



AGENDA

Henderson City Council Regular Meeting

Monday, 28 February 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 Sara M. Coffey
Councilmember Michael C. Inscoe
Councilmember D. Michael Rainey
Councilmember George M. Daye

Councilmember Brenda G. Peace—Jenkins
Councilmember Garry D. Daeke
Councilmember Lonnie Davis, Jr.

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) 14 February 2011 Regular Meeting [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 Ordinance 11—17, Approval of Budget Amendment for IBT Project (CAF 11—50) [See Notebook Tab # 2]

- Ordinance 11—17

b) Consideration of Ordinance 11—21, FY 11 Budget Ordinance #36, Closeout of David Street Project Grant (CAF 11—34) [See Notebook Tab # 3]

- Ordinance 11—21

IX. 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

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;

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 # 4*]
 - ii. Various Departmental Reports [*See Notebook Tab # 5*]
 - a) Henderson City Police Department January 2011 Report

XIII. CLOSED SESSION

- a) Pursuant to GS 143-318.11(a)(3) Attorney-Client Matter

IX. ADJOURNMENT

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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

28 February 2011

PRESENT

Mayor James D. O'Geary, Presiding; and Council Members Sara M. Coffey, Garry Daeke, Michael C. Inscoe, D. Michael Rainey, Brenda G. Peace-Jenkins, 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, Planning & Community Development Director, Erris Dunston, Human Resource Director Cathy Brown, Engineering Director Peter Sokalski and Kerr Lake Regional Water Plant Manager Christy Lipscomb.

CALL TO ORDER

The 28th day of February 2011 Work Session 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.

Mayor O'Geary welcomed Council Members and citizens to the meeting

ROLL CALL

The City Clerk called the roll and advised Mayor O'Geary a quorum was present.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin advised there was a request to move Item III-F from the Work Session - *Information Relative to 2010 Census Redistricting and Potential Impacts on 2011 Elections (Reference CAF 11-53)* – to the Regular Short Session. No other changes or requests were made to adjust the Agenda. Mayor O'Geary asked for the pleasure of Council. Council Member Peace-Jenkins moved to accept the Agenda as adjusted. Motion seconded by Council Member Inscoe and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Coffey moved the approval of the 14 February 2011 Regular Meeting minutes as presented. Motion seconded by Council Member Daye and unanimously approved.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

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

NEW BUSINESS

FY11 Budget Amendment #35 Authorizing the Transfer of Contingency Funds into Engineering Account in Regional Water to Pay for IBT Work Previously Authorized by City Council. (*Reference: CAF 11—50; Ordinance 11-17*)

Assistant City Manager Frazier reminded Council that this project was approved in 2010 in conjunction with the Regional Water budget, and the funds were originally approved as part of the FY11 budget process. These funds were placed in the contingency funds rather than the Engineering line item and the request tonight is to move the funds to the proper account so payment may be made for the engineering work associated with the Interbasin Transfer Petition (ITB)

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

Council Member Inscoe moved the approval of Ordinance 11-17, Authorizing the Transfer of Contingency Funds into Engineering Account in Regional Water to Pay for IBT Work Previously Authorized by City Council. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Coffey, Inscoe, Peace-Jenkins, Davis and Daye.. NO: None. ABSTAIN: None. ABSENT: Rainey and Daeke. (*See Ordinance 11-17 Book 8, p. 237*)

Authorizing FY 11 Budget Amendment #36 to Close Out the David Street CDBG Project #05-C-1423 (*Reference: CAF 11—34; Ordinance 11-21*)

Planning & Community Development Director, Erris Dunston stated this was a project in North Henderson incorporating several properties that were improved by acquisition, demolition, rehabilitation, upgrades and installation of a new neighborhood park. The original cost was estimated to be \$745,497.65 plus a local match of \$87,600. There was an overrun of \$4,448.65 due to unexpected change orders. The City has received the close out documents from the State and this item asks for Council to authorize FY11 Budget Amendment #36.

There were no questions from Council so Mayor O'Geary asked for Council's pleasure.

Council Member Coffey moved the approval of Ordinance 11-21, Authorizing FY11 Budget Amendment #36 to Close out the David Street CDBG Project #05-C-1423. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Inscoe, Peace-Jenkins, Davis, Daye and Coffey. NO: None. ABSTAIN: None. ABSENT: Rainey and Daeke. (See Ordinance Book 8, p. 245)

Information Relative to 2010 Census Redistricting and Potential Impacts on 2011 Elections
(Reference: CAF 11—53)

City Attorney Zollicoffer stated there is a "one man/one vote" requirement ensuring every individual is counted regarding the 2010 Census count and this could affect the October election. Depending on the census report, ward boundaries may or may not need to change. In summary, the census figures for North Carolina will not be available until sometime in April. The figures need to be reviewed to ensure a reasonable balance between all four City wards. This is a time consuming process which may not be completed until the end of May. Then resolutions need to be passed, public hearings held and if ward changes are necessary, approval from the Department of Justice. The State Board of Elections recognizes this is a problem for many cities with October elections and allows election delays until 2012. It is Attorney Zollicoffer's recommendation that Council consider postponing the City elections until May of 2012 to coincide with the County elections. Proceedings for this delay need to begin in early April so all requirements may be met in a timely manner.

Council Member Inscoe asked who would evaluate the census figures. City Manager Griffin said Planning Director Dunston, the City Attorney and himself. Mr. Griffin stated he has gone thru this process twice. It is a very time consuming, tedious process. Each block needs to be evaluated by race (African-American, Caucasian, Hispanic and other), along with voting age. Mr. Griffin believes the end of May would be the earliest this information could be computed which is too late to do the necessary resolutions.

City Manager Griffin stated a decision on how to proceed did not need to be made this evening but Council needs to consider authorizing City Attorney to proceed to the next step.

Mayor O'Geary asked for a motion.

Council Member Davis made a motion to go forward with this item. Motion was seconded by Council Member Peace-Jenkins and unanimously approved. The City Attorney will prepare the necessary Resolution and advertise for the public hearing as required.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised that no one had signed up to address City Council.

REPORTS

- a) Mayor/Mayor Pro-Tem - (No Report)
- b) City Manager - City Manager Griffin advised Council that after Mr. Bullock's second request for Council to establish a citizens review board, on 11 October 2010, he spoke with Ms. Johnson, an attorney with the Raleigh firm of Cranfield, Sumner and Hartzog, LLC, and Ms. Johnson maintains that Mr. Bullock's second request is, in reality, no different from the first. Mr. Griffin had this information prepared for the 28 February 2011 meeting and apologized for failing to mention it during the meeting.
- c) City Attorney (No Report)
- d) City Clerk – The Henderson Police Department report was included with the Agenda packet as was the updated calendar.

CLOSED SESSION

Mayor O'Geary asked if Council was ready to move into Closed Session. City Manager Griffin advised no report was expected after the Closed Session. With no discussion, Council Member Davis moved to go into Closed Session pursuant to NCGS §143-318.11(a)(3) for Attorney-Client matters. Motion seconded by Council Member Daye and unanimously APPROVED. The City Council convened in Close Session at 6: 17 p.m.

(Clerk's Note: Council Member Rainey arrived at 6:18 p.m. Council Member Daeke arrived at 6:43 p.m.)

The City Council returned to Council Chambers at 7:33 p.m. Council Member Coffey moved to return to Open Session. Motion seconded by Council Member Inscoe and APPROVED unanimously.

ADJOURNMENT

Council Member Coffey moved for adjournment. Motion seconded by Council Member Rainey and unanimously approved. The meeting adjourned at 7:34 p.m.

Council Member Coffey asked if Mr. Bullock had received notification regarding the status of the NAACP request. City Manager Griffin stated he spoke with Mr. Bullock earlier in the day and advised Mr. Bullock no action had been taken as the City Manager had only been asked to deliver a report to Council. Mr. Bullock did not ask for a copy of the report.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk