



AGENDA

Henderson City Council Regular Meeting

Monday 11 May 2015, 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, 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
D. Rix Edwards, 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) 27 April 2015 Short Regular Meeting and Work Session [See Notebook Tab 1]

VII. PUBLIC COMMENT PERIOD ON AGENDA ITEMS

Citizens may only speak on Agenda items 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

VIII. NEW BUSINESS

a) Consideration of Approval of Resolution 15-30, Proposal to Accept a Negotiated Offer for a Portion of Said Parcel of Land Referred to as the Old City Garage Property and to Advertise for Upset Bids Per North Carolina G.S. §160A-269. (CAF 15-49) [See Notebook Tab 2]

- Resolution 15-30

b) Consideration Approval of Resolution 15-37, Authorizing Change Order #1 for the High Service Pump Replacement Project in the Amount of \$15,329.70 to Dellinger Inc., for the Regional Water System, and 2) Ordinance 15-26, FY 15 Budget Amendment #28, Authorizing the Transfer of Contingency Funds for said Project. (CAF 15-63) [See Notebook Tab 3]

- Resolution 15-37
- Ordinance 15-26

c) Consideration of Approval of Resolution 15-20, Authorizing the Dedication and Acceptance of Sewer Mains Serving Building #10 on Vance Granville Community College Campus. (CAF 15-28) [See Notebook Tab 4]

- Resolution 15-20

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.

- d) Consideration of Approval of Resolution 15-38, Appointing the City Clerk as City Tax Collector for the Collection of Outstanding Privilege License Fees. (CAF 15-65) [See Notebook Tab 5]

- Resolution 15-38

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 Ordinance 15-09, FY15 Budget Amendment #27, Including the Amended Fee Schedule to Include Fire Hydrant Meter Usage Fees Relative to the Policy for the Usage of Fire Hydrant Meters. (CAF 15-26) [See Notebook Tab 6]

- Ordinance 15-09

- b) Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of April 2015. (CAF 15-64) [See Notebook Tab 7]

X. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may only speak on Non-Agenda items 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

⁴ Citizen Comment Guidelines for Non-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.

XI. REPORTS

- a)** Mayor/Mayor Pro-Tem
 - i. Discussion regarding City Parks
- b)** City Manager
 - i. Solar Farms (*CM 15-08*)[*See Notebook Tab 8*]
- c)** City Attorney
- d)** City Clerk
 - i. Meeting and Events Calendar [*See Notebook Tab 9*]
 - ii. E-911 Monthly Report
 - iii. Fire Department Monthly Report

XII. ADJOURNMENT

City Council Minutes
Regular Meeting
11 May 2015

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

Interim City Manager Edward A. Wyatt, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Engineering Director Clark Thomas, Finance Director Kathy Brafford, Public Services Director Mike Ross, Recreation and Parks Director Kendrick Vann, Human Resources Director Cathy Brown, Kerr Lake Regional Water Director Christy Lipscomb and Development Services Director Corey Williams.

CALL TO ORDER

The 11 May 2015 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:03 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 Simmons led those present in a prayer and the Pledge of Allegiance.

OPENING COMMENTS

Mayor O'Geary said he was pleased to see citizens in attendance this evening. He added it is always good to have citizens come and learn.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. *A Closed Session pursuant to G.S. §143-318.11(a)(6) for a Personnel Matter will be added to the agenda.* Council Member Rainey moved to accept the Agenda as adjusted. Motion seconded by Council Member Daye, and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Daeke moved to approve the 27 April 2015 Short Meeting and Work Session Minutes as presented. Motion seconded by Council Member Simmons, and unanimously approved.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

The City Clerk advised the Mayor and Council Members that no citizen wished to address Council at this time.

NEW BUSINESS

Proposal to Accept a Negotiated Offer for a Portion of Said Parcel of Land Referred to as the Old City Garage Property and to Advertise for Upset Bids Per North Carolina G. S. §160A-269. (Reference: CAF 15-49; Resolution 15-30)

Interim City Manager Wyatt explained that the Land Planning Committee has met several times to consider an offer from Mr. Cameron Mitchell to purchase property known as the old City Garage. The Committee agreed it would be beneficial to retain a portion of the parcel as the City uses it for storage of rock, excavated concrete and earthen material. Mr. Mitchell is agreeable to purchasing only a portion of the lot which is approximately .960 acres, depending on a final survey. An advertisement must be placed for upset bids prior to Council's final approval of the sale.

Council Member Daeke asked how the property is currently zoned. Development Service Director Corey Williams said B2/B2-A.

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

Council Member Rainey moved the approval of Resolution 15-30, *Proposal to Accept a Negotiated Offer for a Portion of Said Parcel of Land Referred to as the Old City Garage Property and to Advertise for Upset Bids Per North Carolina G. S. §160A-269.* Motion seconded by Council Member Inscoe, and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Peace-Jenkins. (See Resolution Book 4, p 201)

(Clerk's Note: Council Member Peace-Jenkins arrived at 6:09 p.m.)

Minute Book 43

11 May 2015 Regular Meeting Minutes

Page 2 of 6

Authorizing Change Order #1 for the High Service Pump Replacement Project in the Amount of \$15,329.70 to Dellinger, Inc., for the Regional Water System, and Authorizing the Transfer of Contingency Funds for said Project. (Reference: CAF 15-63; Resolution 15-37, Ordinance 15-26, Budget Amendment #28)

Interim City Manager Wyatt said this change order is to rectify a situation with the size of the conduit that was intended to be used to house the VFD and Pump wiring which was found to be too small. The original design did not include a larger conduit; thus the change order request.

There were no questions. Mayor O'Geary asked for Council's pleasure.

Council Member Coffey moved the approval of Resolution 15-37, **Authorizing Change Order #1 for the High Service Pump Replacement Project in the Amount of \$15,329.70 to Dellinger, Inc., for the Regional Water System,** and Ordinance 15-36, **Authorizing the Transfer of Contingency Funds for said Project..** Motion seconded by Council Member Inscoe, 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 215, Ordinance Book 9, p 245)

Authorizing the Dedication and Acceptance of Sewer Mains Serving Building #10 on Vance Granville Community College Campus. (CAF 15-28, Resolution 15-20)

Interim City Manager Wyatt said Chandler Engineering has worked with the City and Vance Granville Community College to install a new sanitary sewer main and sewer services to provide sewer on the west side of Poplar Creek Road for the prescribed distances: Building #10; 680 feet, 8 inches. The sewer mains have been constructed in accordance to the City's construction standards and inspected. The testing performed deemed the sewer mains acceptable and approval from DENR has been obtained. A one year warranty will be placed on the system as a condition of acceptance by the City.

There were no questions. Mayor O'Geary asked for Council's pleasure.

Council Member Inscoe moved the approval of Resolution 15-20, **Authorizing the Dedication and Acceptance of Sewer Mains Serving Building #10 on Vance Granville Community College Campus.** Motion seconded by Council Member Rainey, 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 181)

Appointing the City Clerk as City Tax Collector for the Collection of Outstanding Privilege License Fees. (CAF 15-65, Resolution 15-38)

Interim City Manager explained it is the City Attorney's recommendation that Council appoint the City Clerk as city tax collector in an effort to collect outstanding Privilege License Fees.

Council Member Rainey asked what the ramifications will be if the fees are uncollectable and how many years in arrears these fees can be collected. City Attorney Edwards responded a tax levy can be placed on the property which can be removed and sold at public auction. Attorney Edwards said there is no limitation on back years but Council could certainly set a specific time line.

Council Member Coffey asked for a list of those in arrears, along with the amount due. Mr. Wyatt said a listing would be made available to Council.

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

Council Member Coffey moved the approval of Resolution 15-38, *Appointing the City Clerk as City Tax Collector for the Collection of outstanding Privilege License Fees*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 217)

CONSENT AGENDA

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

Amended Fee Schedule to Include Fire Hydrant Meter Usage Fees Relative to the Policy for the Usage of Fire Hydrant Meters. (CAF 15-26, Ordinance 15-09, Budget Amendment #27) This action allows the Public Services Department to impose fees to reflect the correct prices for the rental, as well as the usage, of Fire Hydrant Meters used in conjunction with the purchase of bulk water by any person(s), firm(s), or corporation(s) other than the City of Henderson on a regular or occasional basis.

Tax Releases and Refunds from Vance County for the Month of April 2015. (Reference: CAF 14-27). This is a routine matter which has been reviewed and approved by the Finance Director, and is listed below.

Column1	Column2	Column3	Column4
April 2015 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Releases			
Dailey, Mary L	Pers. Prop. Billed in Error	2010	34.78
Dailey, Mary L	Pers. Prop. Billed in Error	2011	31.62
Dailey, Mary L	Pers. Prop. Billed in Error	2012	34.78
Dailey, Mary L	Pers. Prop. Billed in Error	2013	36.86
Carolina Quality Rent	Correct Ownership	2014	(282.01)
Vick, Jeffery Lee	Correct Ownership	2014	282.01
Williams, Robert W	Correct Value	2014	124.29
Total R&P Property Releases			\$ 262.33
Real & Personal Property			
Refunds			
None			-
Total R & P Property Refunds			\$ -
Total R&P Prop. Rel. & Ref.			\$ 262.33

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

Council Member Coffey thanked Public Service Director Ross for establishing the hydrant meter fee policy.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

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

Mr. Jon Davis, 9 Butterwick Place, Durham, NC Mr. Davis is a developer of solar energy and wished to speak to Council about the technical aspects of solar. He said solar will not endanger the community but will enhance the community as it produces electricity. He said this is a way for farmers to diversify and felt solar will be here in the community for the long haul. Mr. Davis ended by saying he felt solar has run into many negative road blocks and would like to make it work for this area.

Mayor O'Geary thanked Mr. Davis for his comments.

REPORTS

- a) Mayor/Mayor Pro-Tem – Mayor Pro-Tem Rainey was approached by a concerned citizen regarding the City parks. The concern is locked parks; parks that are unsafe and lack play equipment such as slides and swings. Mr. Rainey said he would like to see what can be done to make the parks safer. Recreation & Parks Director Kendrick Vann said his staff is currently assessing all the parks within the City. He mentioned there are safety issues at Kings Daughter Park. Mr. Vann said the web page is being updated to show present condition and anticipates gradual changes to make the parks safer.

Mr. Rainey commended Mr. Vann for the progress he is making and suggested an article in the paper to promote the clean-up at Fox Pond Park so citizens would feel safer going there.

Council Member Coffey asked if any local businesses have stepped forward to help make improvements

Mayor O'Geary asked Mr. Vann to keep Council updated on his progress with improvements at the various parks.

- b) Interim City Manager (No Report)

- c) City Attorney (No Report)
- d) City Clerk – (No Report)

OTHER

Council Member Peace-Jenkins commented on the National Day of Prayer saying it was the best turnout at City Hall that she had ever seen.

CLOSED SESSION

Council Member Rainey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(6) for a Personnel Matter. Motion seconded by Council Member Inscoe and unanimously approved.

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

Before adjourning, Interim City Manager asked if Council would be agreeable to taking one meeting date set aside for budget discussions to hold a work session regarding solar farms. It was the consensus of Council to meet on Tuesday, May 19, 2015 to discuss solar farms which is scheduled for a public hearing on June 8, 2015.

With no further business Mayor O’Geary asked if Council was prepared to adjourn

ADJOURNMENT

Council Member Daye moved for adjournment. Motion seconded by Council Member Simmons, and unanimously approved. The meeting adjourned at 7:12 p.m.

James D. O’Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk