



AGENDA

Henderson City Council Short Regular Meeting

Monday, 25 April 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. 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 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) 11 April 2011 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 11-05, Issuing Sewer Credit for Outside Watering of Lawns, Plants and Vegetation from June 1, 2011 through October 31, 2011. (*CAF 11-06*) [*See Notebook Tab # 2*]
- Resolution 11-05
- b) Consideration of Approval of Resolution 11-31, to Submit NCLM Grant to Purchase ANASI II Approved Jackets and NCLM Grant Application to Purchase Work Zone Barricades. (*CAF 11-64*) [*See Notebook Tab # 3*]
- Resolution 11-31
- c) Consideration of Resolution 11 – 08, Recognizing Municipal Clerk’s Week, May 1 through May 7, 2011. [*See Notebook Tab # 4*]
- Resolution 11- 08
- d) Consideration of Approval of Resolution 11 - 46, Award of Contract for Professional Services Relative to Refunding of Combined Enterprise Revenue Bonds, Series 2001; and Budget Ordinance 11- 31. (*CAF 11-72*) [*See Notebook Tab # 5*]
- Resolution 11- 46
 - Ordinance 11 – 31

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

IX. 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. Various Departmental Reports

XV. CLOSED SESSION

XVI. 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
25 April 2011

PRESENT

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

ABSENT

None.

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Sandra Wilkerson, Public Works Director, Linda Leyen, and Code Compliance Director Corey Williams.

CALL TO ORDER

The 25 April 2011 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.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Attorney Zollicoffer requested that Resolution 11-48, *A Resolution Authorizing the Mayor to Negotiate and Agree to the Payment Terms Relative to the Payments by the U.S. Department of Housing and Urban Development for the Demolition of the Property Known as Beacon Light – Goodwill Baxter Apartments*, be added to the agenda.

City Manager Griffin requested that Resolution 11-47, *Authorizing the Mayor to Sign an Agreement Between the City of Henderson and Vescom America, Inc., Relative to Receiving Funding Assistance from the NC Industrial Development Fund*, be added to the agenda.

With no further requests, Council Member Daeke moved to accept the adjusted agenda. Motion seconded by Council Member Daye and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Davis moved the approval of the following minutes: 11 April 2011 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 no citizens wished to speak on agenda matters.

NEW BUSINESS

Issuing Sewer Credit for Outside Watering of Lawns, Plants and Vegetation from June 1, 2011 through October 31, 2011. (Reference: CAF: 11-06; Resolution 11-05)

City Manager Griffin advised Council that this Resolution is consistent with prior years in that it provides customers sewer credits due to outside watering of grass, plants and vegetation.

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

Council Member Peace-Jenkins moved the approval of Resolution 11-05, *Issuing Sewer Credit for Outside Watering of Lawns, Plants and Vegetation from June 1, 2011 through October 31, 2011*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 2, p 9)

NCLM Grant to Purchase ANASI II Approved Jackets and NCLM Grant Application to Purchase Work Zone Barricades. (Reference: CAF 11-64; Resolution 11-31)

City Manager Griffin asked Linda Leyen, Public Works Director to advise Council on this item. Ms. Leyen explained that after meeting with Risk Management from North Carolina League of Municipalities and in order to meet the new safety regulations, new jackets and cones are needed.

As of January 1, 2008 Federal regulations require all workers on public streets to be protected with signs, cones and barricades which meet the new retro reflectivity standards. This grant

allows for the purchase of this equipment. This is a reimbursement grant in the amount of \$1,500.

Federal regulations, as of January 1, 2011, require all workers on public streets to wear ANSI II clothing. Authorization of this grant allows the purchase of coats for City workers to meet this requirement.

In response to Council Member Coffey's questions, Ms. Leyen stated the jackets cost \$100 each and that 23 are needed. There are City funds available to offset the costs. Council Member Rainey asked if two (2) cones are necessary for each vehicle and if the current cones are no longer usable. Ms. Leyen stated yes; each Public Works vehicles will have two (2) cones on board at all times. She stated other departments will develop their own system for cone responsibility. Ms. Leyen went on to state the existing cones are no longer usable; however they are being used for training. Council Member Inscoe asked if this policy applied to meter readers. Ms. Leyen responded yes.

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

Council Member Peace-Jenkins moved the approval of Resolution 11-31, *Authorizing Submission of Two North Carolina League of Municipalities Safety Grants: 1) Workers Compensation Grant for Purchase of ANSI II Safety Clothing, and 2) property and Liability Grant for Purchase of Safety Signs, Cones and Barricades to Meet New Safety Standards.* Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 2, p 61)

Recognizing Municipal Clerk's Week, May 1 through May 7, 2011. (Reference: Resolution 11-08)

Mayor O' Geary read the resolution recognizing May 1 through May 7, 2011 as Municipal Clerk's Week to City Clerk McCrackin and thanked Ms. McCrackin for her service.

Council Member Daeke moved the approval of Resolution 11-08, *A Resolution Recognizing Municipal Clerks Week, May 1 through May 7, 2011.* Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye, Kearney, and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 2, p 15)

Award of Contract for Professional Services Relative to Refunding of Combined Enterprise Revenue Bonds, Series 2001; and Budget Ordinance 11-31. (Reference: CAF 11-72; Resolution 11-46)

City Manager Griffin asked Finance Director Sandra Wilkerson to address Council on this item. Ms. Wilkerson summarized this request stating that current rates are lower than what they were

when the Bonds were issued in 2001. Meetings have been held with two agencies and the suggestion to Council is to retain Robinson, Bradshaw & Hinson, P.A. and First Tryon Advisors to assist with refunding to refinance the existing Series 2001 Combined Enterprise System Revenue Bonds. She stated the refinancing costs are currently estimated between \$85,000 and \$135,000 and the anticipated savings range is \$875,000 to \$900,000.

City Attorney Zollicoffer shared he worked with this company for the City of Henderson in 1973. Council Member Inscoe asked what the current rate is on the bonds. Ms. Wilkerson responded 5.5% and 5.75% and the anticipated new rate would be 3.75% to 4.25%. She also stated if Council agrees the refinancing is anticipated to be complete by mid-July. Mr. Inscoe then asked if current payments go into an escrow fund and if there would be instant savings. Ms. Wilkerson stated yes; approximately \$90,000 to \$100,000 per year. Mr. Inscoe asked if the bonds would be paid and reissued. Ms. Wilkerson said yes.

Council Member Kearney asked if the Local Government Commission would be involved. Ms. Wilkerson responded that the Local Government Commission would become involved at the appropriate time in the process. Mr. Kearney also asked if the City had looked at other debt such as with Recreation. Ms. Wilkerson stated the City had reviewed debt last year and found refinancing would not be advantageous in other situations. Attorney Zollicoffer added that Recreation was financed through the bank, not with bonds.

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

Council Member Inscoe moved the approval of Resolution 11-46, *Proceed with Refinancing of 2001 Revenue Bonds*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Davis, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: None (*See Resolution Book 2, p 91*)

Authorizing the Mayor to Sign an Agreement Between the City of Henderson and Vescom America, Inc., Relative to Receiving Funding Assistance from the NC Industrial Development Fund. (*Reference: CAF 11-73; Resolution 11-47*)

(Clerk's Note: Council Member Inscoe asked to abstain on this issue)

City Manager Griffin asked Assistant City Manager Frank Frazier to address Council on this item. Mr. Frazier reminded Council that Resolution 11-09 was approved on January 24, 2011, authorizing the Mayor to sign an application for funding assistance from the NC Industrial Development Fund to help defray the cost of utility connection(s) for a new manufacturing facility on Ross Mill Road. The City has now been notified that funds have been set aside for this project and a full application must not be submitted. Part of the application stipulates that a legally binding commitment must be executed with Vescom America, Inc. which outlines various performance measures in creating twenty full-time equivalent jobs within a three year period, along with other details.

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

Council Member Kearney moved the approval of Resolution 11-47, *Authorizing the Mayor to sign an Agreement between the City of Henderson and Vescom America, Inc., Relative to Receiving Funding Assistance from the NC Industrial Development Fund.* Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Davis, Daye, Kearney, Coffey and Rainey. NO: None. ABSTAIN: Inscoc. ABSENT: None (See Resolution Book 2, p 93)

Authorizing the Mayor to Negotiate and Agree to the Payment Terms Relative to the Payments by the U.S. Department of Housing and Urban Development for the Demolition of the Property Known as Beacon Light – Goodwill Baxter Apartments. (Reference: Resolution 11-48)

City Attorney Zollicoffer advised Council that pursuant to Resolution 10-112 authorizing the Mayor to sign a Memorandum of Understanding between the City and the U.S. Department of Housing and Urban Development (HUD), the City has submitted bids to HUD and said bids, payment amounts and terms are being finalized. Attorney Zollicoffer stated the maximum payment would be \$399,000.

Council Member Rainey asked if the demolition would include the entire site and the anticipated timeframe. Attorney Zollicoffer responded yes and stated the anticipated timeframe would be approximately 6 months. Council Member Kearney inquired about the title/owner.

Council Member Davis moved the approval of Resolution 11-48, *Authorizing the Mayor to Negotiate and Agree to the Payment Terms Relative to the Payments by the U./S. Department of Housing and Urban Development for the Demolition of the Property Known as Beacon Light – Goodwill Baxter Apartments.* Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Daeke, Davis, Daye, Kearney, Coffey, Rainey and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: None (See Resolution Book 2, p 93)

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised one individual had signed in to address City Council.

Mr. Wallace Mangum, 1549 Dabney Drive. Mr. Mangum appeared before Council to urge Members to consider lowering the Internet Café Business License fees. Mr. Mangum came prepared with statistics regarding his income/expenses, along with fees imposed by other cities in North Carolina. He asked that a reasonable, equitable solution be considered. He also mentioned that Ms. Carroll, owner of another café in town, was in attendance and in support of his plea.

City Manager Griffin reminded Council that they had previously agreed to discuss this matter during the budget process in May, and it was agreed that this was still the consensus of Council.

Mayor O'Geary thanked Mr. Mangum for his presentation. Council Member Coffey asked Mr. Mangum for his residential address which he provided as 5224 Crooked Bluff Lane, Fuquay-Varina, NC 27536.

REPORTS

- a) Mayor/Mayor Pro-Tem (No report)
- b) City Attorney - (No Report)
- c) City Manager – Mr. Griffin stated that he and the Mayor came directly to Council Meeting from a meeting regarding High Speed Rail and that the NCDOT representatives would like to address Council on Council's previously submitted concerns. A ten minute recess would be taken so they could set up their PowerPoint presentation.
- d) City Clerk – Ms. McCrackin mentioned that the Calendar Notes and Schedule Update were included in the Agenda packet. Ms. McCrackin also mentioned she received an e-mail from Ms. Geraldine Champion. That e-mail was copied and distributed prior to start of this meeting.

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Coffey and unanimously approved. The meeting adjourned at 6:42 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk