



AGENDA

Henderson City Council Regular Meeting

Monday, 8 August 2011, 7:00 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) 25 July 2011 Short Regular Meeting [*See Notebook Tab #1*]
- b) 25 July 2011 Work Session
- c) 4 August 2011 Special Called Meeting

VII. PUBLIC HEARINGS

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

VIII. 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

IX. NEW BUSINESS

- a) Consideration of Approval of the following:
 - 1) Resolution 11—70, A Resolution Amending the current Practice of Turning off Water Service for Delinquent Utility Accounts;
 - 2) Ordinance 11—08, An Ordinance Amending Section 15.33 of the Henderson City Code Establishing Utility Security Deposits;
 - 3) Ordinance 11—53, An Ordinance Amendment to the Annual FY 11-12 Fees and Charges Schedule – Budget Amendment FY 12 #7. (*CAF 11—A—16*) [*Notebook Tab # 2*]
 - Resolution 11—70
 - Ordinance 11—08
 - Ordinance 11—53

- b) Consideration of Approval of Resolution 11—71, Authorizing the Execution of a Utility Agreement with the North Carolina Department of Transportation Relative to a Water Main Relocation in Conjunction with a Bridge Replacement Project and Budget Ordinance 11—48. (*CAF 11—97*) [*Notebook Tab # 3*]

 - Resolution 11—71
 - Ordinance 11—48

- c) Consideration of Approval of Resolution 11—74, A Resolution of Intent Pursuant to NCGS 160A-102, Amending the City Charter to Provide for Redistricting of the city Electoral Districts in Accordance with the 2010 Census and Setting a Public Hearing on the Same. *(CAF 11—A—101)[Notebook Tab # 4]*
 - Resolution 11—74
- d) Consideration of Approval of Resolution 11—80, Accepting Bennett Perry Home for Museum. *(CAF 11—102) [Notebook Tab # 5]*
 - Resolution 11—80
- e) Consideration of Approval of Resolution 11—75, Amendments to City Administrative Policy 6.11, Harassment Policy. *(CAF 11—103) [Notebook Tab # 6]*
 - Resolution 11—75
- f) Consideration of Approval of Ordinance 11—52, FY 11-12 Budget Amendment #6, Amending the CIP Sewer Budget for the Newton Dairy Road Pump Station Elimination Project. *(CAF 11—108) [Notebook Tab # 7]*
 - Ordinance 11—52
- g) Consideration of Approval of Resolution 11—77, Authorizing Corporate Resolution Update for First Citizens Bank and Increasing Credit Limit from \$7,500 to \$15,000. *(CAF 11—107) [Notebook Tab #8]*
 - Resolution 11—77
- h) Consideration of Resolution 11—81, Awarding of Bid for Operation Center Repairs and Budget Ordinance 11—54. *(CAF 11—109) [Notebook Tab # 9]*
 - Resolution 11—81
 - Ordinance 11—54

X. 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.

XI. REPORTS

- a) Mayor/Mayor Pro-Tem
- b) City Manager
- c) City Attorney
- d) City Clerk
 - i. Calendar Notes and Schedule Update [*See Notebook Tab # 10*]
 - ii. Various Departmental Reports [*See Notebook Tab # 11*]
 - a) Code Compliance Department
 - b) Henderson-Vance County 911
 - c) Henderson Fire Department

XVI. ADJOURNMENT

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- 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 Meeting
8 August 2011

PRESENT

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

ABSENT

Lonnie Davis, Jr.

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, Assistant City Manager Frank Frazier, Finance Director Sandra Wilkerson, Planning Director Erris Dunston, City Engineer Peter Sokalski and Human Resources Director Cathy Brown.

CALL TO ORDER

The 8 August 2011 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 7:00 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 that a quorum was present.

Mayor O'Geary welcomed citizens, staff and Council members stating it was good to see everyone. He then asked Council Member Brenda Peace-Jenkins to lead those present in prayer and the Pledge of the Allegiance.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin stated there would be a Closed Session - 143.318.11(a)3, attorney-client privilege, and asked that Council make note that Item f) *Amending the CIP Sewer Budget for the Newton Dairy Road Pump Station Elimination Project* should have been listed as Ordinance 11—52, not Resolution 11—52. With these adjustments, Council Member Inscoe moved to accept the agenda. Motion seconded by Council Member Rainey and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Peace-Jenkins asked that mention of the opening prayer be inserted into the 4 August minutes. City Attorney Zollicoffer, Jr. asked for the insertion of the phrase "of intent" into the next to the last paragraph on page two of the 25 Work Session minutes at the end of the first line. With those adjustments Council Member Peace-Jenkins moved the approval of the following minutes: 25 July Short Regular Meeting; 25 July Work Session and 4 August Special Called Meeting. Motion seconded by Council Member Daeke and unanimously approved.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

No one wished to address Council on agenda items.

NEW BUSINESS

Amending the Current Practice of Turning off Water Service for Delinquent Utility Accounts; Amending Section 15.33 of the Henderson City Code Establishing Utility Security Deposits; and Amendment to the Annual FY 11-12 Fees and Charges Schedule – Budget Amendment FY 12 #7. (*Reference: CAF 11— A—16, Resolution 11-70 and Ordinances 11-08 and 11-53*)

City Manager Griffin stated this was discussed at the previous work session and these documents represent the changes requested which are removal of the security deposit for garbage containers; following a survey of other municipalities the in-city water/sewer fees were reduced from \$200 to \$150 with apartment residents being reduced from \$150 to \$100 with similar adjustments for outside City users.

Council Member Daeke felt a \$75 fee for a missing/stolen garbage cart was inappropriate. Council Member Coffey asked who one should report a missing/stolen garbage cart and why the carts are not identifiable, and Council Member Kearney suggested a complete inventory be completed by Waste Industries to determine whether the carts are actually stolen or just relocated.

Mr. Griffin stated that the \$75 has been removed from this security deposit ordinance and indicated that Waste Industries has hinted at charging the City for carts as the rate of missing carts in the City is unusually high --- approximately 260+. He stated missing/stolen carts should be reported to the Assistant City Manager Frank Frazier as head of the Public Services department.

Council Member Inscoe suggested that this issue be excluded from discussion in this meeting and reviewed during a future work session.

Council Member Coffey moved the approval of Resolution 11-70, *Amending the Current Practice of Turning off Water Service for Delinquent Utility Accounts*; Ordinance 11-08,

Amending Section 15.33 of the Henderson City Code Establishing Utility Security Deposits; and Ordinance 11-53, Amendment to the Annual FY 11-12 Fees and Charges Schedule – Budget Amendment FY 12 #7. There was no second and the motion died.

Mayor O'Geary advised members of Council this item was thoroughly reviewed at the July Work Session and the strong consensus was to bring it to tonight's meeting for action. He asked if Council wished to discuss the matter further.

Discussion then turned to the fees associated with terminating water service due to delinquency of payment.

Council Member Kearney felt \$40 to reconnect water was too high. Mr. Griffin explained the \$40 covers the cost of disconnecting/reconnecting service, paperwork and time and travel. Finance Director Wilkerson explained that if payment is made by 5:00 p.m. on the day of cutoff, service is reconnected that day. She stated citizens do not have to be home at time of reconnection, but it is strongly suggested they be home in case there is a problem when the water is turned back on. Mr. Griffin stated that the \$40 reconnect fee is already long-standing policy and was not included in any changes for consideration this evening.

Council Member Daeke agreed with the security deposit but expressed concerns regarding the cutoff and accounts being two (2) months in arrears. Mr. Griffin explained the Ordinance in the City Code is written to terminate after 15 days but at some point, the City implemented a new policy that permitted two months in arrears. He also stated there are perpetual abusers who are always in arrears by paying only one month of their arrearage at a time.

Council Member Rainey asked if the security deposits would be held in escrow and what purpose the deposits would serve. Mr. Griffin stated the \$150 security deposit would be held in escrow, without earning interest, and could be used against the shortfall of the account should it lapse into arrears. Council Member Coffey asked if she was correct in understanding the security deposit would be returned after 12 months of good payments. Ms. Wilkerson affirmed this is correct.

Council Member Peace-Jenkins asked when these changes would take effect. Mr. Griffin stated November 1 which allows time for notices to be placed in bills, on the web page and in the lobby of City Hall, along with face-to-face customer service conversations.

Council Member Kearney agreed the percent of delinquent accounts is too high but felt the City was piling on costs. Council Member Daye stated the longer you go the more you have to pay out of pocket but understood some just do not have the funds available.

Mr. Griffin emphasized several times that the Finance Department is more than willing to work with customers in arrears and as long as customers are abiding by the arrangements their water will not be cut off. However, if they fail to meet their commitments, their account(s) will be terminated.

Council Member Inscoe moved approval of Ordinance 11—08, *An Ordinance Amending Section 15.33 of the Henderson City Code Establishing Utility Security Deposits*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, and Daye. NO: any. ABSENT: Davis. (See *Ordinance Book 8, p 219*)

Council Member Daeke expressed concern that according to the comparison chart of other municipalities, Henderson would have the highest fees in the area. He stated he agreed with the security deposit as people need to understand the value of water but he felt the late fees and reconnect fees were too high. Mr. Daeke suggested \$25 for a reconnect fee. Council Member Inscoe had no problem with the \$25 fee and felt one (1) month was an appropriate timeframe for turning off water service for delinquent accounts.

A motion was made by Council Member Daeke to approve Ordinance 11-53; with the understanding it would be amended to include a reduction in the reconnection fee from \$40 to \$25. Mr. Inscoe requested Resolution 11-70 be included in the motion. Mr. Daeke agreed. The Mayor advised Council Members they were voting on Resolution 11-70, *Amending the Current Practice of Turning off Water Service for Delinquent Utility Accounts; and Ordinance 11-53, Amendment to the Annual FY 11-12 Fees and Charges Schedule – Budget Amendment FY 12 #7*. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Daye and Kearney. NO: any. ABSENT: Davis. (See *Resolution Book 2, p 141; Ordinance Book 8, p. 219 and 309*)

Authorizing the Execution of a Utility Agreement with the North Carolina Department of Transportation Relative to a Water Main Relocation in Conjunction with a Bridge Replacement Project and Budget Ordinance 11—48. (Reference: *CAF 11-97, Resolution 11-71; Ordinance 11-48*)

City Manager Griffin stated this was discussed at the last work session. Mr. Griffin said the City has no choice in this matter as this is a North Carolina Department of Transportation project and that as a condition for putting water lines on the right of way, the City can be required to relocate the lines and pay for that relocation.

Council Member Kearney moved the approval of *Authorizing the Execution of a Utility Agreement with the North Carolina Department of Transportation Relative to a Water Main Relocation in Conjunction with a Bridge Replacement Project and Budget Ordinance 11—48*. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daye, Kearney and Coffey. NO: Daeke. ABSENT: Davis. (See *Resolution Book 2, p. 143; Ordinance Book 8, p. 299.*)

A Resolution of Intent Pursuant to NCGS 160A-102, Amending the City Charter to Provide for Redistricting of the City Electoral Districts in Accordance with the 2010 Census and Setting a Public Hearing on the Same. (Reference: CAF 11-A-101, Resolution 11-74)

City Manager Griffin asked City Attorney Zollicoffer to summarize this Resolution. Mr. Zollicoffer reminded Council that the 2010 Census was out of balance and the City has proposed a redistricting to realign the wards. An amendment to the Charter is required and this Resolution of Intent, which is non-binding on Council, sets a Public Hearing for September 9, 2011 after which time Council will adopt an ordinance changing the boundaries of approved.

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

Council Member Kearney moved the approval of *A Resolution of Intent Pursuant to NCGS 160A-102, Amending the City Charter to Provide for Redistricting of the city Electoral Districts in Accordance with the 2010 Census and Setting a Public Hearing on the Same*. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Daye, Kearney, Coffey and Inscoe. NO: any. ABSENT: Davis. (See *Resolution Book 2, p 149*)

Accepting Bennett Perry Home for Museum. (Reference: CAF 11-102, Resolution 11-80)

City Manager Griffin reminded Council that at the last work session they requested cost estimates. As this falls under Council Member Inscoe's trade, he has revisited the house and discussed with various trades the needs of the home and prepared an itemized list in three tiers. Mr. Griffin asked Mr. Inscoe to lead the discussion regarding the tiers. Mr. Inscoe stated the first tier were immediate, necessary, repairs. Tier Two repairs are important and Tier Three is mainly cosmetic repairs. He also listed general items such as permits, contractor fees, and supervision. The total estimated costs were listed as \$108,066. Mr. Inscoe stated this house is one of the few remaining historical relics remaining in Henderson and urged Council to accept the house for a museum. He also urged Council to allow the Mayor to form a citizen's committee to raise funds for the renovation and restoration of the house.

Council Member Rainey asked if the Will stipulated a time frame from the time of acceptance until the home becomes a museum. City Attorney Zollicoffer stated there was no specific timeframe mentioned but he suggested something be accomplished within the year.

Council Member Kearney liked the idea of keeping the house as a museum. He would like to see private donations which would help stave off City outlay until the next fiscal year.

Council Member Coffey asked if the asbestos/lead risk assessment and abatement could be combined to reduce costs. Mr. Inscoe stated normally the assessment is done by a consulting firm and the abatement is done by a certified contractor.

At this time City Manager Griffin stated the City Attorney requested the wording be changed in the *Now Therefore* portion of the resolution to read *..North Chestnut streets and commits to (instead of for the purpose of) maintaining it as a museum... ”*.

Council Member Rainey moved the approval of *Accepting Bennett Perry Home for Museum with the adjustment to the Resolution*. Motion seconded by Council Member Peace-Jenkins, and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Daye, Kearney, Coffey and Inscoe. NO: any. ABSENT: Davis. (See Resolution Book 2, p 161)

Amendments to City Administrative Policy 6.11, Harassment Policy. (Reference: CAF 11-103, Resolution 11-75)

City Manager Griffin stated this was discussed during the last work session and since the agenda was distributed, City Attorney Zollicoffer requested a slight rewording of 6.11.01 *Hostile Work Environment*. The new wording was distributed during the discussion and Council Member Coffey asked for clarification of how the offended employee would notify the offender. Mr. Griffin asked Human Resources Director Cathy Brown to address this issue.

Ms. Brown stated the violence portion of the policy addressed the manner in which the offender could be approached and gave the example of the offended employee simply saying something like *that language is unacceptable to me* should be enough to avoid further confrontation.

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

Council Member Peace-Jenkins moved the approval of *Amendments to City Administrative Policy 6.11, Harassment Policy*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Daye, Kearney, Coffey, Inscoe and Rainey. NO: any. ABSENT: Davis. (See Resolution Book 2, p 151)

Amending the CIP Sewer Budget for the Newton Dairy Road Pump Station Elimination Project. (Reference: CAF 11-108, Ordinance 11-52)

City Manager Griffin stated this was discussed at the last work session. This amendment is the next increment in completing the project.

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

Council Member Rainey moved the approval of *Amending the CIP Sewer Budget for the Newton Dairy Road Pump Station Elimination Project*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Daye, Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins and Daeke. NO: any. ABSENT: Davis. (See Ordinance Book 8, p 307)

Authorizing Corporate Resolution Update for First Citizens Bank and Increasing Credit Limit from \$7,500 to \$15,000. (Reference: CAF 11-107, Resolution 11-77)

City Manager Griffin asked Finance Director Sandra Wilkerson to address Council.

Ms. Wilkerson stated periodically the Finance Department updates information with the bank(s) as employees come and go. The last update with First Citizens was October 2008 and that Corporate Resolution for signing authority shows her as the Interim Finance Director. This Resolution updates her as Finance Director and does not change the other alternate signers who are Assistant City Manager Frank Frazier and City Manager Ray Griffin. Also, due to a rare event involving tournament travel with the Recreation Department, the \$7,500 credit card limit did not cover the hotel costs. Thus, staff is requesting an increase to \$15,000.

Council Member Kearney asked if this was for convenience, not credit. Ms. Wilkerson stated that was correct. Mr. Griffin stated the City has only two (2) credit cards --- one in Ms. Wilkerson's name and one in the Mayor's and that these cards do not leave the building.

Council Member Daeke inquired about whether funds are budgeted when using the credit card, how the requests are monitored and if there is a ceiling. Ms. Wilkerson stated the funds are budgeted and if they are not, a budget transfer is required. Due diligence is performed for good stewardship and policies are in place to monitor the funds.

Council Member Coffey moved the approval of *Authorizing Corporate Resolution Update for First Citizens Bank and Increasing Credit Limit from \$7,500 to \$15,000*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Daye, Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, and Daeke. NO: any. ABSENT: Davis. (*See Resolution Book 2, p 155*)

Award of Various Construction Contracts for Operations Center Garage Repair
(*Reference: CAF 11-109, Resolution 11-81; Ordinance 11-54*)

City Manager Griffin briefly reviewed the accident at the Operations Center where a vehicle tore down part of the building and garage door. He thanked everyone involved for a superb job --- Engineering Director Peter Sokalski, Corey Williams, Andy Perkinson, Linda Leyen, Sandra Wilkerson, Keith Sidwell, and Cathy Brown --- to name a few. Each one involved stepped up to the plate as needed. Mr. Griffin then specifically thanked Mr. Sokalski for his professional manner in handling the overall repair project and for keeping him updated practically minute by minute. He then asked Mr. Sokalski to address Council.

Mr. Sokalski reviewed the status by stating HG Reynolds did a great job of shoring up the ceiling and removing the steel I-beam from the truck; the adjusters have given permission to move the truck and begin the repair process; Appian Consulting Engineers, PA determined the structural damage and provided a method of repair. He went on to state three bids have been received --- two non-local --- and staff recommend awarding the bid of \$13,950 to Bridgeview Contractors, Inc. for repair of the building up to the installation of the new rolling door. Other bidders were HG Reynolds at \$27,942 and Vance Construction at \$26,000. Mr. Sokalski then reviewed the overall future costs which included alarm repair, new garage door and installation, overtime for

police to continue to protect the building during off-hours and miscellaneous items bringing the total anticipated cost of repair to the building and truck to \$61,200.

Council Member Rainey inquired about the police overtime and whether private security companies were considered. Mr. Sokalski said private security companies were not considered. Mr. Griffin stated once the framing is secure he is hopeful the door opening can be boxed in with wood so overtime will be minimized; however with the assets retained in the building, along with vehicles, records, etc. it is necessary to have the building secure during off-hours.

Council Member Kearney asked what hours are off-hours. Mr. Griffin stated 4:30 p.m. to 7:00 a.m. and that there is always one person on duty but there might be a change in personnel during that time.

Council Member Inscoe stated since issues such as this are his profession, he felt an admiral job had been done. He noted significant dollars were saved by using individual contractors and commended Mr. Sokalski for a job well done. Council Member Coffey stated her spouse worked for one of the contractors and told her Mr. Sokalski was a sharp employee.

Ms. Coffey then asked if Bridgeview was a reputable company as their bid was so much lower than the other two. Mr. Inscoe stated this was a sign of the economy. Mr. Sokalski stated they are very qualified.

Council Member Peace-Jenkins shared an excellent job was done.

Council Member Daeke inquired about the cost of overtime for the police to protect the building. Mr. Sokalski reminded Council that the cost included weekends and the rate of pay differed by officer. Council Member Coffey commended Police Chief Sidwell saying they stepped up and were right there when needed.

Mr. Sokalski stated that the Ordinance was late in being prepared as the final figures were still coming in a 5:00 p.m. on this day so a corrected ordinance will be amended to contain the correct figures.

Council Member Daeke moved the approval of Resolution 11-81, *Awarding of Various Construction Contracts for Operations Center Garage Repair*, and Ordinance 11-54, *FY 12 Budget Amendment #8, Authorizing Funds for the Various Construction Contracts for Operations Center Garage Repair*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, and Daye. NO: any. ABSENT: Davis. (See Resolution Book 2, p 163; Ordinance Book 8, p 311)

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised one individual wished to address City Council.

Mr. Matias Ravés Martínez, (via his daughter, who acted as an interpreter). Mr. Martínez expressed concern regarding his water bill. His bill is extremely high and the family knows they have not used that amount of water. The City checked and told the family there is no leak on the City side. Mr. Martínez stated the plumber hired by their landlord says there are no leaks on the property. The family wanted to know what could be done. He stated their bill had jumped from \$206 one month to \$442 the next month.

Mayor O'Geary asked City Manager Griffin to look into the matter. Mr. Griffin asked the Finance Director Sandra Wilkerson to speak with the family privately and to copy any documentation they brought so the issue could be resolved quickly.

Council Members asked that they be kept updated on the issue.

Mayor O'Geary asked if Council was prepared to go into Closed Session and advised those present that there was nothing to report at this time after the closed session.

REPORTS

Mayor/Mayor Pro Tem - No Report

City Manager: - Mr. Griffin cited three items:

1) The newspaper article regarding City cell phones has revealed opportunities for improvement in the existing policy. Mr. Chad Denton was mentioned in the paper as an abuser of the policy and Mr. Griffin stated Mr. Denton has not worked for the City for over a year which is obviously a problem between the cell phone carrier and the City in keeping names associated with specific numbers updated. Mr. Griffin has notified the Daily Dispatch of the wrong name associated with the abusing number and a retraction will be printed. Mr. Griffin has also advised Mr. Denton that he is willing to speak with Mr. Denton's current employer to clear his name of any wrongdoing. A department head meeting will be held on 9 August to review the policy.

2) A detailed breakdown of how the dollars from the GovDeal sales was distributed and showed a \$475 surplus.

3) Mr. Griffin shared that the annual report on the Reclamation facility has been received from the State and the score was 100%. Mr. Griffin stated appreciation to Director Tom Spain and his staff. As Council knows, the facility needs upgrading on all points and to receive a 100% score is nothing less than amazing.

City Attorney Zollicoffer concurred by saying the facility is antiquated and functioning on 1950's technology.

City Attorney – No Report.

City Clerk - Ms. McCrackin made note of a new monthly report which will be presented by the Code Compliance Department. She also thanked Council for allowing her to attend the North Carolina Annual Clerks Conference in New Bern on August 11, 12 and 13.

With no further discussion, Mayor O'Geary asked if Council was ready to move into Closed Session and stated there would be no announcement following the session.

CLOSED SESSION

Council Member Coffey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3), consulting with City Attorney regarding a client matter. Motion seconded by Council Member Daye and unanimously approved. *(Council convened in closed session at 8:42 p.m.)*

Council Member Coffey moved for Council to convene in open session. Motion seconded by Council Member Inscoe and unanimously approved. Council re-convened in open session at 9:15 p.m.

ADJOURNMENT

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Coffey and unanimously approved. The meeting adjourned at 9:15 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk