



AGENDA

Henderson City Council Regular Short Meeting
Monday, 28 November 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) 14 November 2011 Regular Meeting [See Notebook Tab #1]

VII. PRESENTATIONS AND RECOGNITIONS

VIII. PUBLIC HEARING

a) Consideration of Approval of Ordinance 11—63, Amending Section 670B.5 of the Henderson City Zoning Code Increasing the Number of Permitted Electronic Gaming Operations Per Establishment from Thirty-five (35) to One Hundred (100). (CAF 11—137) [See Notebook Tab #2]

- Public Hearing
- Ordinance 11—63

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, *clearly* 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. 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

X. NEW BUSINESS

a) Consideration of Approval of Resolution 11—116, Granville County Water Contract Approval. (CAF 11—151) [See Notebook Tab #3]

- Resolution 11—116

b) Consideration of Approval of Resolution 11—117, Providing City Employees with an Appreciation One-time Wage/Salary Supplement as Provided for in the FY11-12 Budget, and Authorizing a 2% Cost of Living Adjustment; and Ordinance 11—72, an Amendment to the FY 11-12 Budget, Budget Amendment #23. (CAF 11-152)[See Notebook Tab #4]

- Resolution 11—117
- Ordinance 11—72

- c) Consideration of Approval of Resolution 11—115, 2012 City Council Meeting Schedule Approval. (CAF 11-150) [See Notebook Tab #5]

- Resolution 11—115

XI. 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

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 #6]
 - ii.

XIII. 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
Short Regular Meeting
28 November 2011

PRESENT

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

ABSENT:

None.

STAFF PRESENT

City Manager Ray Griffin, City Clerk Esther McCrackin, Assistant City Manager Frank Frazier, Interim Finance Director C. B. "Butch" Watson, Planning Director Erris Dunston, Human Resources Director Cathy Brown, Engineering Director Peter Sokalski, Code Compliance Director Corey Williams, Henderson Water Reclamation Facility Director Tom Spain and Attorney Michael Satterwhite, representing City Attorney John Zollicoffer, Jr.

CALL TO ORDER

The 28 November 2011 meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:05 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 opened the meeting saying everyone was glad to see Council Member Davis in attendance. The Mayor also welcomed the citizens and staff in attendance.

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 Clerk McCrackin stated the City Attorney requests a Closed Session at the start of New Business, pursuant to G.S. 143-318-11(3) for an Attorney-Client matter. Motion was made by Council Member Rainey to approve the agenda with the addition of a Closed Session. 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 Inscoe moved the approval of the following minutes: 14 November 2011 Regular Meeting. Motion seconded by Council Member Peace-Jenkins and unanimously approved.

PUBLIC HEARING

Amending Section 670B.5 of the Henderson City Zoning Code Increasing the Number of Permitted Electronic Gaming Operations per Establishment from Thirty-five (35) to One Hundred (100). (*Reference: CAF 11—137; Ordinance 11—63*)

City Manager Griffin asked Planning Director Erris Dunston to brief Council. Ms. Dunston stated to date, gaming operations have proven to be good citizens. In response for more terminals, the Planning Board recommends the zoning code for terminals be increased from thirty-five (35) to one hundred (100) per establishment. It also recommends there be 50 square feet of usable floor space per terminal and that establishments remain at least 750 square feet from any church, school or daycare.

Council Member Daeke asked for verification regarding the distance from schools, daycares and churches and asked if usable space included utility rooms. Ms. Dunston restated the square foot requirement for distance from schools, daycares and churches and said utility rooms are not considered usable space.

Council Member Coffey asked if the charge per machine would remain the same. Ms. Dunston said yes.

Council Member Rainey asked if one hundred (100) terminals is the maximum any one establishment could maintain. Ms. Dunston said one hundred (100) is the limit at this time.

There were no further questions so Mayor O'Geary opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment.

No one came forward so Mayor O'Geary then asked if anyone was present who wished to speak in opposition to the amendment. No one came forward.

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

Council Member Coffey asked how the City knows when terminals are added. Ms. Dunston stated each existing establishment must request an amended special use permit. City Manager

Griffin added the special use permit is aligned with the business permit. Council Member Daeke asked about establishments who add terminals without amending their permit. Ms. Dunston stated there is an annual inspection of each establishment.

Council Member Peace-Jenkins commented about how everyone was so against these establishments until they started bringing in dollars, and now thoughts have changed.

Mayor O'Geary asked again for the pleasure of Council.

Council Member Daeke moved the approval of Ordinance 11--63, *Amending Section 670B.5 of the Henderson City Zoning Code Increasing the Number of Permitted Electronic Gaming Operations per Establishment from Thirty-five (35) to One Hundred (100)*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Coffey, Inscoc, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: Kearney. ABSENT: None (*See Ordinance Book 8, p. 329.*)

(Clerk's Note: Public Notice was properly posted, as required by State law.)

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

No citizen indicated a desire to address Council on agenda items.

CLOSED SESSION

Council Member Kearney moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3) Attorney-Client Privilege Matter. Motion seconded by Council Member Daeke and unanimously approved. (*Council convened in closed session at 6:15 p.m.*)

Council Member Rainey moved for Council to re-convene into open session. Motion seconded by Council Member Kearney and unanimously approved. (*Council re-convened into open session at 6:50 p.m.*)

(Clerk's Note: Council Members Daye and Davis left at 6:35 p.m. Mr. Daye returned at 7:08 after taking Mr. Davis, who was feeling unwell, home.)

NEW BUSINESS

Granville County Water Contract Approval. (*Reference: CAF 11—151: Resolution 11—116*)

City Manager Griffin stated after several months of negotiations this contract is being brought to Council for consideration. He read Key Strategic Objective 3 (KSO) which Council established during the Annual Strategic Planning retreat which deals with *Enhanced Economic Development* and then asked Attorney Satterwhite to summarize the changes to the distributed original resolution and the resolution distributed during this meeting.

Attorney Satterwhite stated there were minor tweaks to the *First, Second and Third Resolves* within the Resolution, allowing the agreement to become effective if and when the City

Manager, Councilman Inscoe (on behalf of the entire Council) and the City Attorney are satisfied with the content of the agreement.

Mr. Griffin then asked Council Member Inscoe to brief Council on how the City reached this point.

Mr. Inscoe said based on the need for economic development, an agreement for Triangle North Economic Development Park (Park) is seen as a win-win situation for the four-county area. He said the forty (40) year agreement was drafted looking at both current and future values of water. Granville County understands water value will only increase in the future. Mr. Inscoe went on to say Granville County can resell this water for no more than 10% at any time and this agreement pertains to the Park only. The City of Henderson will be responsible for processing sewer/wastewater for the Park. As Chairman of the Kerr Lake Regional Water Advisory Board, Mr. Inscoe stated processing the sewer/wastewater will not overtax the system which currently functions at about one-half capacity. He also shared, if approved, this agreement will help offset the burden to citizens for the needed expansion/improvements of the regional water system facility.

(Clerk's Note: Council Member Coffey left the meeting at 7:03 p.m. and returned at 7:08 p.m.)

City Manager Griffin stated the Granville County Board is also meeting this evening to approve this agreement. He stated the core of the agreement is not in contention with either side.

Mayor O'Geary thanked Council Member Inscoe for his work with developing this agreement.

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

Council Member Rainey moved the approval of Resolution 11—116, *Granville County Water Contract Approval*. Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, and Kearney. NO: None. ABSENT: Davis and Daye. *(See Resolution Book 2, p 233.)*

Providing City Employees with an Appreciation One-time Wage/Salary Supplement as Provided for in the FY11-12 Budget, and Authoring a 2% Cost of Living Adjustment; and Ordinance 11—72, an Amendment to the FY 11-12 Budget, Budget Amendment #23. *(Reference: CAF 11—152; Resolution 11—117, Ordinance 11-72)*

City Manager Griffin stated for the first time in three years the General Fund is seeing an increase due to sales tax revenue and income from the gaming establishments. The City last offered a cost of living increase in 2008-2009. If approved, a 2% cost of living adjustment will be provided to all employees *except* any police officer who received a reclassification wage/salary adjustment in excess of 2% based on his/her 30 June 2011 wage/salary as provided for with the FY11-12 budget adoption. Any police officer who received a reclassification wage/salary adjustment less than 2% based on his/her 30 June 201 wage/salary will receive a cost of living adjustment in an amount that closes the gap between that increase and the 2% cost of living adjustment. This 2% cost of living adjustment will be effective 5 January 2012.

Mr. Griffin stated during the budget process Council approved a \$100 one-time supplement for employees during the holiday season. Again, because of the increase in funds, Mr. Griffin suggested this supplement be increased to \$125 per employee.

Council Member Coffey felt the \$125 supplement was insufficient and suggested \$200 or more per employee be considered by Council. She also said that since the police received a salary increase in July, their supplemental bonus should be less than other employees. Council Member Peace-Jenkins wondered how this could be balanced.

City Manager Griffin shared the dollar amount needed for the increase of \$25 per employee versus a \$100 increase and stated he has taken a conservative approach as anticipated revenue does not always materialize.

Council Member Coffey inquired about sources of revenue. Mr. Griffin stated the funds received from the sale of the old pump station were allotted to Code Compliance, as directed by Council during a prior meeting. There are several small parcels that are jointly owned with the County that may sell but will provide little dollar-wise.

Ms. Coffey again stated she felt \$125 was too little, especially for those employees who are out in all kinds of weather taking care of the City's infrastructure.

Council Member Kearney stated he was in favor of the bonus for all employees except the police officers.

Mr. Griffin stated he certainly appreciated Council's desire to increase the supplemental amount and reminded Council that they approved a \$100 supplement for *every* employee with FY11-12 budget.

Council Member Rainey said he appreciated the desire to provide more as every employee does an excellent job. However, not knowing the future, he felt a need to draw the line on the amount of the bonus. Council Member Daeke said he understood the value of the police raises but felt this is a special time of year for all and asked if there was some way to perhaps reduce the police portion so as not to exclude them.

Council Member Inscoe felt the 2% cost of living adjustment was admirable and was glad it could be fully funded for the next six (6) months, but wondered about the next fiscal year. He felt the \$100 or \$125 was being responsible for the future. He also asked that the Governing Body be excluded from the 2% cost of living adjustment.

After further discussion, it was agreed to give the 2% cost of living adjustment to all employees as recommended and to give \$200 to all except those reclassified who will receive \$100. The Governing Body will be excluded from the 2% increase and Council authorized the City Manager to bring back any amendments necessary to include these changes.

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

Council Member Coffey moved the approval of Resolution 11—117, *Providing City Employees with an Appreciation One-time Wage/Salary Supplement as Provided for in the FY11-12 Budget, and Authoring a 2% Cost of Living Adjustment; and Ordinance 11—72, an Amendment to the FY 11-12 Budget, Budget Amendment #23 as revised.* Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Inscoe, Peace-Jenkins, Daeke, Daye, Kearney and Coffey. NO: Rainey. ABSENT: Davis. (See Resolution Book 2, p 235; Ordinance Book 8, p 347)

2012 City Council Meeting Schedule. (Reference: CAF 11—150, Resolution 11—115)

City Manager Griffin stated this calendar is compiled as part of planning for the 2012 annual meetings and allowing for proper posting. He reminded Council that the calendar will be amended as other meetings are needed.

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

Council Member Kearney moved the approval of Resolution 11—115, *2012 City Council Meeting Schedule.* Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Daye, Kearney, Coffey and Inscoe. NO: None. ABSENT: Davis. (See Resolution Book 2, p 231)

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

The City Clerk advised one citizen wished to address Council on non-agenda items.

Claiborne Woods, 717 North Piney Grove. Mr. Woods spoke to Council regarding the vandalism occurring at one specific school within the City limits. He stated he is on track to spend \$7,000 this year replacing broken windows in just this one school. Mr. Woods said if you see an officer while driving you slow down and he is asking for police assistance to help deter the vandalism. He felt warm weather and holidays contribute to vandalism.

Council Member Inscoe asked City Manager Griffin to ask the Police Chief to meet with Mr. Woods to lay a plan of action. Mr. Griffin said extra patrols have already been put in place and agreed to ask Chief Sidwell to arrange a meeting with Mr. Woods.

Mayor O'Geary thanked Mr. Woods for his concern.

REPORTS

Mayor/Mayor Pro-Tempore/Chairman Pro Tem - Council Member Rainey thanked everyone for their kind thoughts and deeds when his mother passed away.

City Manager - Mr. Griffin thanked Assistant City Manager Frank Frazier and Operations Division Manager Andy Perkinson and his team for the work they did under the US Rt. 1 Bypass bridge when an oversized truck damaged the pipe. Insurance claims are in the process. Mr. Griffin also shared there was a "routine" leak at Andrews and I-85 which was quickly repaired.

City Attorney - Attorney Satterwhite said City Attorney Zollicoffer will return to work on Wednesday following a brief holiday.

City Clerk - Reminded Council that United Way pledges are due December 5th.

ADJOURNMENT

Council Member Coffey moved for adjournment. Motion seconded by Council Member Kearney and unanimously approved. The meeting adjourned at 7:53 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin, City Clerk