AGENDA

Henderson City Council Regular Meeting
Monday, 9 January 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 Behavior[1] and Transparency in Governance[2]. 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.

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[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) 12 December 2011 Regular Meeting *[See Notebook Tab 1]*

VII. PUBLIC COMMENT PERIOD ON AGENDA ITEMS

Citizens may only speak on 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, 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) Consideration of Ordinance 12-02, FY12 Budget Amendment #29, Authorizing Funds for Engineering Design for 2" Water Main Replacement Project with State Revolving Fund. *(CAF 12-04)[See Notebook Tab 2]*

- Ordinance 12-02

b) Consideration of Ordinance 12-03, Amending a Portion of Chapter 29 Relating to Parks and Recreations Requiring Posting of Recreation Facilities before Prohibiting Weapons. *(CAF 12-06) [See Notebook Tab 3]*

- Ordinance 12-03

c) Consideration of Ordinance 12-04, FY12 Budget Amendment #30 for the Reimbursement of Funds Through Insurance Proceeds as a Result of Water Main Damage and Repair at Andrews Avenue and US #1 Bypass. *(CAF 12-07)[See Notebook Tab 4]*

- Ordinance 12-04

d) Consideration of Ordinance 12-05, FY12 Budget Amendment #31, Authorizing Transfer of Funds for Professional Services for Water Sales Agreement. *(CAF 12-08)[See Notebook Tab 5]*

- Ordinance 12-05

IX. 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 12-01, Supporting Urban Progress Zone Designation. *(CAF 12-01)[See Notebook Tab 6]*

- Resolution 12-01

b) Consideration of Approval of Ordinance 12-01, Amending City Code Section 12-1, Providing for Appeal Rights Regarding the Fire Prevention Code. *(CAF 12-02) [See Notebook Tab 7]*

- Ordinance 12-01

c) Consideration of Approval of Resolution 12-02, Adopting the KLRWS 2007 Local Water Supply Plan. *(CAF 12-03) [See Notebook Tab 8]*

- Resolution 12-02

X. 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 on the last page of this Agenda.[3]

XII. REPORTS

a) Mayor/Mayor Pro-Tem
b) City Manager
c) City Attorney
d) City Clerk
  i. Calendar Notes and Schedule Update *[See Notebook Tab 9]*
  ii. Various Departmental Reports *[See Notebook Tab 10]*
    a) Henderson Fire Department
    b) Henderson-Vance County 911

XIII. ADJOURNMENT

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[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 January 2012

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 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, Fire Chief Danny Wilkerson, Recreation and Parks Director Alan Gill and Engineering Director Peter Sokalski.

CALL TO ORDER

The 9 January 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, 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 Rainey led those in attendance in a prayer and the Pledge of Allegiance.

City Manager Griffin introduced Katherine Brafford as the new City Finance Director and stated she is a welcome addition to the staff. Ms. Brafford began with the City on December 29, 2011.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. No requests were made to adjust the Agenda. Mayor O'Geary asked for the pleasure of Council. Council Member Inscoe

moved to accept the Agenda as presented. 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 Rainey moved the approval of the following minutes: 12 December 2011. Motion seconded by Council Member Daeke and unanimously approved.

(Clerk's Note: Council Member Peace-Jenkins arrived at 6:03 p.m. and Council Members Daye and Davis arrived at 6:05 p.m.)

The entire Executive team was pleased that Council Member Davis was well enough to attend this evening.

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

Authorizing Funds for Engineering Design for 2" Water Main Replacement Project with State Revolving Fund, FY 12 Budget Amendment #29. *(Reference: CAF: 12-04; Ordinance 12-02)*

City Manager Griffin asked Engineering Director Sokalski to advise Council on this matter. Mr. Sokalski reminded Council of its approval on 26 September 2011 to submit an application to the NC Department of Environment and Natural Resources (DENR) for assistance with the maintenance, expansion and replacement of parts, lines and equipment for the local water system. Part of the process requires plans and specifications be submitted before 29 February, 2012, for the water main replacement portion of the project. Survey work is needed in order to proceed and staff now asks for Council's approval to perform survey work for the Water Main replacement portion and the pump project.

City Manager Griffin clarified the funds transfer by stating $11,807.70 was recycled from the Perry Avenue project in 2011 and the remaining amount from internal transfers. Because of increased water sales, Mr. Griffin stated a capital projects account has been established.

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

Council Member Rainey moved the approval of *Authorizing Funds for Engineering Design for 2" Water Main Replacement Project with State Revolving Fund, Budget Amendment #29.* Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote:

YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis and Daye: NO: None. ABSTAIN: None. ABSENT: None. *(See Ordinance Book 8, p. 355)*

Amending a Portion of Chapter 29 Relating to Parks and Recreations Requiring Posting of Recreation Facilities Before Prohibiting Weapons. *(Reference: CAF 12-06; Ordinance 12-03)*

City Manager Griffin asked City Attorney John Zollicoffer to present this item. Attorney Zollicoffer explained On 12 September 2011, Council approved amending City Code Section 10-49 to include the word *posted* to align the City code with State Law regarding prohibiting weapons relating to Parks & Recreation facilities. At that time Section 29-14(8) was overlooked and the NRA caught the oversight so Council is being asked to approve an amendment Chapter 29 to include the word *posted* to be in compliance with State law.

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

Council Member Coffey moved the approval of *Amending a Portion of Chapter 29 Relating to Parks and Recreations Requiring Posting of Recreation Facilities Before Prohibiting Weapons.* Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye and Kearney. NO: None: ABSTAIN: None. ABSENT: None. *(See Ordinance Book 8, p. 357)*

Reimbursement of Funds Through Insurance Proceeds as a Result of Water Main Damage and Repair at Andrews Avenue and US #1 Bypass, FY 12 Budget Amendment #20. *(Reference: CAF 12-07; Ordinance 12-04)*

City Manager Griffin stated this is purely a housekeeping matter. On 21 November 2011, a J. E. Kerr Timber Co., truck and trailer, carrying heavy equipment, struck the City's water main suspended under the bridge at Andrews Avenue and US #1 Bypass. The police report stated the equipment was over the height restrictions. Assistant City Manager Frank Frazier filed an insurance claim and payment was received in the amount of $12,084.46 which is payment in full. for the repairs and costs incurred by the City for overtime, loss of water and contractual costs to H.G. Reynolds Co. which was hired to perform the repair in conjunction with City crews. Mr. Griffin stated the funds were allocated to the water/sewer accounts.

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

Council Member Rainey moved the approval of *Reimbursement of Funds Through Insurance Proceeds as a Result of Water Main Damage and Repair at Andrews Avenue and US #1 Bypass, FY 12 Budget Amendment #20.* Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. *(See Ordinance Book 8, p. 359)*

Authorizing Transfer of Funds for Professional Services for Water Sales Agreement, FY12 Budget Amendment #31. *(Reference: CAF 12-08; Ordinance 12-05)*

City Manager Griffin stated unexpected expenses for legal services during the first six months occurred in contract development, negotiations and consultation for water sales discussion with Oxford, Vance County and Granville County. If approved, funds will be transferred from the water account ($8,500) and sewer account ($6,500) to cover these costs.

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

Council Member Peace-Jenkins moved the approval of *Authorizing Transfer of Funds for Professional Services for Water Sales Agreement, FY12 Budget Amendment #31.* Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Davis, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: None. *(See Ordinance Book 8, p. 361)*

CONSENT AGENDA

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

a) **Supporting Urban Progress Zone Designation.** This matter was discussed during the December 2011 Work Session and based on the unanimous consensus of City Council Members, was approved to continue with the application process. *(Reference: CAF 12-01; Resolution 12-01) (See Resolution Book 2, p. 251)*

b) **Amending City Code Section 12-1, Providing for Appeal Rights Regarding the Fire Prevention Code.** This matter was discussed during the December 2011 Work Session and based on the unanimous consensus of Council Members, was approved for establishing appeal rights and a committee is to be formed to review appeals. *(Reference: CAF 12-02; Ordinance 12-01) (See Ordinance Book 8, p 353)*

c) **Adopting the KLRWS 2007 Local Water Supply Plan.** This matter was discussed during the December 2011 Work Session and based on the unanimous consensus of Council, was approved as submitted. *(Reference: CAF 12-03; Resolution 12-02) (See Resolution Book 2, p 253)*

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

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

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address City Council.

REPORTS

a) Mayor/Mayor Pro-Tem - Mayor Pro-Tem Davis stated he was *extremely* glad to be back. Chairman Pro-Tem Rainey stated he was *extremely* glad Mr. Davis was back!

b) City Manager - Ray Griffin asked Council's pleasure regarding the Strategic Planning Meeting. It was the consensus of Council to hold the meeting for one day at the Aycock Recreation Center on Thursday, 26 January 2012.

c) City Attorney (No Report)

d) City Clerk - Esther McCrackin reminded Council Members of the Annual Chamber Banquet on January 24 and reminded those bringing guests to submit payment no later than 13 January.

Council Member Inscoe inquired about the status of the Spring Street project. Assistant City Manager Frazier said the City is still waiting for the signed approval from CSX which will provide a start date. Mr. Inscoe asked if there was concern regarding the expiration of the current bid. Mr. Frazier stated yes, it was a concern. City Attorney Zollicoffer commented CSX can be slow in responding and Mr. Frazier said he would have Engineering Director Sokalski contact CSX in the morning.

ADJOURNMENT

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Rainey and unanimously approved. The meeting adjourned at 6:20 p.m.

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James D. O'Geary
Mayor

ATTEST:

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Esther J. McCrackin
City Clerk