  - Resolution 11—21

## XII. 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>3</sup>

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### <sup>3</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;

## **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. Various Departmental Reports *[See Notebook Tab # 10]*

## **XIII. ADJOURNMENT**

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- 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 January 2011

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#### **PRESENT**

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

#### **STAFF PRESENT**

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther McCrackin, Assistant City Manager Frank Frazier, Finance Director Sandra Wilkerson, Public Works Director Linda Leyen, Engineering Director Peter Sokalski, Henderson Water Reclamation Facility Director Tom Spain, Parks & Recreation Director Alan Gill, and Planning Development Director Erris Dunston.

#### **CALL TO ORDER**

The 24 January 2011 meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:03 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 called for a moment of silence to honor the memory of Council Member Mary Emma Evans who passed away on Friday, 21 January 2011 after a long struggle with cancer. Mayor O'Geary expressed appreciation for her seven wonderful years of service on the Council and said she would be greatly missed. The Mayor, on behalf of the entire Council, extended sympathy to the family.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

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

*(Clerk's Note: Council Member Daye arrived at approximately 6:07 p.m.)*

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

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin advised there were two (2) additions to the agenda: *Consideration of Approval of Resolution 11-22, Accepting Award from NC Main Street Energy Grant Fund (Round 2) for Improvements to City Hall* and *Consideration of Approval of Resolution 11-24, Recognition of Mary Emma Evans, Henderson City Council Member*. City Attorney Zollicoffer advised he had one addition to the Closed Session agenda which was G.S. §143-318.11(a) (4) regarding consultation with the City Attorney. With those additions, Mayor O'Geary asked for the pleasure of Council. Council Member Rainey moved to accept the Agenda as amended. 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. City Clerk McCrackin stated there was one (1) technical adjustment to the 10 January 2011 Regular Meeting minutes. On page 5, under Industry Drive, line 9 should read "...owner and so far seven (7) jobs have been...." Council Member Daeke moved the approval of the following minutes, including the correction as noted by the City Clerk: 10 January, 2011 Regular Meeting. Motion seconded by Council Member Davis and unanimously approved.

## **PRESENTATIONS AND RECOGNITIONS**

City Clerk McCrackin advised there were three (3) presentations, summarized below:

**Recognizing Mary Emma Evans, Henderson City Council Member.** (*Reference: CAF 11-44; Resolution 11-24*)

Mayor O'Geary read the following Resolution:



**RECOGNITION OF SERVICE AND IN MEMORY OF MARY EMMA EVANS  
RESOLUTION 11-24**

*WHEREAS, it has pleased Divine Providence in its omnipotent wisdom to remove from our midst our friend and faithful servant, Mary Emma Evans, bringing to an end a life filled with kindness and courtesy; and*

*WHEREAS, throughout a long career of public service, Mary Emma Evans earned the respect, admiration and high regard of all those with whom she came into contact and the love and affection of all of high and low degree, who were proud to call her friend.*

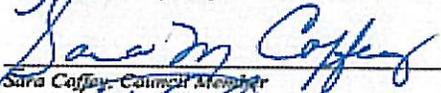
*BE IT THEREFORE RESOLVED that the Honorable Mayor, City Council, and City Manager take public and official cognizant of her long and faithful service to the citizens of the City of Henderson, and express to her sorrowing family our sincere appreciation of her dedicated performance of the duties of her office and our deep realization of the loss we have sustained; and*

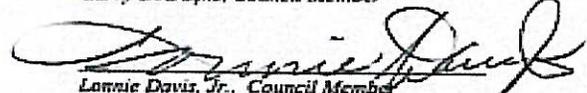
*BE IT FURTHER RESOLVED that on behalf of all our citizens, hereby extend to the members of Mary Emma Evans' family this expression of sincere regret for her loss and the hope that they will be consoled by the memories of her fine life and achievements; and*

*BE IT FURTHER RESOLVED that this Resolution be spread upon the Record and that a copy hereof, properly embossed and inscribed, be transmitted with our heartfelt sympathy to her bereaved family.*

  
James D. O'Geary, Mayor

  
Garry D. Dwyer, Council Member

  
Sara Coffey, Council Member

  
Lannie Davis, Jr., Council Member

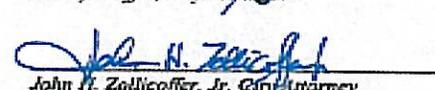
  
Michael C. Inisroe, Council Member

  
George M. Days, Council Member

  
D. Michael Rainey, Council Member

  
A. Ray Griffin, City Manager

  
Brenda G. Peace-Jenkins, Council Member

  
John H. Zollicoffer, Jr., City Attorney

*I have hereunto set my hand and caused to be affixed the Great Seal of the City of Henderson in the State of North Carolina this the 24<sup>th</sup> day of January 2011.*

  
Esther J. McCrackin, City Clerk

The foregoing Resolution 11—24, *Recognition of Mary Emma Evans, Henderson City Council Member* upon motion of Council Member Daeke and second by Council Member Davis, and having been submitted to a roll call vote received the following votes and was APPROVED on this the 24<sup>th</sup> day of January 2011: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 2, Page 47)

**Recognizing 16 City of Henderson Street Division Employees for Snow Removal Efforts.**  
(Reference: CAF 11-22; Resolution 11-14)

Eight (8) of the sixteen (16) City of Henderson Street Division Employees, were able to attend this meeting and received recognition for a job well done during the Christmas day snow storm. Mayor O'Geary read the Resolution, and after the presentations a photo was taken of these fine men and woman.

The foregoing Resolution 11—14, *Recognition of 16 Henderson City Street Division Employees For Snow Removal Efforts During the 2010 Christmas Nor'Easter* upon motion of Council Member Rainey and second by Council Member Coffey, and having been submitted to a roll call vote received the following votes and was APPROVED on this the 24<sup>th</sup> day of January 2011: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 2, Page 27)

City Manager Griffin stated this department has set the bar high as these employees learned from their experiences last year; they trained for such events this year and implemented what they learned. Mr. Griffin also stated the Council approved funds for needed equipment which aided the employees in successfully clearing the streets of Henderson. He went on to state that other cities and counties didn't know what "we" had done but that the City did an excellent job. Lastly he noted their exceptional work allowed Public Safety employees to do their work in a safe environment.

**Recognizing Jeanne Fox, Director of H. Leslie Perry Memorial Library.** Reference: CAF 11-26; Resolution 11-28)

Mayor O'Geary read the Resolution honoring Jeanne Fox for her service at the H. Leslie Perry Memorial Library and wished her well as she retires the end of January 2011. Unfortunately, Ms. Fox was unable to be present so the Resolution will be delivered to her.

The foregoing Resolution 11—18, *Recognition of Jeanne Fox, Director of H. Leslie Perry Memorial Library* upon motion of Council Member Inscoe and second by Council Member Rainey, and having been submitted to a roll call vote received the following votes and was APPROVED on this the 24<sup>th</sup> day of January 2011: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 2, Page 35)

## CLOSED SESSION

Mayor O'Geary then asked if Council was ready to move into Closed Session. City Manager Griffin advised a report was expected after the Closed Session regarding an economic development matter. With no discussion, Council Member Daeke moved to go into Closed Session pursuant to NCGS §143-318.11(a)(4) for an economic development issue and NCGS §143-318.11(a)(3) for an Attorney-Client matter. Motion seconded by Council Member Peace-Jenkins and unanimously APPROVED. The City Council convened in Close Session at 6:20 p.m.

The City Council returned to Council Chambers at 7:19 p.m. Council Member Daeke moved to return to Open Session. Motion seconded by Mr. Rainey and APPROVED unanimously.

City Manager Griffin advised the matter involved an economic development matter which would be discussed under the New Business heading of *Approval of Grant Application for Economic Development*.

## PUBLIC HEARINGS

### **Rezoning a Portion of Dabney Shopping Center from B3 (Shopping Center Commercial) to B4 (Neighborhood Commercial).** (Reference: CAF: 11-03; Ordinance 11-07)

Planning Development Director Erris Dunston advised City Council that the Planning Board had voted to rezone this area from B3 (Shopping Center Commercial) to B4 (Neighborhood Commercial). Ms. Dunston stated rezoning would allow this parcel of property to be more usefully utilized and there were no negative implications on rezoning.

Mayor O'Geary opened the Public Hearing and asked anyone that wished to speak on behalf of the proposed Ordinance to come forward.

Petitioner Bob Fleming thanked Council for allowing him to speak and reiterated Ms. Dunston's statement that rezoning would separate this parcel from a larger segment, allowing it to be utilized.

Mayor O'Geary then asked anyone that wished to speak against the Ordinance to come forward. No one came forward. Mayor O'Geary closed the Public Hearing and asked for the pleasure of Council.

Council Member Daeke moved the approval of Ordinance 11-07, *Rezoning a Portion of Dabney Shopping Center from B3 (Shopping Center Commercial) to B4 (Neighborhood Commercial)*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Davis and Daye; NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 8, Page 217)

**Amending Ordinance Text for Zone Setbacks.** *(Reference: CAF 11—28; Ordinance 11-09A)*

Planning Director Erris Dunston advised this amendment changes the requirements for Special Use Permits solely by reason of large buildings, if same has at least 100 foot setbacks from all property lines and streets in all zones. She advised the Planning Board unanimously recommends denial of the Amendment as articulated in Ordinance 11-09.

City Manager Griffin advised Council that Ordinance 11-09A differs from Ordinance 11-09 in that it is much more narrow in scope and limits the text amendment only to I2 - I3 zones. The text amendment is being presented to Council as part of an economic development opportunity.

Council Member Inscoe asked to be excused from voting as this issue could be seen as a conflict of interest.

Mayor O'Geary opened the Public Hearing and asked anyone that wished to speak on behalf of the proposed Ordinance to come forward. No one came forward. Mayor O'Geary then asked anyone that wished to speak against the Ordinance to come forward. No one came forward.

Mayor O'Geary closed the Public Hearing and asked for the pleasure of Council.

Council Member Peace-Jenkins moved the approval of Ordinance 11-09A, *Amending Ordinance Text for Zone Setbacks*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Davis, Daye, Coffey and Rainey; NO: None. ABSTAIN: Inscoe. ABSENT: None. *(See Ordinance Book 8, Page 221)*

**PUBLIC COMMENT PERIOD ON AGENDA ITEMS**

The City Clerk advised the Mayor and Council Members no one had signed-in to speak on agenda matters.

**NEW BUSINESS**

**Approval of Grant Application for Economic Development** *(Reference: CAF: 11-34; Resolution: 11-09)*

City Manager Griffin stated materials for this Resolution were not included in Council's agenda packet due to issues discussed in Closed Session earlier in the Meeting. Having come to a consensus during the Closed Session, materials have now been distributed which authorize the mayor to sign application to the State for an Economic Development grant for Economic Development Prospect 11-1.

Mayor O'Geary asked if there was any further discussion needed. Council Member Inscoe again stated he would abstain from voting due to a possible conflict of interest. With no further discussion, Mayor O'Geary asked for the pleasure of Council.

Council Member Coffey moved the approval of Resolution 11-09, *Approval of Grant Application for Economic Development*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Daeke, Davis, Daye, Coffey, Rainey and Peace-Jenkins. NO: None. ABSTAIN: Inscoe. ABSENT: None. (See Resolution Book 2, Page 17)

**Approval of CRI Grant Application for Police Department (Reference: CAF: 11-37; Resolution 11-20)**

City Manager Griffin asked Captain Twisdale to address the Council on this matter. Captain Twisdale advised this Community Revitalization Initiative (CRI) Grant II is a request to the Governor's Crime Commission for a second year of funding for the Henderson Police Department. These funds will be used to pay overtime in an effort to reduce burglaries, larcenies and theft in both the private and business sectors.

Council Member Coffey asked if this would change the FY10-11 Budget. Captain Twisdale stated the Grant would not affect FY10-11 Budget but would affect the FY11-12 Budget, and would be seen as a continuation of the current grant.

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

Council Member Rainey moved to approval of Resolution 11-37, *Approval of CRI Grant Application for Police Department*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Davis, Daye, Coffey, Inscoe, Rainey, Peace-Jenkins, and Daeke. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 2, Page 39)

**Approval of Amending Change Orders 1 & 2 for Brookhaven Mobil Home Park Water Contract (Reference: CAF: 11-39; Resolution 11-21)**

City Manager Griffin asked Engineering Director Peter Sokalski to address Council on these change orders. Mr. Sokalski refreshed everyone by stating this project is being accomplished 100% by grant funds and there is approximately \$19,000 in contingency funds out of which the dollars for the changes will be taken. The Fire Department has requested additional STORZ connections on the fire hydrants at a total cost of approximately \$3,999 and additional, various line sizes are needed for construction at a total cost of approximately \$8,321.

Mayor O'Geary asked for the pleasure of Council.

Council Member Rainey moved to approval of Resolution 11-39, *Approval of Amending Change Orders 1 & 2 for Brookhaven Mobil Home Park Water Contract*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Daye, Coffey, Inscoe, Rainey,

Peace-Jenkins, Daeke and Davis. NO: None. ABSTAIN: None. ABSENT: None. (*See Resolution Book 2, Page 41*)

**Accepting Award from NC Main Street Energy Grant Fund (Round 2) for Improvements to City Hall** (*Reference: CAF: 11-40; Resolution 11-22*)

City Manager Griffin asked Assistant Manager Frazier to address Council on this matter. Mr. Frazier reminded Council of its approval of Resolution 10-02 in January 2010 for replacement of the roof at City Hall. Application was made and the grant has been received. The estimated total cost is \$62,000 for roof repairs. Thirty-one thousand, five hundred seventy dollars (\$31,570) is the grant amount with matching funds previously budgeted.

Council Member Inscoe asked if there would be competitive bids and Council Member Rainey asked if there would be an attempt to keep the job local. Mr. Frazier responded yes to both questions.

Council Member Daeke moved to approve Resolution 11-22, *Accepting Award from NC Main Street Energy Grant Fund (Round 2) for Improvements to City Hall*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: None. ABSTAIN: None. ABSENT: None. (*See Resolution Book 2, Page 43*)

**PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS**

The City Clerk advised two (2) individuals arrived while Council was in Closed Session, believing City Council Meeting started at 7:00 p.m. Mayor O'Geary asked for the pleasure of Council as to whether to hear these individuals or not. Council Member Daeke moved they be heard. Motion was seconded by Council Member Rainey and unanimously approved.

The following citizens were heard:

1. **Mr. Horace P. Bullock - 129 South Bullock Street** - Mr. Bullock addressed Council regarding the status of a citizen review board. Mr. Bullock stated he had addressed Council several months ago regarding the formation of a citizen review board for the Police department and requested an update.

City Manager Griffin stated that Mr. Bullock had asked for the formation of such a board and that Mr. Griffin had met with officials and based upon constraints advised against proceeding. Mr. Griffin stated he had advised Council and Mr. Bullock of the State decision. Several months later Mr. Bullock returned to Council saying he had been misunderstood. Mr. Griffin stated he had contacted officials again but has yet to receive a written response.

Mr. Bullock asked when he could expect a response and whether it would be in writing. Mr. Griffin stated he would attempt to receive a response in time for

inclusion on the 14 February 2011 agenda. Mr. Griffin will first report to City Council and based upon Council's direction, he would move forward.

2. **Mr. James Mason - 322 Keene Street** - Mr. Mason addressed Council regarding the memorial in front of the County Court House.

Mr. Mason first expressed sympathy with the passing of Mrs. Evans. He then stated he was a Vietnam Veteran and went on to state he felt with Confederate memorial in front of the County Court House should be moved to the Confederate cemetery in Kittrell.

Mayor O'Geary thanked both Mr. Bullock and Mr. Mason for their comments.

## **REPORTS**

### **Mayor/Mayor Pro-Tempore (No Report)**

#### **City Manager**

City Manager Griffin reminded Council Members of the Retreat on Friday 28 January and that the location has been moved to the Aycock Recreation Center's second floor large meeting room. The Retreat should conclude no later than 5:00 p.m.

Council Member Coffey requested the City Manager set a time for a Safety Committee meeting.

#### **City Attorney (No Report)**

#### **City Clerk**

City Clerk McCrackin stated the calendar/schedule update has been included in their agenda packet. No departmental reports were available.

## **ADJOURNMENT**

Council Member Daeke moved for adjournment. Motion seconded by Council Member Rainey and unanimously approved. The meeting adjourned at 7:45 p.m.

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James D. O'Geary  
Mayor

**ATTEST:**

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Esther J. McCrackin  
City Clerk