

City Council Minutes

Regular Meeting

10 March 2014

PRESENT

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

ABSENT

Mayor James D. O'Geary

STAFF PRESENT

City Manager A. Ray Griffin, City Attorney John Zollicoffer, Jr., City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Katherine C. Brafford, Planning and Community Development Director Erris Dunston and Henderson Water Reclamation Facility Director Tom Spain.

CALL TO ORDER

The 10 March 2014 Regular Meeting of the Henderson City Council was called to order by Mayor Pro-Tem D. Michael Rainey 6:02 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 Pro-Tem Rainey 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 Pro-Tem Rainey welcomed the visitors in attendance. He updated the Mayor's status by saying he is doing better each day and hopes to be back soon.

(Clerk's Note: The Mayor Pro-Tem shall preside in the absence of the Mayor under City Code Section 13, 15 and 20, and State Statute 160A-70; while acting as Mayor, the Mayor Pro-Tem votes only in the case of a tie.)

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Pro-Tem Rainey asked if there were any adjustments to the Agenda. City Clerk McCrackin asked for Council's approval to add a Closed Session pursuant to G.S. §143-318-11(a)(3) for an Attorney/Client matter. Council Member Inscoe moved to accept the Agenda as adjusted. Motion seconded by Council Member Daye and unanimously approved.

APPROVAL OF MINUTES

Mayor Pro-Tem Rainey asked for any corrections to and/or approval of the minutes. Council Member Coffey moved the approval of the 19-20 Strategic Retreat minutes, and the 24 February Short Regular and Work Session minutes as presented. Motion seconded by Council Member Peace-Jenkins and unanimously approved.

PUBLIC HEARING

Authorizing the Submission 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 14-35, Resolution 14-22)*

City Manager Griffin reminded Council that they heard previously that the nature of this grant has changed and asked both Assistant City Manager Frank Frazier and Planning and Community Development Director Erris Dunston to present this item. Mr. Frazier said since this grant now focuses on infrastructure, it is a good opportunity for the City to apply for funds to work on certain projects. He feels the City's application will be competitive and told Council there are no local matching funds required. Before turning the presentation over to Ms. Dunston, he said this is the first of two public hearings required before an application may be submitted.

Ms. Dunston began by saying the 2014 CDBG funding cycle strategy is totally focused on infrastructure related to low income areas. She said the proposed sewer extension projects for Bobbitt and Birch streets; the water main extensions for both Railroad Street and Thomas Lane, along with the Newton Dairy (Chicken Farm) Road Gravity Sewer Extension all fall within the requirements of the CDBG grant guidelines. Lastly, she shared McGill Associates is assisting with the grant application process.

Council Member Daeke asked for an estimate of the cost for each project and if there is a CDBG limit on funds per application. Mr. Frazier said very rough estimates are as follows: Bobbitt and Birch streets - \$350,000 to \$400,000; Thomas Lane - \$1M if the entire lane is included; Railroad Street - \$300,000 and Newton Dairy - \$450,000 to \$500,000. Mr. Frazier said there is a CDBG limit of no more than \$3M.

Council Member Inscoe asked if the administrative fee is 10%. Mr. Frazier responded yes. Mr. Inscoe also inquired about the engineering plans. Mr. Frazier said McGill will do the plans and no fees have been determined.

Council Member Kearney inquired about what precipitated the change from housing to infrastructure. Ms. Dunston said although the funds are Federal, each State determines how the funds are to be used. City Manager Griffin felt the change has to do with the State merging departments. He said overall there is a great need for infrastructure improvements. Mr. Kearney asked if there was any grant money available for housing.

Council Member Inscoe said there is some available for energy efficiency but was unaware of anything specific to just housing.

Council Member Daeke wondered if Clean Water Management Trust Fund (CWMTF) grants are no longer available. Staff responded there are no longer any CWMTF dollars.

There were no further questions so Mayor Pro-Tem Rainey opened the Public Hearing by asking if anyone was present who wished to speak in favor of this grant application. No one came forward so Mayor Pro-Tem Rainey then asked if anyone was present who wished to speak in opposition to this grant application. No one came forward so Mayor Pro-Tem Rainey closed the Public Hearing and asked for Council's pleasure.

Mr. Frazier said as the application process proceeds, he will bring back to Council the water/sewer options so Council can decide which projects to address first.

Council Member Coffey moved the approval of Resolution 14-02, *Authorizing the Submission 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 Daeke and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Peace-Jenkins, NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 269)

(Clerk's Note: Although Council approved the submission of an application to NCDENR, formal approval of this Resolution cannot be accepted until the second Public Hearing which will be held on 24 March 2014.)

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

Providing for the Disposition of Jointly Held Property by the City and County Otherwise Identified as 529 Highland Avenue Tax Parcel #0078 02017. (Reference: CAF 14-35; Resolution 14-22)

City Manager Griffin said this request continues with the established practice of disposing of City/County property. He said Vance County's Tax Department received a bid of \$1,200 to

purchase the property located at 529 Highland Avenue. The sale of the property will put the property back on the tax books and relieve the City of maintaining the property.

Council Member Kearney asked for the size of the tract. That information was not included on the tax card. City Manager Griffin said that tract size will be made available for all future sales.

There were no other questions. Mayor Pro-Tem Rainey asked for the pleasure of Council.

Council Member Peace-Jenkins moved the approval of Resolution 14-22, *Providing for the Disposition of Jointly Held Property by the City and County Otherwise Identified as 529 Highland Avenue Tax Parcel #0078 02017*. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Coffey, Inscoe, Peace-Jenkins, Daeke, Simmons, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 309)

Amending the Sewer Fund to Appropriate Fund Balance and Utilize Contingency Funds for Anticipated Cost Overruns Due to the HWRF Renovation Project. (Reference: CAF 14-38, Ordinance 14-20)

City Manager Griffin asked Henderson Water Reclamation Facility (HWRF) Manager Tom Spain to explain this item. Mr. Spain said the failure rate of the plant's 33 year old equipment has caused an increase in machine shop repairs for Sandy Creek pump station motors; the new construction caused an unanticipated increase in chemicals costs at the old plant and the delivery of more fuel oil than anticipated have all caused this request. Mr. Spain said the oil will be used and rather than asking the supplier to syphon out the excess oil and possibly causing an environmental hazard, he chose to pay for the oil at this time. He added the supplier reduced the cost per gallon due to this error.

Council Member Coffey asked for the cost of the excess oil. Mr. Spain said approximately \$5,000.00.

City Manager Griffin explained that this request comes before Council as part of the cost overruns need to be paid from the contingency funds and sewer fund balance. He added the 2015 budget will take into account such matters and continued by saying the Sandy Creek project is underway. Some of the old equipment failure relates to bad pumps at Sandy Creek so he is looking forward to having this pump station improved.

Mr. Griffin said Mr. Spain and his team did a yeoman's job with the equipment failure to stay in compliance and thanked them all for their work.

There were no further questions. Mayor Pro-Tem Rainey asked for the pleasure of Council.

Council Member Daeke moved the approval of Ordinance 14-20, *Amending the Sewer Fund to Appropriate Fund Balance and Utilize Contingency Funds for Anticipated Cost Overruns Due to the HWRF Renovation Project*. Motion seconded by Council Member Inscoe and APPROVED

by the following vote: YES: Inscoe, Peace-Jenkins, Daeke, Simmons, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (*See Ordinance Book 9, p 103*)

Vance County Request. (*Reference: CM 14-09*)

City Manager Griffin said he received a written request to Council from the Vance County Board of Commissioners, via Vance County Manager Ayscue, to reinstate the City's Intergovernmental Committee. Mr. Griffin said this committee was disbanded in 2010 when the City/County Liaisons arrangement was approved. He said Council Member Inscoe has served the City well as the City Liaison. Mr. Griffin said it is up to Council to decide how they would like to respond to this request.

Council Member Coffey said she served on the Intergovernmental Committee when she became a Council Member and felt there has been more positive action with the Liaison. She suggested the Liaison be kept instead of reactivating the Intergovernmental Committee.

Council Member Kearney asked how many members made up the Intergovernmental Committee. City Attorney Zollicoffer, Jr., said at one point all the County Commissioners participated. Mr. Griffin said according to the County Clerk, there are currently three members – Mr. Hester, Mr. Garrison and Mr. Taylor along with the County Manager.

Council Member Daeke said he did not find the Intergovernmental Committee productive and prefers the Liaison. He also would like to have the Mayor's input before a final decision is made. He suggested waiting until the Mayor is back in place and further discussion after the Budget discussions.

Council Member Kearney suggested having more than one liaison from both the City and County but added if there are too many people nothing seems to be accomplished.

Council Member Coffey said even with four (4) representatives from the County and City nothing was accomplished.

Council Member Peace-Jenkins added when the Intergovernmental Committee was in place, most of the Council Members were new and she sees the County/City now working together and thought it might be worth reestablishing.

City Manager Griffin said although Mr. Inscoe is the current liaison for the City, occasionally the City Manager and City Attorney are included in discussions.

Council Member Inscoe added that any discussions/ideas are always brought before Council. He said he serves only as a mouthpiece for Council with the County. He mentioned the County wide water project which was stalled for over two years in the Intergovernmental Committee but became successful through the liaison route. Council Member Daeke remembered this well and said the liaison *broke the log jam*.

Council Member Coffey asked for specifics as to why the County has requested this change.

Mayor Pro-Tem Rainey said Council's decision this evening is to decide whether to approve this request, table the request or deny the request.

Motion was made by Council Member Coffey to table this request. Motion was seconded by Council Member Daye. Unanimous approval to this motion was as follows: YES: Kearney, Coffey, Inscoe, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None

Council Member Inscoe said he would set up a meeting with the County Liaison this week and City Manager Griffin said he would send a formal letter to the County Manager expressing Council's wishes.

CONSENT AGENDA

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

- a) **Amending the Annual Fee Schedule for Additional Roll-Out Carts for Household Garbage as Well as Additional Weekly Trash Pick Ups; and 2) Establishing a Fee for Loose Leaf Pick Up After the Established Deadline.** (*Reference: CAF 14-28, Ordinance 14-15*) This action more closely aligns the fee schedule to Waste Industries' costs for additional roll-out carts. It also establishes a fee for collecting loose leaves (*See Ordinance Book 9, p. 93*)

- b) **Agreement Setting Forth Mayor, City Council and City Manager Roles, Responsibilities and Expectations.** (*Reference: CAF 14-33, Resolution 14-20*) During the February 19-20, 2014 Strategic Planning Retreat Council reviewed the roles and responsibilities of the Mayor, Council and Manager. The consensus was to make minor amendments and to formally approve the changes. (*See Resolution Book 3, p 305*)

Mayor Pro-Tem Rainey asked if anyone wished to remove this item from the Consent Agenda. There was no request.

Council Member Simmons asked who was going to check on carts that are left out. Assistant City Manager Frazier said the two main methods are citizen input and city personnel. He said a courtesy notice is sent and if non-compliance continues, a fine is issued. Council Member Daeke said the timeframe for carts to be on the street is from 6:00 p.m. the day before collection and they must be removed from the curb by 7:00 p.m. the day of collection. City Manager Griffin said some people neglect to take the carts to the back of the house or leave them at the curb. When this is done consistently, the City begins to receive calls.

There was no further discussion.

Council Member Inscoe moved the approval of the Consent Agenda. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Daeke, Simmons,

Daye, Kearney, Coffey, Inscoe and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address Council.

REPORTS

- a) Mayor/Mayor Pro-Tem - Mayor Pro-Tem Rainey praised the Human Resources Director, Cathy Brown and her assistant, Joyce Howard-Fritz for their efforts in putting together the Employee Banquet. He congratulated all the recognized employees and said a good time was missed by those who were unable to attend.
- b) City Manager – City Manager Griffin received notification this morning that Parks and Recreation Director Alan Gill plans to retire effective 30 May 2014. Mr. Griffin distributed a memo and touched on Mr. Gill’s time with the City which began 9 May 1983. He said Alan has well served the community by providing value-added parks and recreational services during his tenure as Director. He is to be commended for his strong desire and efforts to work with and serve the community’s youth and young adults. Alan’s leadership is greatly appreciated and Mr. Griffin thanked him for a job well done.
- c) City Attorney (No Report)
- d) City Clerk – City Clerk McCrackin reminded Council of the Chamber’s Ribbon Cutting this Thursday for All Safe Records

Mayor Pro-Tem Rainey asked if there was anything further to consider. There were no other matters discussed so he asked if Council was prepared to adjourn to go into Closed Session. No report is expected following the Session.

Before adjourning, Council Member Coffey shared her feeling regarding the Strategic Planning Retreat. She felt it was well conducted; enjoyed the facilitator and felt it was the best one yet.

Council Member Kearney moved to adjourn into Closed Session. Motion seconded by Council Member Daeke and approved by the following vote: YES: Kearney, Coffey, Inscoe, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

CLOSED SESSION

Council Member Peace-Jenkins moved to reconvene into Open Session. Motion seconded by Council Member Coffey and approved by the following vote: YES: Kearney, Coffey, Inscoe, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

With no further business Mayor Pro-Tem asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Coffey moved for adjournment. Motion seconded by Council Member Simmons and unanimously approved. The meeting adjourned at 7:25 p.m.

D. Michael Rainey
Mayor Pro-Tem

ATTEST:

Esther J. McCrackin
City Clerk