



AGENDA

Henderson City Council Regular Meeting

Monday 11 August 2014, 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 Peace-Jenkins
Councilmember Garry D. Daeke
Councilmember Fearldine A. Simmons
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) 28 July 2014 Short Regular and Work Session Meeting [See Notebook Tab 1]

VII. PRESENTATIONS/RECOGNITIONS

- a) Recognition of Retiree Lt. Irvin Robinson

VIII. PUBLIC HEARING

- a) Consideration of Approval of Resolution 14-02-A, Authorizing the Resubmission of an Application for the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Infrastructure for a CDBG Infrastructure Project. (CAF 14-10-E)[See Notebook Tab 2]

- Resolution 14-02-A

IX. PUBLIC COMMENT PERIOD ON AGENDA ITEMS

Citizens may only 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 below.³

X. NEW BUSINESS

- a) Consideration of Approval of Resolution 14-52, Designating the Henderson Police Department Training Center Open Shelter Area as the Lt. Irvin Wheeler Robinson, Jr. Recreation Shelter. (CAF 14-90) [See Notebook Tab 3]

- Resolution 14-52

³ **Citizen Comment Guidelines for Agenda Items**

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.

- b)* Consideration of Approval of Resolution 14-67, Authorizing a Lease Agreement Between the Holy Innocents Episcopal Church and City of Henderson for the Use of Breckenridge Park Located at the Corner of Breckenridge Street and Walnut Street for Recreational Purposes. (CAF 14-86) [See Notebook Tab 4]
- Resolution 14-67
- c)* Consideration of Approval of Ordinance 14-36, Amending Section 7-79.0, Section 7-79.1, Section 7-79.2 and Section 7-83 of the City Code Relative to Changing Certain Parking Regulations Because of Changing Conditions. (CAF 14-75) [See Notebook Tab 5]
- Ordinance 14-36
- d)* Consideration of Approval of Resolution 14-50, Providing for the Disposition of Jointly Held Property by the City and County Otherwise Identified as 306 Main Street, Tax Parcel #0061-05019. (CAF 14-88) [See Notebook Tab 6]
- Resolution 14-50

XI. 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 Ordinance 14-37 Revising the City Code to Appropriately Reflect City Council Committees. (CAF 14-79) [See Notebook Tab 7]
- Ordinance 14-37
- b)* Consideration of Approval of Resolution 14-39-A, Accepting the 2014 BJA Grant in the amount of \$16,935; and Ordinance 14-39, FY15 Budget Amendment #3, Establishing the 2014 BJA Grant Project Budget. (CAF 14-61-A) [See Notebook Tab 8]
- Resolution 14-39-A
 - Ordinance 14-39

XII. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may only 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 below.⁴

XIII. REPORTS

- a)* Mayor/Mayor Pro-Tem (No Report)
- b)* City Manager (No Report)
- c)* City Attorney (No Report)
- d)* City Clerk
 - i. Meeting and Events Calendar [*See Notebook Tab 9*]
 - ii. Reports
 - Fire Department July Report

XIV. CLOSED SESSION

- a)* Pursuant to G.S. §143-318.11 (a)(3) regarding two (2) Attorney/Client Privilege Matters

XV. ADJOURNMENT

⁴ Citizen Comment Guidelines for Non-Agenda Items

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- 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
11 August 2014

PRESENT

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

ABSENT

None.

STAFF PRESENT

City Manager A. Ray Griffin, Jr., City Attorney John H. Zollicoffer, Jr., City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Police Chief Marcus Barrow, City Engineer Clark Thomas, and Code Compliance Director Corey Williams

CALL TO ORDER

The 11 August 2014 Regular Meeting of the Henderson City Council was called to order by Mayor O'Geary at 6:00 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 a quorum was present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Peace-Jenkins led those present in a prayer and the Pledge of Allegiance.

OPENING COMMENTS

Mayor O'Geary said it is good to see everybody: Council Members and citizens alike.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin said with Council's permission a third item will be added to the Closed Session, pursuant to G.S. §143-318.11(a)(3). City Attorney Zollicoffer added this will be to discuss the City of Oxford, Granville County law suit. Council Member Rainey moved to accept the Agenda as adjusted. Motion seconded by Council Member Coffey and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Peace-Jenkins moved the approval of the 28 July Short Regular and Work Session Minutes, as presented. Motion seconded by Council Member Simmons and unanimously approved.

PRESENTATIONS/RECOGNITIONS

Mayor O'Geary said he is already hearing how much Lt. Robinson is missed. The Mayor read a Resolution of Appreciation and expressed his thanks for Lt. Robinson's 35 years of service. Mayor O'Geary also presented an engraved clock and a City of Henderson throw.

Council Member Peace-Jenkins added her thanks and said over the years Lt. Robinson practically became part of the Greater Little Zion Church family because he spent so much time there for various City functions.

City Manager Griffin said Lt. Robinson's family has a long history with the police department and he has made his family proud, along with the City and wished him the very best.

Lt. Robinson said he is looking forward to volunteering and working as a reserve officer in the very near future.

PUBLIC HEARING

Authorizing the Resubmission of an Application for the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Infrastructure for a CDBG Infrastructure Project. *(Reference: CAF 14-10-E, Resolution 14-02-A)*

City Manager Griffin explained the original application was not funded and this is an attempt to reapply. He then asked Assistant City Manager Frazier to come forward to explain this item in more detail. Mr. Frazier said on 24 March 2014 Council authorized the submission of an application for a CDBG Infrastructure grant from NCDENR. According to McGill Associates, who submitted the application on behalf of the City, funding from NCDENR was narrowly missed and the proposed projects scored well. Some tweaks have been made to the application and staff is hopeful it will be accepted. The project areas include Newton Dairy Road Gravity Sewer Extension and sewer extension for Birch and Bobbitt streets.

Council Member Inscoe asked for verification that no match is required from the City. Mr. Frazier responded no but added there would be some hook-up costs.

With no further discussion, 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 Rainey moved the approval of Resolution 14-02-A, *Authorizing the Resubmission of an Application for the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Infrastructure for a CDBG Infrastructure Project*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 269-A)

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

The City Clerk advised the Mayor and Council Members that no citizen wished to speak to Council on agenda matters.

NEW BUSINESS

Designating the Henderson Police Department Training Center Open Shelter Area as the Lt. Irvin Wheeler Robinson, Jr. Recreation Shelter. (Reference: CAF 14-90; Resolution 14-52)

City Manager Griffin asked Police Chief Barrow to come forward. Chief Barrow said the public truly loves Lt. Robinson and he is glad the Lieutenant will continue to be a part of the police force. Chief Barrow went on to say how devastated Lieutenant was when the cooking shelter was destroyed last year as he often cooked there for Fraternity of Police functions and helped with many training events. The Training Center is named for Lt. Robinson's uncle and Chief Barrow feels it is only fitting that the Open Shelter area be named for Lt. Irvin Wheeler Robinson, Jr. The Chief added the cost of the signage has been donated by a Crime Stoppers Friend.

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

Council Member Daeke moved the approval of Resolution 14-52, *Designating the Henderson Police Department Training Center Open Shelter Area as the Lt. Irvin Wheeler Robinson, Jr. Recreation Shelter*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 51)

Authorizing a Lease Agreement Between the Holy Innocents Episcopal Church and City of Henderson for the Use of Breckenridge Park Located at the Corner of Breckenridge Street and Walnut Street for Recreational Purposes. (Reference: CAF 14-86; Resolution 14-67)

City Manager Griffin said this is a housekeeping item. There has been a long standing relationship with the Church and it has just been discovered that the last lease between the City and the Church expired in 2006. The City would like to continue this relationship and as with prior leases, the City Attorney has crafted a new lease for a ten (10) year period in the amount of \$1.00 per year.

Council Member Inscoe commented he appreciated the willingness of the Church to work with the City with the Park. Mr. Griffin said the Recreation Department is currently working with others within the community on *adopting a park guidelines*.

Council Member Rainey asked if Holy Innocents has the right to come to the City if problems occur. City Attorney Zollicoffer responded yes.

There was further discussion. Mayor O'Geary asked for Council's pleasure.

Council Member Peace-Jenkins moved the approval of Resolution 14-67, *Authorizing a Lease Agreement Between the Holy Innocents Episcopal Church and City of Henderson for the Use of Breckenridge Park Located at the Corner of Breckenridge Street and Walnut Street for Recreational Purposes*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 81)

Amending Section 7-79.0, Section 7-79.1, Section 7-79.2 and Section 7-83 of the City Code Relative to Changing Certain Parking Regulations Because of Changing Conditions. (Reference: CAF 14-75; Ordinance 14-36)

City Manager Griffin said this is a follow up from the last meeting and asked Assistant City Manager Frazier to present this item. Mr. Frazier said reviewing the City Code for outdated regulations has started. He said these amendments are only some of the changes needed and as staff identifies additional areas, the necessary changes will be brought before Council.

Council Member Inscoe asked if the signage will be removed/changed quickly. Mr. Frazier said yes.

City Attorney Zollicoffer added that if possible all references to specific owner names rather than locations will be removed from the code during this process

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

Council Member Peace-Jenkins moved the approval of Ordinance 14-36, *Amending Section 7-79.0, Section 7-79.1, Section 7-79.2 and Section 7-83 of the City Code Relative to Changing Certain Parking Regulations Because of Changing Conditions*. Motion seconded by Council

Member Inscoe, and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 157)

Providing for the Disposition of Jointly Held Property by the City and County Otherwise Identified as 306 Main Street, Tax Parcel #0061-05019. (CAF 14-88; Resolution 14-50)

City Manager Griffin asked Code Compliance Director Williams to address Council. Mr. Williams said this property was acquired through foreclosure. It is hoped the sale of this property will bring it back on the tax role. Mr. Williams said it is recommended Council approve this sale.

Council Member Daeke asked if there were any restrictions on the buyer regarding the usage of the property. Mr. Williams said no but he felt it would probably become rental property. Mr. Daeke asked if the structure would go through inspections before rented. There was a brief discussion which Council Member Inscoe summarized by saying after 12 months, a structure has to go through inspections and meet the NC Building Code requirements.

Council Member Coffey asked about reimbursement to the City for grass cutting. Both City Attorney Zollicoffer and City Manager Griffin said there have been numerous unsuccessful discussions with the County about sharing the cost of maintenance of joint property. Ms. Coffey asked that this discussion be brought before the County once again.

Council Member Simmons asked if a lien could be placed on the property. City Attorney Zollicoffer said not on this particular property.

City Attorney Zollicoffer added it is not a good policy for the City to bear the brunt of the burden for maintenance. City Manager Griffin fully agreed and said they would approach the County once again to discuss this issue.

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

Council Member Coffey moved the approval of Resolution 14-50, *Providing for the Disposition of Jointly Held Property by the City and County Otherwise Identified as 306 Main Street, Tax Parcel #0061-05019*. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Peace-Jenkins, Simmons, Daye, Kearney, Coffey, Inscoe and Rainey. NO: Daeke. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 47)

CONSENT AGENDA

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

Revising the City Code to Appropriately Reflect City Council Committees. (*Reference: CAF 14-37; Ordinance 14-37*) Changes to Council Committee structure occurred via Resolutions 10-05 and 11-17; however, an ordinance revising the City Code was never presented for approval. The 2010 resolution folded all the committees into a Committee of the Whole except for the Human Resources Committee, Public Safety Committee, Land Planning and Development Committee and a Boards and Commissions Committee. In 2011, the Inter-Governmental Committee was folded into the Committee of the Whole and a City Council Liaison was established. This ordinance updates the City Code. (*See Ordinance Book 9, p159*)

Accepting the 2014 BJA Grant in the Amount of \$16,935; and FY15 Budget Amendment #3, Establishing the 2014 BJA Grant Project Budget. (*CAF 4-61-A; Resolution 14-39-A, Ordinance 14-39*) Submission of an application to the US Department of Justice for a 2014 BJA Grant was approved via Resolution 14-39. This grant was awarded in the full amount with \$10,161 allocated to the City and \$6,774 allocated to the County. (*See Resolution Book 4, p 25-A; Ordinance Book 9, p163*)

Mayor O'Geary asked if anyone wished to remove an item from the Consent Agenda. There were no requests. Mayor O'Geary asked for a motion to approve the consent Agenda

Council Member Inscoc moved the approval of the Consent Agenda as presented. Motion seconded by Council Member Simmons, and APPROVED by the following vote: YES: Daeke, Simmons, Daye, Kearney, Coffey, Inscoc, Rainey and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised one citizen wished to address Council.

Mr. Blakely Bates, 229 Lowrey Street. Mr. Bates expressed thanks for being able to serve as a volunteer (VIP) with the Police Department. He said he has received many thanks from citizens and hoped the program has improved the quality of life for many. He added the program gave him a new respect for the job of the police and would like to see citizens supporting the police. He then asked if Council would join him in a moment of silence for another volunteer, Ms. Mary Debnam.

Council Member Peace-Jenkins said she and Mr. Bates joined the VIP program at the same time and also found the program very rewarding. She said his work has not gone unnoticed.

REPORTS

a) Mayor/Mayor Pro-Tem

b) City Manager

- i. City Manager Griffin shared that Pam Hester has submitted her resignation. He said she has accepted a position with a non-profit agency where he has no doubt she will do a very good job. Her resignation leaves the Planning Department once again without a staff member. Mr. Griffin said he and Interim Planning Director Corey Williams will be discussing possible reorganization of that department and thoughts will be brought to the next Work Session.
- ii. Mr. Griffin said he will be contacting the County Manager regarding the County's stand on the Recreation and Parks Department as applications have been coming in since April for the Director position. He would like to move forward with this saying it is unfair to delay the process for both the applicants and the staff who deserve stability as quickly as possible.

c) City Attorney (No Report)

d) City Clerk

- i. City Clerk McCrackin reminded Council of the *Daily Dispatch's* 100th birthday celebration on August 12th.

OTHER

Council Member Peace-Jenkins said she was approached by Mr. Wayne Pruitt regarding his water bill. He told her his wife is ill and although the department has worked with him, he needs a plan. City Manager Griffin said he would look into this with Billing and Collections Supervisor Bennett.

City Manager Griffin said again that an agreement should be made between the City and County regarding the maintenance of jointly owned property and will talk with County Manager Ayscue about this in the near future.

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 Rainey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3) for two Attorney-Client Privilege Matters. Motion seconded by Council Member Coffey, and unanimously approved.

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

Before adjourning, City Manager Griffin shared a conversation he had with Ms. Alice Sallins from the Arts Council this afternoon. Ms. Sallins would like to sponsor Halloween and the Christmas Parade. Mr. Griffin said he explained these are not City events and will speak with the Downtown Development President, Phil Hart. Mr. Griffin appreciated her offer and was pleased that citizens are taking an interest in sponsoring these events.

Mayor O'Geary asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Coffey, and unanimously approved. The meeting adjourned at 7:47 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk