



AGENDA

Henderson City Council Short Regular Meeting
Monday, 25 February 2013, 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
- V. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA

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.

VI. APPROVAL OF MINUTES

a) 11 February 2013 Regular Meeting [See Notebook Tab 1]

VII. PUBLIC COMMENT 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 13-23, Approving the Submission of an Application for State Revolving Funds (SRF) Grant/Loan for Improvements Relative to the Force Main and outfall Sewer from the Sandy Creek Pump Station; Resolution 13-24, Approving a Grant/Loan Application to the Drinking Water State Revolving Fund (DWSRF) for Various Water System Improvements Located on Beckford Drive and US 158 Business; Resolution 13-16, Authorizing the Execution of a Contract with McGill Associates, P.A., for the Design of Water Main Extensions on Beckford Drive and US 158 Business; Ordinance 13-11, FY 13 Budget Amendment #24, Establishing CIP Project Budget for Water Main Extension Projects Including Beckford Drive and US 158 Business for Design; and Resolution 13-25, Declaring the Intent to Reimburse the City of Henderson for Certain Expenditures in Connection with Water Main Extensions Located on Beckford Drive and US 158 Business. (CAF 13-21-A) [See Notebook Tab 2]

- Resolution 13-23
- Resolution 13-24
- Resolution 13-16
- Ordinance 13-11
- Resolution 13-25

IX. 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 on the last page of this Agenda.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;

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 Ordinance 13-09, FY 13 Budget Amendment #23, Amending the CIP-Powell Bill Fund. (CAF 13-28) [See Notebook Tab 3]*
 - Ordinance 13-09

- b) Consideration of Approval of Resolution 13-21, Ratifying and Approving an Application to the North Carolina Governor's Highway Safety Program in the Amount of \$18,300 for NC Governor's Highway Safety Program Grant to Fund Traffic Checkpoint Equipment. (CAF 13-27) [See Notebook Tab 4]*
 - Resolution 13-21

XI. CLOSED SESSION

- a) Pursuant to G.S. §143-318.11a)(3) regarding two (2) Attorney-Client Matters.*
- b) Pursuant to G.S. §143-318.11a)(4) regarding an Economic Development Matter.*

XII. REPORTS

- a) Mayor/Mayor Pro-Tem*
- b) City Manager*
- c) City Attorney*
- d) City Clerk*
 - i. Calendar Update [See Notebook Tab 5]*
 - ii. Multiple Sclerosis Awareness Week Proclamation*
 - iii. Reminder*
 - Town Hall Day – Wednesday, March 27

XIII. ADJOURNMENT

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- 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
25 February 2013

PRESENT

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

ABSENT

Council Member Vernon L. Brown

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Katherine C. Brafford, Police Chief Keith Sidwell, Henderson Water Reclamation Facility Director Tom Spain and Billing and Collections Supervisor Shay Bennett.

CALL TO ORDER

The 25th February 2013 Short Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:01 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 Brenda Peace-Jenkins led those in attendance in a prayer and the Pledge of Allegiance.

Mayor O'Geary gave a warm welcome to everyone and then asked the City Clerk to proceed.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. The City Clerk said a corrected Ordinance 13-11 was distributed prior to the meeting, and the Economic Development Matter has been removed from the Closed Session. Council Member Inscoe asked to add discussion regarding use of the undesignated fund balance to balance the budget for FY 13-14. Mayor O'Geary then asked for the pleasure of Council. Council Member Peace-Jenkins 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 Peace-Jenkins moved the approval of the 11 February 2013 minutes as presented. Motion seconded by Council Member Inscoe and unanimously approved.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

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

NEW BUSINESS

Approving the Submission of an Application for State Revolving Funds (SRF) Grant/Loan for Improvements Relative to the Force Main and Outfall Sewer from the Sandy Creek Pump Station; Approving a Grant/Loan Application to the Drinking Water State Revolving Fund (DWSRF) for Various Water System Improvements Located on Beckford Drive and US 158 Business; Authorizing the Execution of a Contract with McGill Associations, P.A., for the Design of Water Main Extensions on Beckford Drive and US 158 Business; FY13 Budget Amendment #24, Establishing CIP Project Budget for Water Main Extension Projects Including Beckford Drive and US 158 Business for Design; and Declaring the Intent to Reimburse the City of Henderson for Certain Expenditures in Connection with Water Main Extensions Located on Beckford Drive and US 158 Business. (Reference: CAF 13-21-A; Resolutions 13-23, 13-24, 13-16, Ordinance 13-11 and Resolution 13-25; respectively)

City Manager Griffin asked Assistant City Manager Frank Frazier to review these items and added that Andy Lovingood from McGill Associates was present to answer any questions. Mr. Frazier reminded Council that these issues were discussed at the 11 February meeting and briefly reviewed each issue saying they were presented according to deadlines. Mr. Frazier said if Council approved, the appropriate paperwork could be submitted to meet the deadline of 1 March 2013 relative to the force main and outfall sewer from the Sandy Creek Pump Station. He shared the deadline for the various water system improvements on Beckford Drive and US 158 Business is September 2013 Design for water main extensions on Beckford Drive and US 158 is

another project that is seen as highly qualified for possible grant monies and would provide backup lines/loops for these areas.

Council Member Inscoe asked if any scenarios had been studied regarding the capital costs. City Manager Griffin said not at this time and Mr. Frazier added that would be part of the McGill study relating to the current updating of the multi-year utilities CIP. Mr. Griffin shared when and if the applications are accepted, Council will be asked to give final approval and the total costs will be available at that time. Council Inscoe summarized this item of business by saying that Council is only being asked to approve the design expense by McGill at this time. Both Mr. Griffin and Mr. Frazier agreed.

Council Member Coffey asked for verification that the budget amount for Resolution 13-24 was rounded up. Mr. Griffin said yes. Council Member Coffey also asked for details regarding the mention of well problems on US 158 Bypass. Mr. Frazier said there are concerns regarding the depth of wells and the iron content within the wells. Mr. Griffin said this large un-served corridor could provide the City with opportunities for revenue growth, along with servicing the three existing subdivisions. He also saw it as an opportunity for improving public health by making potable water available to areas where residents are having well problems.

Council Member Daeke asked for the Capital Reserve balance and Finance Director Brafford said rather than guess she would like to verify the number and get back to Council. Council Member Kearney asked if in the future staff would make it a matter of course to be prepared with balance information. Mr. Griffin advised this would be done.

Council Member Kearney asked if the intent to reimburse the City for certain expenditures is for now or the future. City Manager Griffin said both.

Council Member Coffey asked if the needs on Industry Drive could be reviewed again in conjunction with these projects. City Manager Griffin said because of the upcoming deadlines, probably not at this time. He explained the projects being considered this evening are considered high for grant approval but said Industry Drive could certainly be looked at during another round. Ms. Coffey said she would appreciate keeping this area in mind for future consideration.

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

Council Member Rainey moved the approval of Resolutions 13-23, 13-24, 13-16, Ordinance 13-11, and Resolution 13-25, *Approving the Submission of an Application for State Revolving Funds (SRF) Grant/Loan for Improvements Relative to the Force Main and Outfall Sewer from the Sandy Creek Pump Station; Approving a Grant/Loan Application to the Drinking Water State Revolving Fund (DWSRF) for Various Water System Improvements Located on Beckford Drive and US 158 Business; Authorizing the Execution of a Contract with McGill Associations, P.A., for the Design of Water Main Extensions on Beckford Drive and US 158 Business; FY13 Budget Amendment #24, Establishing CIP Project Budget for Water Main Extension Projects Including Beckford Drive and US 158 Business for Design; and Declaring the Intent to Reimburse the City*

of Henderson for Certain Expenditures in Connection with Water Main Extensions Located on Beckford Drive and US 158 Business. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke and Daye. NO: None. ABSTAIN: None. ABSENT: Brown. (See Resolution Book 3, pgs., 147, 149, 133, and 151; Ordinance Book 8, p. 541)

CONSENT AGENDA

The City Clerk read the Consent Agenda, summarized as follows:

Amending the CIP-Powell Bill Fund, FY 13, Budget Amendment #23. This amendment aligns the revenue accounts to identify associated project funds and also closes out the High Street Connector Project. *(Reference: CAF 13-28; Ordinance 13-09; See Ordinance Book 8, p. 537)*

Ratifying and Approving an Application to the North Carolina Governor's Highway Safety Program in the Amount of \$18,200 for NC Governor's Highway Safety Program Grant to Fund Traffic Checkpoint Equipment. This grant will provide funding to purchase items to be used in Traffic Safety and Traffic Enforcement. This grant provides 75% of the \$18,300 cost with the remaining 25% provided through Federal Asset Forfeiture Funds. *(Reference: CAF 13-27; Resolution 13-21; See Resolution Book 3. P. 143)*

Mayor O'Geary asked if anyone wished to remove an item from the Consent Agenda. There were no requests for removal. Mayor O'Geary asked for a motion to approve the consent Agenda as presented.

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

ADDED BUSINESS ITEM

Using the General Fund to Balance the FY 13-14 Budget. Council Member Inscoe reminded Council that a substantial amount of money was appropriated from the undesignated general fund balance in FY 12-13 Budget and said if this continued there would be no undesignated fund balance left in the General Fund. He felt the City Manager and Department Heads needed direction as work begins on the FY 13-14 Budget. Mr. Inscoe said he would like to see the City Manager develop a budget without using dollars from the undesignated general fund balance.

Mayor O'Geary asked for a poll of Council.

Council Member Kearney said he would like to know what the alternatives are and said he would like to wait to hear those alternatives. He did say he sees not using the General Fund as a starting place for developing the budget.

Council Member Coffey said not using the General Fund to balance the budget is something to strive for and would also like to know the alternatives.

Council Member Rainey agreed with Mr. Inscoe.

Council Member Brenda Peace-Jenkins said not using the General Fund is a wonderful vision to work towards.

Council Member Daeke said the Manager could prepare a budget without using the General Fund but said with the possible loss of internet café dollars it would be difficult.

Council Member Daye felt one step at a time is needed, beginning with the Manager's draft budget.

City Manager Griffin said he would attempt to establish a balanced budget without using General Fund dollars.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised two citizens wished to address City Council.

Ellen Faines, 710 Champion Street. Ms. Faines expressed concern regarding a structure that had burned next to her in December and felt the remains were detrimental to her health. She said a portion of the structure is on her property and wanted to know how to have the debris removed. Mayor O'Geary asked City Manager Griffin to look into the situation and let Ms. Faines know his findings. Mr. Griffin explained to Ms. Faines that there is a legal process that needs to be followed and said he would follow up with the Code Compliance department and let her know the status.

Geraldine Champion, 325 Charles Street. Ms. Champion thanked Council for the opportunity to bring her concerns regarding crime and gun controls. Ms. Champion asked what citizens can do and what the police, Council, State and Federal officials are doing to deter crime. She suggested a gun buyback program to take guns off the streets and asked if anyone had looked into obtaining grants to reduce crime. She commended the police for doing their job but said many citizens do not know their Ward Officers. She also felt 911 calls should be responded to more promptly.

Mayor O'Geary said he, along with many others are concerned about the crime within the City. Council Member Peace-Jenkins said this was a good time to remind everyone of the Vance County Board Of Education's community meeting being held Tuesday, 26 February at the E.M.

Rollins School to discuss what can be done regarding crime. Council Member Rainey expressed concern and added Henderson is not the only city facing these problems. Council Member Coffey said citizens are afraid to speak up and felt better rapport needs to be developed.

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 Daye moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3) for two (2) Attorney-Client Privilege Matters, Motion seconded by Council Member Coffey and unanimously approved.

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

REPORTS

- a) Mayor/Mayor Pro-Tem - Mayor Pro-Tem Rainey complimented Human Resources Director Cathy Brown and her assistant for putting together a very professional Services Awards banquet and said anyone who missed the banquet missed an exceptional event
- b) City Manager – City Manager Griffin said he had good news. He thanked Billing and Collections Supervisor Shay Bennett for her work as two payments have been received from the State in the amount of \$73,585 in bad utilities debt by virtue of the State's Set-Off Program.

In response to Council questions, Ms. Bennett said this amount came from income taxes and lottery winnings. She added she anticipates more checks in the future.

Mr. Griffin mentioned the General Assembly is looking at removing the State Income tax and if they approve this measure, the State will no longer be able to collect outstanding debt by the Debt Set-Off Program

Council Member Peace-Jenkins asked if a letter of support could be written to the developers working on Plan B for the Zene Street project. Mayor O'Geary asked for and received the consensus of Council with everyone present in agreement that a letter of support should be written. Council Member Daeke referenced the \$50,000 which Council set aside in its FY13 Budget to provide grant matches.

- c) City Attorney – City Attorney Zollicoffer, Jr. echoed Mr. Rainey with compliments for a very enjoyable Services Awards banquet.
- d) City Clerk - No Report

Mayor O'Geary asked if Council was prepared to adjourn and move into Work Session

ADJOURNMENT

Council Member Daeke moved for adjournment. Motion seconded by Council Member Coffey and unanimously approved. The meeting adjourned at 7:07 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk