



AGENDA

**Henderson City Council Short Regular Meeting
Monday 23 June 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) 9 June 2014 Regular Meeting [*See Notebook Tab 1*]
- b) 11 June 2014 Recessed 9 June Meeting

VII. PRESENTATIONS & RECOGNITIONS

- a) Recognizing Retiree W. Alan Gill

VIII. 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

IX. NEW BUSINESS

- a) Consideration of Approval of Ordinance 14-33, FY13 Budget Amendment #38, Annual Year Ending Reconciliation Ordinance. (*CAF 14-69*) [*See Notebook Tab 2*]
 - Ordinance 14-33
- b) Consideration of Approval of Resolution 14-59, Expressing Council's Concern About Moped Utilization on Streets and Highways and Supporting NC General Assembly House Bill 1145 Relative to the Same. (*CAF 14-77*) [*See Notebook Tab 3*]
 - Resolution 14-59
- c) Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of May 2014. (*CAF 14-48*) [*See Notebook Tab 4*]

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.

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 below.⁴

XI. REPORTS

- a)* Mayor/Mayor Pro-Tem
- b)* City Manager
- c)* City Attorney
- d)* City Clerk
 - i. Meeting and Events Calendar [*See Notebook Tab 5*]
 - ii. Monthly Reports
 - Police Department
 - Fire Department

XII. ADJOURNMENT

⁴ 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

Short Regular Meeting

23 June 2014

PRESENT

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

ABSENT

Council Member Peace-Jenkins.

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Police Chief Marcus Barrow, Kerr Lake Regional Water Director Christy Lipscomb, Code Compliance Director Corey Williams, Engineering Director Clark Thomas, Human Resources Director Cathy Brown and Interim Recreation and Parks Director Steve Osborne

CALL TO ORDER

The 23 June 2014 Short 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 Fearldine A. Simmons led those in attendance in a prayer and the Pledge of Allegiance.

Mayor O'Geary said due to a prior engagement, Council Member Peace-Jenkins is unable to be here this evening. He welcomed everyone in attendance.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. Council Member Rainey moved to accept the Agenda as presented. Motion seconded by Council Member Kearney 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 9 June 2014 Regular Meeting minutes and the 11 June 2014 Recessed 9 June 2014 Meeting as presented. Motion seconded by Council Member Daeke, and unanimously approved.

PRESENTATIONS/RECOGNITIONS

Mayor O'Geary recognized retiree Alan Gill, former long-term Recreation and Parks Director, by reading a Proclamation which he presented to Mr. Gill along with an engraved clock and City of Henderson throw. The Mayor said it is difficult to see people retire when they have contributed so much to the program and to the citizens of Henderson. After serving the City for 31 years, Mr. Gill thanked all the current and previous mayors, council members, staff and volunteers that he has worked with over the years. He specifically recognized his wife, Denise, who has supported him throughout his career. Mrs. Gill was given a round of applause.

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

FY13-14 Budget Amendment #38, Annual Year Ending Reconciliation Ordinance *(Reference: CAF 14-69; Ordinance 14-33)*

City Manager Griffin asked Finance Director Kathy Brafford to describe these items. Ms. Brafford explained this does not change the overall budget --- it merely moves funds between departments to properly realign the budget to make sure there is no over expenditures. She mentioned a new category has been created in the Regional Water Fund and funds have been transferred to establish a budget for a chemical containment wall in FY14-15 and also a new line item has been established for an unanticipated fee related to the Tax/Tag program.

Council Member Inscoe asked if the line item amendment of \$35,000 under Police Salary and Wages is due to positions not being filled. City Manager Griffin explained the primary source is the six month vacancy of the prior Police Chief, along with other vacancies which provided an unexpected surplus.

City Manager Griffin added the Regional Water department is not selling as much water as it has in prior years which obviously affects revenues. He said in light of this the full amount planned for transfer to the Capital Reserve was not made. Mr. Griffin said if there are sufficient funds left once the final figures are in next month a budget amendment will be brought to Council.

Council Member Kearney asked about the \$33,000 under Bad Debt. Ms. Brafford said this has to do with the Write Offs in the Water Department. She said this may not have been necessary but to be safe side, Bad Debt was increased \$33,000 in the General Fund and \$35,000 in the Sewer Fund to allow for the write offs. Ms. Brafford says bad debt should decrease with the implementation of the required security deposits.

City Manager Griffin added approximately \$250,000 will be written off this year for FY11 which was the last year of having no security deposits in place. He said reports indicate this amount will decrease in coming years because of the security deposits, aggressive efforts through debt set-off and debt collection. Mr. Griffin said data is being compiled and will be shared as soon as it is prepared and added the auditors are extremely pleased with the direction this is taking. He said last year approximately \$135,000 was brought in through the State Debt Set Off program and this year it has been approximately \$100,000.

Mr. Kearney then asked if the recovery of bad debts go against the write off. Mr. Griffin responded it is booked as bad debt recovery revenue or if it comes from the debt set off it will be shown as debt set off revenue.

Mr. Griffin said added attempts to collect monies owed after a write off is still possible and gave the example of Customer Service Representatives checking old records to see if money is owed when attempting to set up new accounts. He said a lot of money has been collected due to their diligence.

Council Member Rainey asked if the write offs are people that have left town owing money. Mr. Griffin said it is a combination of things such as leaving town, bankruptcy, businesses gone out of business, etc. He said he is very pleased to report a case that came before Council last year when an individual complained about being disconnected, but actually it was determined that she owed money from a prior account. Mr. Griffin said the Billing and Collections Supervisor Shay Bennett worked with the lady to establish a payment arrangement and he is pleased to report the outstanding bill has not been paid off.

Mr. Rainey then asked if people can list utilities as part of their bankruptcy. City Attorney Zollicoffer, Jr. said to a certain extent, the law says once a bankruptcy is filed, you cannot discriminate.

Mr. Griffin said a bad business account now pays two and a half (2.5) times average or \$150 whichever is larger.

Council Member Coffey asked how restitution money comes to the City when people are prosecuted for people stealing water. City Attorney Zollicoffer, Jr. said the City does not

receive fines and court costs. He said fines go to the school system but any restitution comes back to the City. Mr. Griffin said police have been dispatched to swear out warrants on meter tampering and currently there is a case set to go to court this week with a closed business to try to collect a substantial amount of money. Attorney Zollicoffer, Jr. said this is a civil case so no fines are involved and whatever the Court orders will come back to the City. Mr. Griffin said the funds would be prorated to the Water/Sewer/Sanitation funds as originally billed minus legal expenses.

Council Member Daeke asked for Mr. Griffin's professional opinion on what an acceptable number is for debt set off. Mr. Griffin felt \$100,000 range would be acceptable. He added the bulk of customers (75-79%) are now staying current with payments. He is currently gathering statistics regarding the effect of the security deposits which he will share in the near future.

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

Motion was made by Council Member Inscoe to approve Ordinance 14-33, *FY13-14 Budget Amendment #38, Annual Year Ending Reconciliation Ordinance*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Peace-Jenkins. (*See Ordinance Book 9 p 129*)

Expressing Council's Concern about Moped Utilization on Streets and Highways and Supporting NC General Assembly House Bill 1145 Relative to the Same. (*Reference: CAF 14-77; Resolution 14-59*)

City Manager Griffin said in 2012, Council expressed concerns regarding moped safety. He said it is currently in the North Carolina House of Representatives for discussion and this reiterates Council's support for this legislation, If approved, this resolution will be sent to the North Carolina League of Municipalities.

Council Member Coffey said she is glad to see this. She said her concern has been the lack of insurance which puts the burden on those that do carry insurance. She said mopeds are often stolen and felt licensing offers police an opportunity to check for violations. Ms. Coffey added she would like to see operator training for moped use and sees this as one more way for police to identify offenders.

Council Member Kearney expressed misgivings about this Bill. He said the Bill talks about personal liability but the newspaper did not indicate insurance will be required which is a concern. He also felt it would give police an option/pretext to stop and search. He seemed to feel this indicated people riding mopeds are criminals. Mr. Kearney didn't think mopeds have posed a problem recently and felt they are ridden by individuals who cannot do any better.

Council Member Daeke said he would like to see insurance required but expressed disappointment as he felt the Bill falls short as has many other issues with the General Assembly. He added this will significantly add to the legislative revenue while the legislature continues to

remove dollars from local municipalities. He felt Council needed to stand behind further study of the Bill although overall he is very disappointed in the Bill as it currently stands.

Council Member Daye said it's a wonder more do not have accidents than they do. He said many ride at night without lights and they can/could cause major accidents. He felt moped operators need instruction and should be cautioned about the risks they pose to themselves and others.

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

Council Member Rainey moved the approval of Resolution 14-59, *Expressing Council's Concern about Moped Utilization on Streets and Highways and Supporting NC General Assembly House Bill 1145 Relative to the Same*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Coffey, Inscoc, Rainey, Daeke, Simmons and Daye. NO: Kearney. ABSTAIN: None. ABSENT: Peace-Jenkins. (See Resolution Book 4, p 65)

Tax Releases and Refunds from Vance County for the Month of May 2014. (Reference: CAF 13-**) The Finance Director reviewed the tax releases and refunds and found them to be in order. (See Below)

May 2014 Tax Releases			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Releases			
Melvin, Thomas Clavon	Taxes Lost to Foreclosure	2006	6.70
Melvin, Thomas Clavon	Taxes Lost to Foreclosure	2007	6.70
NC Senior Citizens Fed Inc	Government Entity	2007	39.06
Melvin, Thomas Clavon	Taxes Lost to Foreclosure	2008	27.80
NC Senior Citizens Fed Inc	Government Entity	2008	43.00
Lewis, Fellow F	Taxes Lost to Foreclosure	2009	188.96
Melvin, Thomas Clavon	Taxes Lost to Foreclosure	2009	28.78
NC Senior Citizens Fed Inc	Government Entity	2009	44.52
Lewis, Fellow F	Taxes Lost to Foreclosure	2010	188.96
Melvin, Thomas Clavon	Taxes Lost to Foreclosure	2010	28.78
NC Senior Citizens Fed Inc	Government Entity	2010	44.52
Lewis, Fellow F	Taxes Lost to Foreclosure	2011	188.97
Melvin, Thomas Clavon	Taxes Lost to Foreclosure	2011	28.78
NC Senior Citizens Fed Inc	Government Entity	2011	44.49

May 2014 Tax Releases			
Name	Reason	Tax Year	Amount
Lewis, Fellow F	Taxes Lost to Foreclosure	2012	188.97
Melvin, Thomas Clavon	Solid Waste Fee	2012	150.00
Melvin, Thomas Clavon	Taxes Lost to Foreclosure	2012	28.78
NC Senior Citizens Fed Inc	Government Entity	2012	44.49
A Place of Deliverance	Religious	2013	1,481.61
Cisneros, Maria G	Personal Prop. Billed in error	2013	11.46
Lewis, Fellow F	Taxes Lost to Foreclosure	2013	200.27
Melvin, Thomas Clavon	Taxes Lost to Foreclosure	2013	30.50
NC Senior Citizens Fed Inc	Government Entity	2013	47.15
Total R&P Property Releases			\$ 3,093.25
Real & Personal Property Refunds			0.00
Total R&P Property Refunds			
Total R&P Prop. Rel. & Ref.			\$ 3,093.25
Vehicle Releases			
Bullock, Yvonne Peace	Pro-Rate	2013	3.25
Faulkner, Roy Hurst	Pro-Rate	2013	0.15
Salem Leasing Corporation	Correct Situs	2013	86.01
Total Vehicle Releases			\$ 89.41
Vehicle Refunds			
Cary, Latrice Nicole	Pro-Rate	2013	7.28
Total Vehicle Refunds			\$ 7.28
Tot. Veh. Rel. & Ref.			\$ 96.69
Total All Releases & Refunds			\$ 3,189.94

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

Council Member Rainey moved the approval of the *Tax Releases and Refunds from Vance County for the Month of May 2014*. Motion seconded by Council Member Inscoe, and APPROVED by the following vote: YES: Inscoe, Rainey, Daeke, Simmons, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: Peace-Jenkins

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

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

REPORTS

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

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

ADJOURNMENT

Council Member Daeke moved for adjournment. Motion seconded by Council Member Coffey, and unanimously approved. The meeting adjourned at 6:37 p.m.

Mayor O'Geary then asked for a 15 minute break before the start of the Work Session

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk