

City Council Minutes

Short Regular Meeting

23 September 2013

PRESENT

Mayor James D. O'Geary, Presiding; and Council Members Sara M. Coffey, Michael C. Inscoc, D. Michael Rainey, Brenda Peace-Jenkins, Garry D. Daeke, Vernon L. Brown and George M. Daye.

ABSENT

Council Member James C. Kearney, Sr.

STAFF PRESENT

Assistant City Manager Frank Frazier, City Attorney John Zollicoffer, Jr., City Clerk Esther J. McCrackin, Finance Director Kathy Brafford, Planning & Community Development Director Erris Dunston, Henderson Water Reclamation Facility Director Tom Spain, Interim Police Chief Marcus Barrow, and Recreation and Parks Director Alan Gill.

CALL TO ORDER

The 23 September 2013 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 Brenda Peace-Jenkins led those in attendance in a prayer and the Pledge of Allegiance.

Mayor O'Geary welcomed everyone to this meeting.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Attorney Zollicoffer, Jr. requested the Work Session item *Consideration of Approval of Ordinance 13-54, Amending Section 10-49 of the City Code Relating to Concealed Weapons on City Properties* be moved to the Short Regular Session as it needed approval prior to October 1. There were no other adjustments and Council Member Rainey moved to accept the Agenda as adjusted. Motion seconded by Council Member Brown, 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 9 September 2013 minutes as presented. Motion seconded by Council Member Coffey 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

Acceptance of the 2013 BJA Bullet Proof Vest Partnership Grant in the Amount of \$3,923.73. (Reference: CAF 13-50-A; Resolution 13-37-A, Ordinance 13-61)

Assistant City Manager Frazier asked Interim Police Chief Barrow to present this grant information. Chief Barrow said this is an annual submission to request reimbursement to the City for a portion of the purchase price and shipping costs of bullet proof vests. Notice has been received that the grant has been approved; however, due to Federal budget cuts, the total award is \$3,923.73 or 37% of the total costs. The Chief said the NC League of Municipalities has covered a small portion of the remaining cost and the balance will come from the Asset Forfeiture fund.

Council Member Coffey asked if there was any recourse regarding the reduction in the grant award. The response by Chief Barrow was no.

There were no further questions. Mayor O'Geary asked for the pleasure of Council.

Motion was made by Council Member Coffey to approve Resolution 13-37-A, *Acceptance of the 2013 BJA Bullet Proof Vest Partnership Grant in the Amount of \$3,923.73* and Ordinance 13-61 FY14 Budget Amendment #12, *Amending Fund 5: Establishing Budget for Above Mentioned Grant*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney and Daeke. (See Resolution Book 3, p 175-A, Ordinance Book 9, p 43)

Authorizing the Mayor and City Manager to Sign the State Archives Records Retention Schedule Amendment. (*Reference: CAF 13-104; Resolution 13-62*)

Assistant City Manager Frazier asked City Clerk McCrackin to advise Council of this amendment. Ms. McCrackin said the Department of Cultural Affairs recently emailed three amendments to the Records Retention Schedule. As a reminder, she said approval by Council is necessary to allow for the proper destruction of documents. Ms. McCrackin added that the City Attorney made a few changes to the retention requirements which are allowed, as long as the retention time is not shorter than required by the State. She then asked for Council's approval for the Mayor and City Manager to sign this amendment which she will then forward to the proper State authority.

There were no questions. Mayor O'Geary asked for the pleasure of Council.

Motion was made by Council Member Rainey to approve Resolution 13-62, *Authorizing the Mayor and City Manager to Sign the State Archives Records Retention Schedule Amendment*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney and Daeke. (*See Resolution Book 3, p 225*)

Change Order for Henderson Water Reclamation Facility (HWRF) to Include Brushes for Clarifier. (*Reference: CAF 13-12-A; Ordinance 13-08-A*)

Assistant City Manager Frazier said the wastewater treatment plant project is underway and some changes have been made that will undercut the costs and other changes have been noted that will be prudent to institute now which will create future savings. He then asked HWRF Manager Spain to present this item to Council.

Mr. Spain began by saying unsuitable soils have been encountered in several of the work areas and it is recommended that those areas be solidified before proceeding. He also said there is currently a 2 foot pipe to move sludge and it is strongly recommended by the engineers on this project that the pipe be increased to a 6 foot pipe.

(Clerk's Note: Council Member Daeke arrived at 6:08 p.m.)

Mr. Spain requested additional funds for installing automatic door closures to not only protect the electrical panels but to also protect employees. Staff feels this is an important safety issue. Also, as a safety issue, purchase of the Weir-Wolf brush system is recommended. Currently sludge is removed from the equipment manually with a fire hose and brushes while walking through the wastewater. Purchase of this system should save approximately \$266,480 in a ten year time period and distributed a handout documenting these savings. At this time Mr. Spain showed a brief video of the system and how it would work.

Following the video, Council Member Rainey asked where the sludge goes. Mr. Spain responded it goes into the filter building but explained with the new system that works 24/7, the sludge would be sent in “flecks” rather than “bulk.”

Council Member Inscoe inquired if there would be any elimination in manpower and what payback can be expected. Mr. Spain responded that he thought a decision regarding staffing at this time would be premature and Assistant City Manager Frazier concurred. Regarding payback, the project overseers McGill Associates, have said all along this renovation should reduce manpower and costs conservatively by about \$500,000.

Council Member Daeke asked if this was an additional \$500,000 or the same as previously discussed. Mr. Spain said the same as previously discussed.

Council Member Inscoe then asked why the soil was not tested. Mr. Spain said there was soil testing done and went on to explain what happened during the last renovation in the problematic areas.

Next Mr. Inscoe inquired about the door costs, asked how much will be left in contingency if these requests are approved and what percentage of the project has been completed. Mr. Frazier these expenses would reduce the contingency fund to \$601,431. Mr. Spain said the door costs are \$3,000 each and responded the project is approximately 25% complete.

Council Member Coffey asked if the project is on schedule. Mr. Frazier responded due to the unusually wet days during the beginning of the project they are behind. He added McGill Associates has already requested an updated schedule.

Council Member Brown asked if the Weir-Wolf brushes would have worked on the old system. Mr. Spain said yes but it was felt it would be better to wait until the old system was upgraded. Mr. Brown agreed with this approach and Council Member Coffey added putting something new with the old system might have caused the old system to overwork and agreed it was a good idea to wait.

Council Member Peace-Jenkins asked how often the brushes need to be changed. Mr. Spain said once a year. Ms. Coffey asked what the recurring costs would be for the brushes and Mr. Spain said about \$200.00.

There were no further questions. Mayor O’Geary asked for the pleasure of Council.

Motion was made by Council Member Brown to approve Ordinance 13-08-A, *Change Order for Henderson Water Reclamation Facility (HWRF) to Include Brushes for Clarifier*. Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye and Coffey. NO: None. ABSTAIN: None. ABSENT: Kearney. (See Ordinance Book 8, p 535-A)

Tax Releases and Refunds from Vance County for the Month of July 2013. (Reference: CAF 13-94)

Assistant City Manager Frazier said this is a monthly routine housekeeping matter and the Finance Director has found the releases and refunds (see below) to be in order:

August 2013 Tax Releases			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Releases			
Ayscue, Christopher	Correct Exemption	2013	-155.00
Equity Resource Partnership	Correct Ownership	2013	-2,522.01
Joromi Properties LLC	Correct Ownership	2013	2,522.01
Lake North LLC	Correct Ownership	2013	345.46
Quest Rental & Dev	Correct Ownership	2013	-345.46
Wright, Maggie Cooper	Correct Exemption	2013	-160.02
Total R&P Property Releases			-315.02
Real & Personal Property			
Refunds			
None			0.00
Total R & P Property Refunds			0.00
Total R&P Prop. Rel. & Ref.			-315.02

Vehicle Releases			
Almuntasser, Abdullah	Pro-Rate	2012	21.71
Ashe, Johnny Wilson	Pro-Rate	2012	56.99
Bragg, Brandi Nicole	Pro-Rate	2012	21.10
Branch, Michelle Lyons	Correct Value	2012	1.58
Durham, Valicia Crute	Pro-Rate	2012	3.08
Eaton, Carolyn Phelind	Pro-Rate	2012	35.38
Lane, Julie Williams	Pro-Rate	2012	0.36
Riggan, Khristy Lureesa Boyd	Pro-Rate	2012	33.68
Sutton, Thomas Jerome	Pro-Rate	2012	26.76
Williams, Mary Elizabeth	Pro-Rate	2012	1.86
Wortham, Christina Crystal	Pro-Rate	2012	15.17
Cook, Dale Creed	Transfer Out	2013	2.78
Cooper, Edith Kittrell	Pro-Rate	2013	24.98
Eaton, Beatrice Delores	Correct Situs	2013	103.31
Harris, Melvin Thomas	Pro-Rate	2013	10.03
Jones, Jesse Lee	Pro-Rate	2013	7.99
Kerr Area Transportation	Charitable All O	2013	14.72
Ligon, Paul Edward Jr.	Correct Situs	2013	1.90
Lockley, Christie Lee	Pro-Rate	2013	16.46
Medlin, Bety Woolard	Pro-Rate	2013	4.60
Pendergrass, Charles A	Pro-Rate	2013	5.27
Popoca, Celia	Pro-Rate	2013	15.88
Royster, Milton Early	Correct Value	2013	19.29
Smithwick, Ruth Marie	Pro-Rate	2013	149.84
Spencer, Margaret Linsey	Pro-Rate	2013	27.70
Steed, Janice Parham	Pro-Rate	2013	40.10
Strause, Henry Mcdaniel	Pro-Rate	2013	28.96
Taylor, Joseph	Pro-Rate	2013	1.61
Terry, Bessie Veronica	Correct Situs	2013	-51.36
Walker, Tami Joy	Pro-Rate	2013	43.26
Wortham, Christina Crystal	Reg. Veh Billed In Error	2013	31.62
Wright, Eddie Leroy	Reg. Veh Billed In Error	2013	157.89
Total Vehicle Releases			874.50

Vehicle Refunds			
Archie, Nathaniel	Pro-Rate	2012	3.90
Brummit, Samuel Wilbur	Pro-Rate	2012	27.21
Covington, Elsie Hight	Pro-Rate	2012	171.74
Daye, Marjoire Anna	Pro-Rate	2012	13.08
Hargrove, Kenneth Lee	Pro-Rate	2012	1.27
Hargrove, Mauricus Antwuan	Pro-Rate	2012	7.56
Harris, Marquis Quanzell	Pro-Rate	2012	2.67
Harris, Melvin Thomas	Pro-Rate	2012	8.43
Henderson, Rufus	Pro-Rate	2012	97.26
Holmes, Madison Jr.	Pro-Rate	2012	6.38
Eggleston, Thomas Allen	Pro-Rate	2013	13.02
Martinez, Jose Andres	Pro-Rate	2013	14.32
White, Carl Tudor	Pro-Rate	2013	70.03
Total Vehicle Refunds			436.87
Tot. Veh. Rel. & Ref.			
Total All Releases & Refunds			1,311.37

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

Council Member Inscoe moved the approval of *Tax Releases and Refunds from Vance County for the Month of August 2013*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Brown, Daye, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Kearney.

Amending Section 10-49 of the City Code Relating to Concealed Weapons on City Properties. (CAF 13-97; Ordinance 13-54)

Assistant City Manager Frazier asked City Attorney Zollicoffer, Jr. to present this amendment. Attorney Zollicoffer, Jr. explained that during the July 29th General Assembly session the State passed an ambiguous law and read part of the State mandate. The amendment changes presented this evening conform, to best of his knowledge, to the new law which will take effect 1 October 2013 and affects the athletic and other facilities. Attorney Zollicoffer, Jr., said if further clarification/interpretation is received, he will again amend the City Code to be in compliance with State law.

Council Member Inscoe asked if it is a misdemeanor or felony if this law is unheeded. Attorney Zollicoffer, Jr. said he thought it was a misdemeanor and Mr. Frazier pointed out Section 5 of the Bill stated it would be a felony.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address City Council.

REPORTS

- a) Mayor/Mayor Pro-Tem - Mayor Pro-Tem Rainey said he found the Candidate Forum very professional and expressed concern with the lack of citizen attendance. He also expressed condolences to the Mayor for the passing of his niece.
- b) City Manager - Assistant City Manager Frazier said the memo regarding surplus property is for Council information and he would be happy to answer any questions from Council.

Council Member Inscoe asked if any of the vehicles could be used to upgrade current vehicles in other departments. Mr. Frazier said various departments are looking to see if any of the vehicles are usable.

- c) City Attorney (No Report)

- d) City Clerk - Reminders were as follows: 1) Henderson Vance Community Watch Meeting on September 26; 2) Crime Stoppers Banquet on October 3 at South Henderson Pentecostal; 3) Meeting with Secretary Decker at Warren County Armory Civic Center on October 9; and 4) two Vance County Legislative Events --- October 1 at the Library and October 26 at St. James Baptist Church.

Council Member Daeke praised the Police Department, the Fire Department, and the Public Services Department, along with the Water Department for their assistance with the Ducky Derby which was a huge success.

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

Council Member Peace-Jenkins moved to adjournment. Motion seconded by Council Member Coffey and unanimously approved. The meeting adjourned 6:47 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin, City Clerk