



AGENDA

Henderson City Council Regular Meeting
Monday, 9 May 2011 Regular Meeting
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 April Short Regular Meeting [See Notebook Tab #1]
- b) 25 April Work Session [See Notebook Tab #1]

VII. PRESENTATIONS AND RECOGNITIONS

- a) Nursing Home Week [See Notebook Tab #2]
- b) Davis Chapel Baptist Church [See Notebook Tab #2]

VIII. 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

- a) Consideration of Approval of Ordinance 11—25, Closing Glenn Avenue. (CAF 11-75) [See Notebook Tab #3]
 - Ordinance 11—25

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. OLD BUSINESS

- a) Consideration of Approval of Ordinance 11—18, Approving Ordinance Amending Street Patching Budget. (CAF 11-51) [See Notebook Tab #4]
 - Ordinance 11—18

XI. NEW BUSINESS

- a) Consideration of Approval of Resolution 11—49, Recognizing National Police Week (CAF 11-65) [See Notebook Tab #5]
 - Resolution 11—49

- b) Consideration of Approval of Resolution 11—50, Municipal Retention and Disposition Schedule (CAF 11-74) [See Notebook Tab #6]

- Resolution 11—50

XII. CONSENT AGENDA

All matters listed under the Consent Agenda have either been previously discussed by City Council during a previous meeting and/or are considered in the ordinary course of business by the City Council and will be enacted-on by one motion and a roll call vote in the form listed. If discussion is desired by either the Council or the Audience, the item in question will be removed from the Consent Agenda and considered separately after the revised consent agenda has been approved.

- a) Consideration of Approval of Resolution 11—41, Amending the Shared Sick Leave Policy for Employees and Instituting a No-Smoking Policy. (CAF 11-A-66) [See Notebook Tab #7]

- Resolution 11—41

- b) Consideration of Approval of Ordinance 11—26, Amending Section 7-79.1, Section 7-80, Section 7-85, Section 7-87 and Section 7-92 of the City Code Relative to Changing Certain Parking Regulations Because of Changing Conditions. (CAF 11-67) [See Notebook Tab #8]

- Resolution 11—26

- c) Consideration of Approval of Resolution 11—10, Adjusting MWBE Construction Goals from 8% to 10%. (CAF 11-31) [See Notebook Tab #9]

- Resolution 11—10

XIII. PRESENTATION OF FY 11-12 BUDGET

XIV. 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;

XV. 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]*

XVI. 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

Regular Meeting

9 May 2011

PRESENT

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

ABSENT

James C. Kearney, Sr.

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Sandra Wilkerson, Engineering Director Peter Sokalski, and Police Chief Keith Sidwell.

CALL TO ORDER

The 9 May 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.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin requested the addition of Ordinance 11-33, *An Ordinance Preventing Smoking on City Owned or Leased Properties*, be added to item a) of the Consent Agenda (*Consideration of Approval of Resolution 11-41, Amending the Shared Sick Leave Policy for Employees and Instituting a No-Smoking Policy*). Also, Ms. McCrackin advised Council that the Disposition Schedule (Item b) under New Business did not include the complete schedule due to the size of the document but stated that if passed, the complete document would be included in the Resolution Book and a copy retained in the Clerk's office. Lastly, with no objection, the Public Comment Period for Non-Agenda Items will be moved prior to the Presentation of FY 11-12 Budget. Mayor O'Geary asked for the pleasure of Council. Council Member Inscoe moved to accept the Agenda with the adjustments noted. Motion seconded by Council Member Daeke and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. City Clerk McCrackin advised the maps discussed during the High Speed Rail Discussion at the 25 April Work Session were not received until late Friday, May 6th and will be included in the office Minutes. Council Member Peace-Jenkins moved the approval of the following minutes with the inclusion of the High Speed Rail Maps: 25 April Short Regular Meeting and 25 April Work Session. Motion seconded by Council Member Rainey and unanimously approved.

(Clerk's Note: Council Member Daye arrived at 7:04 p.m. Council Member Davis arrived at 7:06 p.m.)

PRESENTATIONS AND RECOGNITIONS

City Clerk McCrackin advised the Mayor there were two presentations.

Nursing Home Week – Mayor O'Geary proclaimed May 8-14, 2011, Nursing Home Week by the following Proclamation.



PROCLAMATION
NURSING HOME WEEK
May 8 - 14, 2011

WHEREAS, many citizens suffering from infirmities of old age, or disabilities are patients in licensed nursing homes in this community; *and*

WHEREAS, many of these men and women are alone in the world, having outlived relatives and friends, or being some distance from their former home; *and*

WHEREAS, illness and loss of loved ones deprives the elderly and handicapped citizens of their heritage of pleasure and joy that should be theirs; *and*

WHEREAS, the owners and administrators of licensed nursing homes in Henderson recognize the need for community-wide support and assistance to help their patients enjoy a happier life in spite of their infirmities; *and*

NOW THEREFORE, I, JAMES D. O'GEARY, Mayor of the City of Henderson, North Carolina, do hereby proclaim May 8 - 14, 2011, as *Nursing Home Week*, entreating all our residents to join in this effort to see that every nursing home patient be remembered with a visit, small gift or flowers during the observance of Nursing Home Week.

James D. O'Geary, Mayor

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Henderson in the State of North Carolina this the 8th day of May 2011.

Esther J. McCrackin City Clerk

Davis Chapel Baptist Church - Representatives from Davis Chapel were not present at this time and the Mayor asked that this presentation be delayed. (*Clerks Note: See page 6 for presentation.*)

PUBLIC HEARINGS

Closing Glenn Avenue (*Reference: CAF 11-75; Ordinance 11-25*)

City Manager Griffin advised Council that the City Attorney file the appropriate notices and that this Public Hearing was set for public input.

City Attorney Zollicoffer stated the appropriate notices were mailed to RCG Henderson, LLC which the tax office showed as the property owner on the South side of Glenn Avenue. Attorney Zollicoffer received notification from RCG Henderson, LLC that they had sold the property. Proper notification was then mailed to the current owners, North Side Plaza, LLC and Genesis Property Management, both of Edenton, New Jersey.

Council Member Daeke inquired if the notification was timely. Attorney Zollicoffer stated the notification was mailed in April.

Mayor O'Geary then opened the floor for anyone wishing to speak in favor of closing Glenn Avenue.

Mr. Ruxton Bobbitt, a resident living at 950 Meadow Lane, came forward to petition in favor of closing Glenn Avenue.

No other citizens came forward so the Mayor then opened the floor for anyone wishing to speak against closing Glenn Avenue.

No citizens came forward. Mayor O'Geary then closed the Public Hearing and asked for the pleasure of Council.

Council Member Coffey moved the approval of Ordinance 11-25, *Closing Glenn Avenue*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following Vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis and Daye NO: None. ABSTAIN: None. ABSENT: Kearney. (*See Ordinance Book 8, p. 253*)

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

City Clerk McCrackin advised there was no citizen request to speak before Council.

OLD BUSINESS

Approving Ordinance Amending Street Patching Budget (*Reference: CAF 11-51; Ordinance 11-18*)

City Manager Griffin stated this issue was brought before Council at the work session last month. With Council's approval, the City will haul the asphalt and a private contractor will do the work. If approved the City will begin the process of filling potholes.

Council Member Daeke moved the approval of Ordinance 11-18, *Approving Ordinance Amending Street Patching Budget*. Motion seconded by Council Member Davis and APPROVED by the following Vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney. (*See Ordinance Book 8, p. 239*)

NEW BUSINESS

Recognizing National Police Week *Reference: (CAF 11-65; Resolution 11-49)*

Mayor O'Geary asked Police Chief Keith Sidwell to address Council. Chief Sidwell stated May 15 through May 21 has been designated as National Police Week. This is a week to recognize the dedication of those currently serving and to honor those who have fallen in the line of duty. Chief Sidwell then asked each officer present to introduce themselves and the Ward they serve.

Following applause for the officers, Mayor O'Geary asked for Council's pleasure.

Council Member Rainey moved the approval of Resolution 11-49, *Recognizing National Police Week*. Motion seconded by Council Member Inscoe and APPROVED by the following Vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye and Coffey. NO: None. ABSTAIN: None. ABSENT: Kearney. (*See Resolution Book 2, p. 97*)

Municipal Retention and Disposition Schedule (*CAF 11-75; Resolution 11-50*)

City Manager Griffin asked City Clerk Esther McCrackin to address Council. Ms. McCrackin stated that according to G.S. §125-5 and 132-3 of the State of North Carolina, public records may only be destroyed with the consent of the Department of Cultural Resources. This resolution agrees to adhere to the retention and disposition schedule set forth by the Department of Cultural Resources.

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

Council Member Daeke moved the approval of Resolution 11-50, *Municipal Retention and Disposition Schedule*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following Vote: YES: Rainey, Peace-Jenkins, Daeke, Davis, Daye, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Kearney. (*See Resolution Book 2, p. 101*) (*Clerk's Note:*

A full copy of the Municipal Retention and Disposition Schedule is file in the vault with Resolution Book 2)

CONSENT AGENDA

City Clerk McCrackin read the Consent Agenda, summarized as follows:

- a. **Amending the Shared Sick Leave Policy for Employees and Instituting a No-Smoking Policy and An Ordinance Preventing Smoking on City Owned or Leased Properties.** *(CAF 11-A-66; Resolution 11-41; Ordinance 11-33) (Clerk's Note: See discussion following approval of the Consent Agenda)*
- b. **Amending Section 7-79.1, Section 7-80, Section 7-85, Section 7-87 and Section 7-92 of the City Code Relative to Changing Certain Parking Regulations Because of Changing Conditions.** This matter was discussed during the April Work Session and based on the unanimous consensus of Council Members was placed on the agenda. *(CAF 11-67; Ordinance 11-26)*
- c. **Adjusting MWBE Construction Goals from 8% to 10%.** This matter was discussed during the April Work Session and based on the unanimous consensus of Council, placed on the agenda. *(CAF 11-31; Resolution 11-10)*

Mayor O'Geary asked if anyone wished to remove an item from the Consent Agenda. City Manager Griffin asked that item a), Resolution 11—41, *Amending the Shared Sick Leave Policy for Employees and Instituting a No-Smoking Policy* be removed from the Consent Agenda as City Attorney Zollicoffer had suggested an ordinance be put in place for the public regarding the no-smoking policy, and discussed following the Consent Agenda items.

There was no discussion on the remaining two items. Mayor O'Geary then asked for a motion. Council Member Peace-Jenkins moved for the approval of the Consent Agenda as adjusted. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Davis, Daye, Coffey, Inscoe and Rainey. NO: None. ABSTAIN. None. ABSENT: Kearney. *(See Ordinance Book 8, p 255 and Resolution Book 2, p 19)*

City Manager Griffin then addressed Council regarding Consent Agenda item a), Resolution 11-41, **Amending the Shared Sick Leave Policy for Employees and Instituting a No-Smoking Policy** and Ordinance 11-33, **An Ordinance Preventing Smoking on City Owned or Leased Properties** *(Reference: CAF 11-A-66; Resolution 11-41; Ordinance 11-33)*

Mr. Griffin stated that this ordinance dealt with non-employees. He stated that paired with Resolution 11—41, this ordinance would make City property smoke free to both the general public and employees. Without the ordinance, there would be no grounds for requesting the public to extinguish smoking materials within City owned or leased properties.

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

Council Member Rainey moved the approval of Resolution 11—41, *Amending the Shared Sick Leave Policy for Employees and Instituting a No-Smoking Policy* and the approval of Ordinance 11—33, *An Ordinance Preventing Smoking on City Owned or Leased Properties*. Motion seconded by Council Member Daye and APPROVED by the following Vote: YES: Daeke, Davis, Daye, Coffey, Inscoe, Rainey and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: Kearney. (See Resolution Book 2, p. 81; Ordinance Book 8, p. 269)

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised one individual wished to address Council.

Pastor Helen Evans, a city resident living at 506 Charles Street, addressed Council regarding the work her church, True Faith, is doing in the community. Pastor Evans stated they offer several programs all of which center on strengthening the family unit and distributed flyers for two programs; D.L. Forbes Youth Foundation which offers positive constructive discipline, structure and solutions for issues facing today's youth and Helping People that Need Help which provides jobs and free meals aimed at building self-esteem for men in the community. The church also offers a GED program (currently 25 students enrolled), Faith for a New Beginning for at-risk kids, and a program for promiscuous women. Pastor Evans thanked Council for allowing her to share what they are doing in the community.

Council Member Peace-Jenkins stated she had the privilege of speaking at the church on the Day of Prayer and appreciated what they are doing for the community. Council Member Coffey asked for permission to duplicate the handouts and Pastor Evans gave her approval. Mayor O'Geary reiterated the good work being done.

Mayor O'Geary, with Council's consensus, then presented the Recognition of Davis Chapel to Mrs. Shirley Turrentine. Ms. Turrentine, wife of Pastor Turrentine, accepted the Recognition on his behalf. Also in attendance were their daughter, son and daughter-in-law. The Recognition for Davis Chapel follows:



RECOGNITION
Davis Chapel Baptist Church



WHEREAS, Davis Chapel Baptist Church is located in Henderson, North Carolina: *and*;

WHEREAS, Davis Chapel is led by Reverend Charles Turrentine, Sr.; *and*

WHEREAS, members seek to serve the residents of Henderson; *and*

WHEREAS, their current outreach programs include Back-2-School Bash and school supply giveaway, neighborhood basketball restoration, and street clean-up ; *and*

WHEREAS, Davis Chapel provides a clothes closet and food pantry, free meals to the needy and has donated a home to a non-profit organization within the community; *and*

WHEREAS, parishioners volunteer at the Men's Shelter and make nursing home visits; *and*

WHEREAS, annually holds a Community Day with rides, food, free clothes along with participation with the Henderson Police Department Crime Stoppers.

NOW THEREFORE, I, JAMES D. O'GEARY, Mayor of the City of Henderson, North Carolina, do hereby extend this token of appreciation to the Pastor, Officers, and Parishioners of Davis Chapel Baptist Church for your commitment to the City of Henderson and its citizens.

James D. O'Geary, Mayor

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Henderson in the State of North Carolina this the 9th day of May 2011.

Esther J. McCrackin City Clerk

PRESENTATION OF FY 11-12 BUDGET

City Manager Griffin presented a PowerPoint presentation summarizing the budget figures and how they were determined. Mr. Griffin stated there are definite challenges facing Council with this budget due to the economy and that key issues are seen as health care insurance, anticipating motor fuel pricing, employee compensation, capital investments and the infrastructure. He showed several graphs and charts to give Council a starting point by showing where the budget is currently and what it would look like with proposed changes.

Mr. Griffin addressed health care which shows a major increase in claims in the current year for retirees under 65 and active employees. For the first time, employees may be asked to contribute to their health care as the plan administrator offered a 25% increase for FY 11-12. Council Member Rainey asked if the deductible would remain the same. Mr. Griffin stated there would be a \$250 increase in the deductible and added a wellness program is being considered to identify health risks and how those risks could be managed to reduce utilization of the program. Mr. Griffin stated that the 25% increase was presented on Friday and he had requested the plan administrator to solicit bids from other plans. Council Member Rainey asked how long the City has retained the plan. Finance Director Wilkerson stated approximately three (3) years. Council Member Coffey asked if the search for other plans was underway. City Manager Griffin stated yes.

(Clerk's Note: Council Member Davis left the meeting at 7:50 p.m. and returned at 7:56 p.m.)

Mr. Griffin then spent a fair amount of time discussing the employee compensation lag and turnover. Several departments have had difficult time filling necessary positions due to a low pay scale. He used the police department as an example stating that since FY2010 24 police positions, including veteran officers, have separated from the City. He stated that even Creedmoor is paying more than Henderson. Currently there are 11 positions vacant within the Police department and Police Chief Sidwell has recommended the elimination of 10 positions; five (5) are funded through the General Fund and 5 which are grant/asset forfeiture funded. The savings from eliminating these positions would be used to increase the entry level pay and allow for wage adjustments for existing officers.

Mr. Griffin stated that this budget recommendation includes a \$.01 tax increase, 5% Regional Water rate increase, 3% Water rate increase, 5% Sewer rate increase and a \$2 sanitation increase along with various recreation fee increases.

Mr. Griffin suggested that since most of the Council Members have been through the budget process for several years now and have an understanding of the process, it might be advantageous to spend Thursday evening directing their thoughts toward the desired services and funding necessary to support those services.

In closing he thanked Finance Director Sandra Wilkerson and Assistant city Manager Frank Frazier for their many, many hours in reviewing the budget to bring a balanced budget before Council.

REPORTS

- a) Mayor/Mayor Pro-Tem (No Report)
- b) City Manager (No Report)
- c) City Attorney (No Report)
- d) City Clerk (No Report)

Council Member Peace-Jenkins read a thank you note from the Culinary Arts students at the Kitrell Job Corp to Council Member Coffey for covering the cost of the Day of Prayer breakfast. She also thanked Council for their contributions to Crime Stoppers golf tournament.

ADJOURNMENT

Council Member Coffee moved for adjournment. Motion seconded by Council Member Rainey and unanimously approved. The meeting adjourned at 8:29 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk