



## AGENDA

**Henderson City Council Short Regular Meeting**  
**Monday 22 June 2015, 6:00 p.m.**  
**R. G. (Chick) Young, Jr. Council Chambers, Municipal Building**  
**134 Rose Avenue**  
**Henderson, North Carolina**

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### **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 Peace-Jenkins  
Councilmember Garry D. Daeke  
Councilmember Fearldine A. Simmons  
Councilmember George M. Daye

### **City Officials**

Edward A. Wyatt, Interim 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<sup>1</sup> and Transparency in Governance<sup>2</sup>. 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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<sup>1</sup> **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.

<sup>2</sup> **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) 8 June 2015 Regular Meeting [*See Notebook Tab 1*]
- b) 15 June 2015 Special Called Meeting

**VII. 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.<sup>3</sup>

**VIII. NEW BUSINESS**

- a) Consideration of Approval of Ordinance 15-28, Adoption of the FY15-16 Budget and FY2015-16 Annual Fee Schedule. (*CAF 15-62-B*) [*See Notebook Tab 2*]
  - Ordinance 15-28
- b) Consideration of Approval of 1) Resolution 15-48, Ratifying and Approving the Mayor's Signature on the North Carolina Community Development Block Grant (CDBG) Contract in the Amount of \$1,532,400 for Water Infrastructure; and 2) Resolution 15-49, Resolving to Provide Adequate Funding for Continued Operation of Said Improvements and Authorized Signatures for Documentation Required. (*CAF 15-79*) [*See Notebook Tab 3*]
  - Resolution 15-48
  - Resolution 15-49

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<sup>3</sup> **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.

- c) Consideration of Approval of Resolution 15-45, Authorizing an Application to the Carolina Panthers Charities for a Challenger Flag Football League Grant in the Amount of \$5,000 to Establish and Implement a Challenger League. (CAF 15-76) [See Notebook Tab 4]
  - Resolution 15-45
- d) Consideration of Approval of Resolution 15-50, Revising 2015 City Council Meeting Schedule. (CAF 15-50) [See Notebook Tab 5]
  - Resolution 15-50
- e) Consideration of Approval of Ordinance 15-32, Amending the FY14-15 Budget as Part of the Year Ending Budget Reconciliation Process, Budget Amendment #31. (CAF 15-72) [See Notebook Tab 6]
  - Ordinance 15-32
- f) Consideration of Approval of Tax Releases & Refunds for May 2015. (CAF 15-73) [See Notebook Tab 7]

## **IX. 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.<sup>4</sup>

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### **<sup>4</sup> Citizen Comment Guidelines**

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- 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.

## **X. REPORTS**

- a)* Mayor/Mayor Pro-Tem
- b)* City Manager
- c)* City Attorney
- d)* City Clerk
  - i. Meeting and Events Calendar *[See Notebook Tab 8]*

## **XI. CLOSED SESSION**

- a)* Pursuant to G.S.§143-318.11 (a)(6) regarding a Personnel Matter
- b)* Pursuant to G.S.§143-318.11 (a)(3) regarding Attorney/Client Matters

## **XII. REGULAR WORK SESSION**

- a)* Consideration of Approval of Ordinance 15-02, Amending Sec. 15-42.1 and Sec. 15-42.2 of the City Code Providing for Adjustment to Sewer Charges. *(CAF 15-04) [See Notebook Tab 9]*
  - Ordinance 15-02
- b)* Consideration of Approval of 1) Resolution 15-09, Authorizing the Execution of Change Order #6 for the Henderson Water Reclamation Facility Project to Devere Construction Company, Inc., in the Amount of \$218,712; and 2) Resolution 15-53, Amendment #1 to the Agreement for Engineering Services with McGill Associates for Said Project; and 3) Ordinance 15-33, FY15 Budget Amendment #33, Amending the CIP Sewer Fund for Change Order #6 to the Water Reclamation Facility Renovation Project. *(CAF 15-11) [See Notebook Tab 10]*
  - Resolution 15-09
  - Resolution 15-53
  - Ordinance 15-33
- c)* Consideration of Approval of 1) Resolution 15-12, Authorizing the Execution of Change Order #1 for the Sandy Creek Pump Station Project to Turner Murphy Company, Inc., in the Amount of \$91,129; and 2) Ordinance 15-30, FY15 Budget Amendment #32, Amending the CIP Sewer Fund for Above Mentioned Change Order. *(CAF 15-70) [See Notebook Tab 11]*
  - Resolution 15-12
  - Ordinance 15-30

## **XIII. ADJOURNMENT**

**City Council Minutes**  
**Short Regular Meeting and Work Session**  
**22 June 2015**

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**PRESENT**

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

**ABSENT**

None.

**STAFF PRESENT**

Interim City Manager Edward A. Wyatt, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Kathy Brafford, Assistant Finance Director Michelle Daniels, Development Services Director Corey Williams, Engineering Director Clark Thomas, Public Services Director Mike Ross, Fire Chief Danny Wilkerson, Assistant Fire Chief Steve Cordell, Recreation and Parks Director Kendrick Vann, and Henderson Water Reclamation Facility Director Tom Spain.

**CALL TO ORDER**

The 22 June 2015 Short Regular Meeting and Work Session 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 Peace-Jenkins led those in attendance in a prayer and the Pledge of Allegiance.

**WELCOME**

Mayor O'Geary said he was happy to see everyone on such a steamy evening.

## **ADJUSTMENTS TO/APPROVAL OF AGENDA**

Mayor O'Geary asked if there were any adjustments to the Agenda. Council Member Peace-Jenkins moved to accept the Agenda. Motion was seconded by Council Member Simmons, and unanimously approved.

## **APPROVAL OF MINUTES**

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Coffey moved the approval of the 8 June 2015 Regular Meeting and 15 June Special Called Meeting minutes, as presented. Motion seconded by Council Member Daye, and unanimously approved.

## **PUBLIC COMMENT PERIOD ON AGENDA ITEMS**

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

## **NEW BUSINESS**

**Adoption of the FY15-16 Budget and FY15-16 Annual Fee Schedule.** (*Reference: CAF 15-62-B; Ordinance 15-28*)

Interim City Manager Wyatt suggested the Municipal Election Filing Fee increases be deferred until the next fiscal year as the filing dates for 2015 are within two weeks. Council was in agreement

There were no further comments so Mayor O'Geary asked for Council's pleasure.

Motion was made by Council Member Peace-Jenkins to approve Ordinance 15-28, *Adoption of the FY15-16 Budget and FY15-16 Annual Fee Schedule* with the removal of the Municipal Election Filing Fee. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None. (*See Ordinance Book 9, p 249*)

Council Member Inscoe commented that a significant sum from the Fund Balance has been used to balance this budget which cannot continue. He asked that everyone look for ways to conserve in the coming year.

Council Member Daeke echoed Mr. Inscoe's comments and said although it is for the right reasons, he never remembered using any amount from the Fund Balance close to the roughly \$350,000 used this year.

**Approving the Mayor's Signature on the North Carolina Community Development Block Grant (CDBG) Contract in the Amount of \$1,532,400 for Water Infrastructure and Resolving to Provide Adequate Funding for Continued operation of Said Improvements and Authorized Signatures for Documentation Required.** (Reference: CAF 15-79; Resolution 15-48 and 15-49)

Interim City Manager Wyatt said this is self-explanatory and asked for Council's approval.

Council Member Inscoe asked the Assistant City Manager if this grant will preclude the City from applying for other grants. Mr. Frazier said he is unaware of any limitations on applying for other grants.

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

Motion was made by Council Member Daeke to approve Resolution 15-48, *Approving the Mayor's Signature on the North Carolina Community Development Block Grant (CDBG) Contract in the Amount of \$1,532,400 for Water Infrastructure* and Resolution 15-49, *Resolving to Provide Adequate Funding for Continued operation of Said Improvements and Authorized Signatures for Documentation Required.* 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 237 and 249)

**Authorizing an Application to the Carolina Panthers Charities for a Challenger Flag Football League Grant in the Amount of \$5,000 to Establish and Implement a Challenger League.** (Reference: CAF 15-76, Resolution 15-45)

Interim City Manager Wyatt said Recreation and Parks Director Kendrick Vann has already received a letter from the Carolina Panthers saying they have awarded the City the \$5,000 grant for this year and \$3,000 for next year. Mr. Wyatt and Council congratulated Mr. Vann on such a positive response.

Motion was made by Council Member Kearney to approve Resolution 15-45, *Authorizing an Application to the Carolina Panthers Charities for a Challenger Flag Football League Grant in the Amount of \$5,000 to Establish and Implement a Challenger League.* 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 231)

**Revising the 2015 City Council Meeting Schedule.** (Reference: CAF 15-80, Resolution 15-50)

Interim City Manager Wyatt said he took the liberty to suggest this schedule change as many staff and Council members are on vacation during the summer months and the City pace slows. If approved, Council will meet only once, on the second Monday during the months of July and August. Mr. Wyatt added a Special Meeting can always be called for any emergency situations.

Motion was made by Council Member Rainey to approve Resolution 15-50, *Revising the 2015 City Council Meeting Schedule*. Motion seconded by Council Member Peace-Jenkins, and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 241)

**Amending the FY14-15 Budget as Part of the Year Ending Budget Reconciliation Process, Budget Amendment #31.** (Reference: CAF 15-72, Ordinance 15-32)

Interim City Manager said this is a routine housekeeping matter of reconciling the General Fund and the Sewer Fund, as well as closing out a CIP project in the CIP General Fund.

Council Member Kearney asked if there was any indication the amount of funds that will be carried over from FY14-15. Mr. Wyatt and Finance Director Kathy Brafford both indicated this would be unknown until the books are closed and the audit figures are complete.

With no further discussion, Mayor O’Geary asked for the pleasure of Council.

Motion was made by Council Member Kearney to approve Ordinance 15-32, *Amending the FY14-15 Budget as Part of the Year Ending Budget Reconciliation Process*. Motion seconded by Council Member Inscoe, and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 257)

**Tax Releases and Refunds from Vance County for the Month of May 2015.** (Reference: CAF 15-80) Below are the tax releases and refunds which were found to be in order by the Finance Director for the month of December 2015.

<b>May 2015 Tax Releases</b>			
<b>Name</b>	<b>Reason</b>	<b>Tax Year</b>	<b>Amount</b>
<b>Real &amp; Personal Property</b>			
<b>Releases</b>			
Wiggins Lisa B & Others	Taxes Lost to Foreclosure	2004	35.97
Wiggins Lisa B & Others	Taxes Lost to Foreclosure	2005	37.65
Wiggins Lisa B & Others	Taxes Lost to Foreclosure	2006	37.65
Wiggins Lisa B & Others	Taxes Lost to Foreclosure	2007	37.65
Wiggins Lisa B & Others	Taxes Lost to Foreclosure	2008	28.70
Wiggins Lisa B & Others	Taxes Lost to Foreclosure	2009	29.72
Wiggins Lisa B & Others	Taxes Lost to Foreclosure	2010	29.72
Woodleif, James R Heirs	Taxes Lost to Foreclosure	2010	74.53
Henderson, Brooksie	Taxes Lost to Foreclosure	2011	134.35
Waddell, Gail B	Taxes Lost to Foreclosure	2011	53.37
Wiggins Lisa B & Others	Taxes Lost to Foreclosure	2011	29.74
Woodleif, James R Heirs	Taxes Lost to Foreclosure	2011	4,973.89

<b>May 2015 Tax Releases</b>			
<b>Name</b>	<b>Reason</b>	<b>Tax Year</b>	<b>Amount</b>
Henderson, Brooksie	Taxes Lost to Foreclosure	2012	280.60
Waddell, Gail B	Taxes Lost to Foreclosure	2012	94.03
Wiggins Lisa B & Others	Taxes Lost to Foreclosure	2012	29.74
Woodleif, James R Heirs	Taxes Lost to Foreclosure	2012	252.53
Henderson, Brooksie	Taxes Lost to Foreclosure	2013	297.38
Waddell, Gail B	Taxes Lost to Foreclosure	2013	99.65
Wiggins Lisa B & Others	Taxes Lost to Foreclosure	2013	31.51
Woodleif, James R Heirs	Taxes Lost to Foreclosure	2013	55.68
Henderson, Brooksie	Taxes Lost to Foreclosure	2014	297.38
Pearce, Salbert A	Correct Ownership	2014	272.50
Trustees of Room at The Cross PHC	Correct Ownership	2014	(272.50)
Waddell, Gail B	Taxes Lost to Foreclosure	2014	99.65
Wiggins Lisa B & Others	Taxes Lost to Foreclosure	2014	31.51
Woodleif, James R Heirs	Taxes Lost to Foreclosure	2014	55.68
4 Point O Student Center	Personal Property Billed in Error	2014	335.62
<b>Total R&amp;P Property Releases</b>			<b>\$ 7,463.90</b>
<b>Real &amp; Personal Property</b>			
<b>Refunds</b>			
NONE			-
<b>Total R&amp;P Property Refunds</b>			\$ -
<b>Total R&amp;P Prop. Rel. &amp; Ref.</b>			<b>\$ 7,463.90</b>
<b>Vehicle Releases</b>			
Morton, Howard	Discharged Bankruptcy	2013	80.18
<b>Total Vehicle Releases</b>			<b>\$ 80.18</b>
<b>Vehicle Refunds</b>			
NONE			-
<b>Total Vehicle Refunds</b>			-
<b>Tot. Veh. Rel. &amp; Ref.</b>			<b>\$ 80.18</b>
<b>Total All Releases &amp; Refunds</b>			<b>\$ 7,544.08</b>

Council Member Daeke commented he was glad to see fewer taxes lost to foreclosure that are more than 10 years old.

There were no other comments. Mayor O'Geary now asked for Council's pleasure.

Motion was made by Council Member Daeke to approve the *Tax Releases and Refunds from Vance County for the Month of May 2015*. Motion seconded by Council Member Simmons, and

*Minute Book 43*

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 AGENDA ITEMS**

The City Clerk advised the Mayor and Council Members that one citizen wished to address to Council.

**Mr. Jerry Allen, 645 Horseshoe Bend Road, Henderson** Mr. Allen expressed his concern regarding the water bill for his mobile home park located at 1261 Americal Road.

There was a brief discussion which culminated with Council asking Assistant City Manager Frazier to look into providing water to the Park and also to look at the current policy regarding water that does not enter the City's sanitary sewer lines. Since this is a Park rather than a residence, Council felt perhaps some type of adjustment could be made.

## **REPORTS**

a) Mayor/Mayor Pro-Tem(No Report)

b) City Manager - Mr. Wyatt gave a progress report on the City/County meetings regarding the 131 properties owned by both entities and said 27 properties need immediate attention; two have people living in them and 8 need demolition. He said Development Service Director Williams and Assistant County Manager McMillan are working closely and are in agreement 2-3 cuttings a season are necessary for these properties. The County has found a small amount of funding which they will take before the Commissioners for approval. Mr. Wyatt will continue to give progress reports.

Council Member Coffey said there is a business in town that deals with asbestos removal and will provide the information to the Development Services Department.

Council Member Kearney verified that \$5,000 will be added to the \$72,000 budget for demolition once the property known as the old city garage is sold.

Mr. Wyatt said the Land Planning Committee will be meeting on Wednesday with the Downtown Development Executive Committee and the Executive Director from the Chamber of Commerce to discuss extensively the needs of downtown.

Council Member Peace-Jenkins gave kudos to Development Service Director Williams for tearing down the structure(s) at 710 Marshall Street.

c) City Attorney (No Report)

d) City Clerk – (No Report)

## CLOSED SESSION

Council Member Coffey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(6) for a Personnel Matter and G.S. §143-318.11(a)(6) for two Attorney-Client Privilege Matters, one of which will deal with the Oxford lawsuit. Motion seconded by Council Member Daeke, and unanimously approved.

Following the Closed Session, Council Member Coffey moved for Council to convene in open session. Motion seconded by Council Member Daeke, and unanimously approved.

**Concerning Payment of Debt Owed by Granville County to the City of Henderson Under that Certain Utilities Sales Agreement Dated December 29, 2011.** (*Reference: Resolution 15-36*)

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

Motion was made by Council Member Inscoe to approve Resolution 15-36, *Concerning Payment of Debt Owed by Granville County to the City of Henderson Under that Certain Utilities Sales Agreement Dated December 29, 2011*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Simmons, Daye, Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins and Daeke. NO: None. ABSTAIN: None. ABSENT: None. (*See Resolution Book 4, p \*\*\**)

## WORK SESSION

**Amending Sec 15-42.1 and Sec. 15-42.2 of the City Code Providing for Adjustment to Sewer Charges.** (*Reference: CAF 15-04; Ordinance 15-02*)

Finance Director Brafford said it has been the policy of the Utility Billing/Collections office to adjust utility bills relating to sewer charges regarding outside watering of grass, plants and vegetation, along with unintentional leaks in customer water lines wherein portions of the water leakage does not enter the City's sanitary sewer service. However, this policy should be an ordinance and what Council is being asked to approve is an Ordinance that will incorporate these policies into the City Code.

Council Member Rainey mentioned people often reseed/replace their lawns in the Fall; however, after hearing this ordinance is in place from the May billing through the September billing, Mr. Rainey felt this issue should be covered.

It was the consensus of Council to bring this to the next Council meeting as follows: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

**Authorizing the Execution of Change Order #6 for the Henderson Water Reclamation Facility Project to Devere Construction Company, Inc., in the amount of \$218,712; Amendment #1 to the Agreement for Engineering Services with McGill Associates for Said Project; and Amending the CIP Sewer Fund for Change Order #6 to the Water Reclamation Facility Renovation Project. (Reference: CAF 15-11, Resolution 15-09, Resolution 15-53, Ordinance 15-33 and Budget Amendment #44)**

Assistant City Manager Frank Frazier said this project is nearing the finish line. Henderson Water Reclamation Facility Manager Tom Spain and Doug Chapman, Engineer for McGill Associates, were both present to answer any questions. Mr. Chapman then came forward to explain the reasoning for the nine (9) changes.

Council Member Rainey asked why there are so many changes at such a significant cost. Mr. Chapman said each project is site specific.

Council Member Inscoe asked about the additional spare chemical line. Mr. Chapman said this line is not really a spare line as it will provide the capability of adding magnesium hydroxide.

Mr. Inscoe asked if this is approved what amount remains in the contingency. Assistant City Manager Frazier said approximately \$30,000. Council Member Coffey asked if that left enough in contingency. Mr. Frazier said the project is so close to completion, he is comfortable with such a small contingency and added there was a meeting today to review what needs to be done to complete the project so he's comfortable with the \$30,000.

Council Member Kearney asked what amount is owed the contractor. Mr. Chapman said there is a 5% holdback. Mr. Kearney then asked what the contractor owes the City for damages. Mr. Chapman said negotiations have not been completed; however, it is normally \$1,000 a day for damages.

Council Member Peace-Jenkins asked if all this work is necessary now. Mr. Frazier said it is better to do the work now.

There was a short discussion and Council requested more information before making a final decision. Mr. Frazier said he would do his best to provide information prior to the next Council meeting.

It was the consensus of Council to bring this to the next Council meeting for further review. The consensus as follows: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

**Authorizing the Execution of Change Order #1 for the Sandy Creek Pump Station Project to Turner Murphy Company, Inc., in the Amount of \$91,129 and Amending the CIP Sewer Fund for the Above Mentioned Change Order.** (Reference: CAF 15-70, Resolution 15-12, Ordinance 15-30, Budget Amendment #32)

Assistant City Manager said the pumps have been delivered and now they are waiting on the pump panel before proceeding. Mr. Doug Chapman, from McGill Associates, explained the requested changes which will leave a balance of \$9,276 in contingency.

Council Member Inscoe asked about whether the surge valve replacement is necessary. Henderson Water Reclamation Facility Director Spain said the valve was installed in 1982 and sticks periodically.

Council Member Kearney said there is a propensity to use all the project funds as projects near completion. He urged caution and asked that staff be prudent in expending funds.

Council Member Coffey said Mr. Spain is amazing to keep up with all that he does. She said there are not many people who can come up with the information he did so quickly about when the valve was installed and to remember so far back.

It was the consensus of Council to bring this to the next Council meeting as follows: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

With no further business, Mayor O'Geary asked if Council was prepared to adjourn.

**ADJOURNMENT**

Council Member Coffey moved for adjournment. Motion seconded by Council Member Kearney, and unanimously approved. The meeting adjourned at 7:44 p.m.

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James D. O'Geary  
Mayor

**ATTEST:**

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Esther J. McCrackin  
City Clerk