



AGENDA

Henderson City Council Regular Meeting

Monday, 9 April 2012, 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 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) 26 March Short Regular Meeting *[See Notebook Tab 1]*
- b) 26 March Work Session

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) Reserved for future use. *[Notebook Tab 2]*
- b) Consideration of Approval of Resolution 12-26, Adopting Vance County's Language Access Plan. *(CAF 12-48) [See Notebook Tab 3]*
 - Resolution 12-26
- c) Consideration of Approval of Resolution 12-25, Adopting Vance County's Fair Housing Plan. *(CAF 12-47) [See Notebook Tab 4]*
 - Resolution 12-25
- d) Consideration of Approval of Resolution 12-34, Approval of 2012 BJA JAG Grant Application. *(CAF 12-45) [See Notebook Tab 5]*
 - Resolution 12-34
- e) Consideration of Approval of Resolution 12-31, Authorizing the Adoption of the Publicly Owned Treatment Works Asset Management Plan. *(CAF 12-43)[See Notebook Tab 6]*
 - Resolution 12-31
- f) Consideration of Approval of Ordinance 12-27, FY 11-12 Budget Amendment #37, Amending General Fund 10 and Powell Bill Fund 11; 2) Ordinance 12-28, FY 11-12 Budget Amendment #38, Amending Water Fund 30 and CIP Water Fund 43; 3) Ordinance 12-29, FY 11-12 Budget Amendment #39, Amending the CIP Regional Water Fund 46. *(CAF 12-54) [See Notebook Tab 7]*
 - Ordinance 12-27
 - Ordinance 12-28
 - Ordinance 12-29

IX. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may 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

X. REPORTS

- a) Mayor/Mayor Pro-Tem
- b) City Manager
- c) City Attorney
- d) City Clerk
 - i. Calendar Notes and Schedule Update [*See Notebook Tab 8*]
 - ii. Various Departmental Reports
 - Henderson Fire Department
 - E-911
 - Davis Chapel Proclamation

XI. 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
Regular Meeting
9 April 2012

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 D. Daeke, 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 Katherine C. Brafford, Planning Director Erris Dunston, Henderson Water Reclamation Facility Director Tom Spain and Captain Marcus Barrow.

CALL TO ORDER

The 9 April 2012 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, and 134 Rose Avenue, Henderson, NC.

Mayor O'Geary began the meeting by saying it was good to have Council Members Peace-Jenkins and Davis back and he welcomed everyone to the meeting.

ROLL CALL

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Peace-Jenkins led those in attendance in the Lord's Prayer and the Pledge of Allegiance.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda as presented. City Clerk McCrackin said a *Closed Session* would be added in accordance with G.S. §143-318.11(1)(3) for two (2) Attorney-Client matters. Council Member Peace-Jenkins asked for a personnel matter to be added to the Closed Session, in accordance with G.S. §143-318.11(1)(6). Council Member

Inscoe moved to accept the Agenda as adjusted. 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 Rainey moved the approval of the following minutes: 26 March Short Regular meeting and 26 March 2012 Work Session. 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 address Council regarding agenda matters.

NEW BUSINESS

Adopting Vance County's Language Access Plan. (*Reference: CAF: 12-48; Resolution 12-26*)

City Manager Griffin asked Planning Director Erris Dunston to review this issue. Ms. Dunston explained to be in compliance with Federal regulations, this Plan is a requirement to continue participating in Community Block Grant programs. She stated the City has received permission from Vance County Manager Jerry Ayscue to adopt the Vance County Language Access Plan and the County will provide translators when needed for oral and/or written translation of all vital documents required to provide housing rehabilitation services to limited English proficient citizens.

Council Member Rainey asked if this Plan required additional staff on the part of the City. Ms. Dunston responded no. If interpretation is needed, the County will provide translators with Spanish being the dominate language need.

Council Member Coffey asked if the term *citizen*, referred to anyone or only those holding US citizenship. Ms. Dunston responded any applicant would need to meet the requirements of each grant and City Attorney Zollicoffer concurred.

Council Member Kearney commented that he was comfortable with the Plan as presented.

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

Council Member Kearney moved the approval of Resolution 12-26, *Adopting Vance County's Language Access Plan*. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Kearney, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: Coffey. ABSTAIN: None. ABSENT: None. (*See Resolution Book 2, p. 301*)

Adopting Vance County's Fair Housing Plan. (Reference: CAF 12-47; Resolution 12-25)

City Manager Griffin asked Planning Director Erris Dunston to come forward to explain this issue. Ms. Dunston stated this plan is required by State and Federal government for continued participation in any Community Block Grant Programs. She said Vance County Manager Jerry Ayscue granted permission for the City to adopt the Vance County Fair Housing Plan. This Plan requires quarterly reporting and any complaints regarding Fair Housing will be directed to the County Administrator of the Fair Housing Plan, which is the County Manager or his designee.

Council Member Kearney asked if any reports had been generated as required by the Plan for March. Ms. Dunston said once the Plan is accepted she will receive reports which will ultimately come from the Council of Government (COG) as they have been designated as the Plan Administrator. City Manager Griffin said it was recommended by the COG and State officials that the County and City share one plan due to limited staffing. Mr. Kearney suggested initiative be taken by the City to ensure the Plan is carried out as written.

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

Council Member Coffey moved the approval of Resolution 12-25, *Adopting Vance County's Fair Housing Plan*. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye and Kearney NO: None: ABSTAIN: None. ABSENT: None. (See Resolution Book 2, p 299)

Grant Application for Funding through the US Department of Justice BJA Justice Assistance Grant Program for 2012. Reference: CAF 12-45; Resolution 12-34)

City Manager Griffin asked Captain Marcus Barrow to provide Council the details of this issue. Captain Barrow stated this is a yearly request to the Department of Justice. This year, the requested amount is \$17,120 with \$10,272 (60%) going to fund overtime pay for officers of the Henderson Police Department and the remaining \$6,848 (40%) will go to the Vance County Sheriff's Department as required by the grant. The grant does not require a cash grant match. Captain Barrow said the anticipated date of acceptance is 1 July 2012 and the grant term is from 1 October 2012 to 30 September 2013.

Council Member Coffey asked if the application had already been submitted. Captain Barrow responded the pre-application had been completed and City Manager Griffin reminded Council that they had recently ratified submission of the pre-application.

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

Council Member Rainey moved the approval of Resolution 12-34, *Grant Application for Funding through the US Department of Justice BJA Justice Assistance Grant Program for 2012*. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 2, p. 317)

Authorizing the Adoption of the Publicly Owned Treatment Works Asset Management Plan. (Reference: CAF 12-43; Resolution 12-31)

City Manager Griffin asked Assistant City Manager Frank Frazier to update Council on this issue. Assistant City Manager Frazier reminded Council that one of the requirements for receiving this State Revolving Fund Grant/Loan is to prepare and adopt an asset management plan. The plan combines the capital improvements plan, mapping of the existing sewer system and a listing of assets associated with the Henderson Water Reclamation Facility and Sanitary Sewer System. Mr. Frazier stated the plan will be adjusted regularly as projects are completed and components change. He also stated a debt ratio of 1 or more must be maintained. With Council's approval of this plan, the Sanitary Sewer Rehab Project is set to go out for bid on 1 May 2012.

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

Council Member Peace-Jenkins moved the approval of Resolution 12-31, *Authorizing the Adoption of the Publicly Owned Treatment Works Asset Management Plan*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Davis, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 2, p. 311)

1) Ordinance 12-27, FY 11-12 Budget Amendment #37, Amending General Fund 10 and Powell Bill Fund 11; 2) Ordinance 12-28, FY 11-12 Budget Amendment #38, Amending Water Fund 30 and CIP Water Fund 32; 3) Ordinance 12-29, FY 11-12, Budget Amendment #39, Amending the CIP Regional Water Fund 46. (Reference: CAF 12-54, Ordinance 12-27, 12-28 and 12-29)

City Manager Griffin explained these items are housekeeping matters to bring budgetary items into alignment by: 1) bringing the Powell Bill Fund into balance with actual receipts from the State vs. budgeted estimates; 2) reconciling completed projects and authorizing close out procedures for the Water Fund and CIP Water Fund. It also covers unanticipated expenditures in excess of budget due to the large water breaks on Shirley Drive and at the Glass Plant off US Hwy #1; and 3) allocating unbudgeted revenue in the fund to the 20MGD contingency fund and reconciles the ongoing projects.

Council Member Coffey asked for an explanation of the \$490,948 reduction with the Powell Bill, and City Manager Griffin explained the funds were never received so there was nothing to be refunded but this purely brought the item into balance. Mr. Griffin went on to explain funds from the Powell Bill have to be received in Fund 11 but are spent from Fund 10.

Council Member Daeke made a comment about the many phone calls he receives from citizens regarding needed street work and said the quarter of a million spent on Shirley Drive is an indication of where the money goes.

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

Council Member Peace-Jenkins moved the approval of Ordinances 12-27, 12-28 and 12-29, Ordinance 12-27, FY 11-12 Budget Amendment #37, Amending General Fund 10 and Powell Bill Fund 11; 2) Ordinance 12-28, FY 11-12 Budget Amendment #38, Amending Water Fund 30 and CIP Water Fund 32; 3) Ordinance 12-29, FY 11-12, Budget Amendment #39, Amending the CIP Regional Water Fund 46. (Reference: CAF 12-54, Ordinance 12-27, 12-28 and 12-29). Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Davis, Daye, Kearney, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 8, p. 405, 407 and 409)

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised no citizen desired to address Council.

REPORTS

- a) Mayor/Mayor Pro-Tem/Chairman Pro-Tem (No Report)
- b) City Manager (No Report)
- c) City Attorney (No Report)
- d) City Clerk - Reminded Council of Leadership Vance City Day on Tuesday, 10 April.

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 Inscoe 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 Rainey and unanimously approved.

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

ADJOURNMENT

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Daye and unanimously approved. The meeting adjourned at 7:04 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk