



AGENDA

Henderson City Council Short Regular and Work Session Meeting
Monday 24 November 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

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) 10 November 2014 Regular Meeting [*See Notebook Tab 1*]

VII. PRESENTATIONS/RECOGNITIONS

- a) Recognition of Recreation and Parks Director Kendrick Vann
b) United Way Presentation by Donna Stearns

VIII. PUBLIC HEARING

- a) Consideration of Approval of Ordinance 14-53, Amending the Zoning Ordinance to Include 3.11 Elementary and Middle Schools as a Special Use in the I-2 (Industrial-Non Park District). (*CAF 14-108*) [*See Notebook Tab 2*]
- Public Hearing
 - Ordinance 14-53

IX. 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. Please review the Citizen Comment Guidelines that are provided below.³

X. OLD BUSINESS

- a) Consideration of Approval of Ordinance 14-41, Amending Section 7-64.0 of the City Code Relative to Declaration as to Certain Intersections and Section 7-49, Declaration as to Certain Streets. (*CAF 14-92-A*) [*See Notebook Tab 3*]
- Ordinance 14-41

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.

XI. NEW BUSINESS

- a) Consideration of Approval of Resolution 14-94, Employee Appreciation One-Time Salary Supplement. (CAF 14-128) [See Notebook Tab 4]*
 - Resolution 14-94
- b) Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of October 2014. (CAF 14-124) [See Notebook Tab 5]*

XII. 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

XIII. REPORTS

- a) Mayor/Mayor Pro-Tem*
- b) City Manager*
- c) City Attorney*
- d) City Clerk*
 - i. Meeting and Events Calendar [See Notebook Tab 6]*

XIV. WORK SESSION

- a) Consideration of Approval of 1) Resolution 14-92, Authorizing the Execution of a Contract with I. Kruger, Inc. to Perform an Actiflo-Carb Pilot Study at Kerr Lake Regional Water Plant and 2) Ordinance 14-07 FY15 Budget Amendment #15, Authorizing Transfer of Contingency Funds for Above Mentioned Study. (CAF 14-125) [See Notebook Tab 7]*
 - Resolution 14-92
 - Ordinance 14-07

XV. ADJOURNMENT

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.

City Council Minutes
Short Regular Meeting and Work Session
24 November 2014

PRESENT

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

ABSENT

Council Members James C. Kearney, Sr. and Michael C. Inscoe

STAFF PRESENT

Assistant City Manager Frank Frazier, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Finance Director Kathy Brafford, Engineering Director Clark Thomas, Development Services Director Corey Williams, Human Resources Director Cathy Brown, Recreation and Parks Director Kendrick Vann, Kerr Lake Regional Water Director Christy Lipscomb, Youth Services Director Donna Stearns, Recreation Program Supervisor Greg Kelly, Community Service/Restitution Supervisor Shantel Hargrove, Aycock Recreation Center Director Crystal Allen and Recreation and Parks Administrative Assistant Pam Stevenson.

(Clerk's Note: Interim City Manager Wyatt was unable to attend this meeting due to a prior, approved family commitment)

CALL TO ORDER

The 24 November 2014 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 Brenda Peace-Jenkins led those in attendance in a prayer and the Pledge of Allegiance.

WELCOME

Mayor O'Geary expressed his pleasure to see so many staff and citizens present.

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 was 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 Peace-Jenkins moved the approval of the 10 November, 2014 Regular Meeting minutes, as presented. Motion seconded by Council Member Simmons, and unanimously approved.

PRESENTATIONS/RECOGNITIONS

Recognition of new Recreation and Parks Director: Mayor O'Geary asked Human Resources Director Brown to introduce the newly appointed director of Recreation and Parks. Ms. Brown introduced Mr. Kendrick Vann, who started with the City on 20 November 2014.

Mr. Vann shared his appreciation to the City, Council, Staff and his family for what he called a great opportunity. He recognized the departmental staff present and said he hopes to bring a new vision to the department.

Mayor O'Geary said everyone is looking forward to the new direction and then asked Mr. Vann's family to stand and be recognized.

United Way Campaign: - Youth Services Director Stearns is once again spearheading the campaign for the City. She reviewed the campaign, and shared that 98% of donations made by City staff stay within Vance County. Ms. Stearns added there are two new incentives to encourage donations this year and she has set a goal of at least \$6,500, which was the amount donated last year. In closing she thanked Council for its support.

PUBLIC HEARING

Amending the Zoning Ordinance to Include 3.11 Elementary and Middle Schools as a Special Use in the I-2 (Industrial-Non Park District). (*Reference: CAF 14-108*); (*Ordinance 14-53*)

Development Services Director Corey Williams explained a request was received to include 3.11 Elementary and Middle Schools as a Special Use in the I-2 district. Among other uses, the I-2 allows day cares, nurseries, vocational schools and the Planning Board unanimously approved this recommendation during its 3 November 2014 meeting.

Council Member Daeke asked about possible traffic issues. Mr. Williams responded none were anticipated as harmony within the area is expected.

With no further discussion, Mayor O'Geary opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment.

Attorney Jonathan Care, 1708 Peace Street. Attorney Care represents a charter school looking for space to re-locate. He said the DPI now requires larger tracts and potential sites are mainly located in the I-2 districts. Attorney Care elaborated on Council Member Daeke's question about traffic by saying school traffic would be different than shift traffic which should not cause a problem.

Mayor O'Geary asked if anyone else was present who wished to speak in favor of this amendment. No one came forward so Mayor O'Geary then asked if anyone was present who wished to speak in opposition to the amendment. No one came forward.

Mayor O'Geary then closed the Public Hearing and asked for Council's pleasure.

Motion was made by Council Member Rainey to approve Ordinance 14-53, *Amending the Zoning Ordinance to Include 3.11 Elementary and Middle Schools as a Special Use in the I-2 (Industrial-Non Park District)*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Coffey, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney and Inscoe. (*See Ordinance Book 9, p 191*)

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

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

OLD BUSINESS

Amending Section 7-64.0 of the City Code Relative to Declaration as to Certain Intersections and Section 7-49, Declaration as to Certain Streets. (*Reference: CAF 14-92-A; Ordinance 14-41*)

Assistant City Manager Frazier said these issues have all been discussed previously. He then briefly reviewed the three suggested changes beginning with the intersection of South Park and Beckford Drive. Staff discussed this traffic problem with the North Carolina Department of Transportation (DOT) which recommends that State ordinances be written to prohibit left hand movement to and from South Park Drive. The DOT will install signage to reflect the new ordinance(s) once they are approved by the State Traffic Engineer.

With no questions from Council Mr. Frazier moved to the request from the Fire Department to return Oak Street to two-way traffic. This was a two-fold request to 1) allow fire trucks to enter the station from Oak Street and 2) to alleviate a safety issue as almost daily, someone drives the wrong way on Oak Street. Mr. Frazier asked that if approved by Council that this ordinance take effect on 1 December 2014 to allow time for signage changes.

The third part of this ordinance will change traffic flow on Belle Street from Garnett Street to Dorsey Avenue. Mr. Frazier asked Engineering Director Thomas to explain further. Mr. Thomas said currently there is a safety issue as the existing mail drop box creates cross lane travel and the potential for head-on collisions. After discussions with Post Office representatives and local businesses, the mail box drop location will be changed on Belle Street along with becoming one-way.

Council Member Daeke asked if there were any objections from local businesses. Mr. Thomas said there were none.

Council Member Coffey asked when the changes on Belle Street would take place. Mr. Frazier responded not before January 1 due to the necessary notifications and possible weather problems. Ms. Coffey then asked about how people would be notified. Mr. Frazier said with signage and assistance from the police department. Mr. Thomas added possible diagrams within the Post Office to inform the public.

Council Member Rainey asked if there would be any changes in the stop sign on Oak Street. Mr. Frazier said the stop sign is on Pine Street and no changes are anticipated.

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

Motion was made by Council Member Coffey to approve Ordinance 14-41, *Amending Section 7-64.0 of the City Code Relative to Declaration as to Certain Intersections and Section 7-49, Declaration as to Certain Streets*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Coffey, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney and Inscoe. (*See Ordinance Book 9, p 167*)

NEW BUSINESS

Employee Appreciation One-Time Salary Supplement. (*Reference: CAF 14-128; Resolution 14-94*)

Assistant City Manager Frazier explained this is a request for Council to affirm its desire to award a one-time salary supplement to employees as has been done in years past. He said on behalf of all the employees this supplement is greatly appreciated. The FY14-15 budget included allocations for this supplement and, if approved, will be distributed during the employee luncheon in December.

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

Motion was made by Council Member Daeke to approve Resolution 14-94, *Employee Appreciation One-Time Salary Supplement*. Motion seconded by Council Member Peace-Jenkins, and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Simmons, Daye and Coffey. ABSTAIN: None. ABSENT: Kearney and Inscoe. (*See Resolution Book 4, p 135*)

Minute Book 43

24 November 2014 Short Regular and Work Session Meeting

Page 4 of 7

Tax Releases and Refunds from Vance County for the Month of September 2014.
(Reference: CAF 14-110) Below are the tax releases and refunds which were found to be in order by the Finance Director for the month of October 2014.

Oct 2014 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Releases			
Resolution Trust Corporation	Taxes lost to Foreclosure	2003	\$ 15.80
Resolution Trust Corporation	Taxes lost to Foreclosure	2004	\$ 16.58
Resolution Trust Corporation	Taxes lost to Foreclosure	2005	\$ 17.35
Resolution Trust Corporation	Taxes lost to Foreclosure	2006	\$ 17.35
Greater Little Zion Holiness	Taxes lost to Foreclosure	2007	\$ 264.99
Resolution Trust Corporation	Taxes lost to Foreclosure	2007	\$ 192.35
Greater Little Zion Holiness	Taxes lost to Foreclosure	2008	\$ 255.02
McGhee, Willie L. Jr., Heirs	Taxes lost to Foreclosure	2008	\$ 108.76
Resolution Trust Corporation	Taxes lost to Foreclosure	2008	\$ 21.92
Greater Little Zion Holiness	Taxes lost to Foreclosure	2009	\$ 290.04
McGhee, Willie L. Jr., Heirs	Taxes lost to Foreclosure	2009	\$ 112.61
Resolution Trust Corporation	Taxes lost to Foreclosure	2009	\$ 222.70
Greater Little Zion Holiness	Taxes lost to Foreclosure	2010	\$ 378.15
Harris, Jackie	Personal Property Billed	2010	\$ 34.78
McGhee, Willie L. Jr., Heirs	Taxes lost to Foreclosure	2010	\$ 112.61
Resolution Trust Corporation	Taxes lost to Foreclosure	2010	\$ 22.70
Greater Little Zion Holiness	Taxes lost to Foreclosure	2011	\$ 362.19
McGhee, Willie L. Jr., Heirs	Taxes lost to Foreclosure	2011	\$ 112.68
Resolution Trust Corporation	Taxes lost to Foreclosure	2011	\$ 22.68
Greater Little Zion Holiness	Taxes lost to Foreclosure	2012	\$ 362.19
McGhee, Willie L. Jr., Heirs	Taxes lost to Foreclosure	2012	\$ 112.68
Resolution Trust Corporation	City Weed Abatement Lien Lost to Foreclosure	2012	\$ 220.00
Resolution Trust Corporation	Taxes lost to Foreclosure	2012	\$ 22.68
Greater Little Zion Holiness	Taxes lost to Foreclosure	2013	\$ 383.86
McGhee, Willie L. Jr., Heirs	Taxes lost to Foreclosure	2013	\$ 119.42
Resolution Trust Corporation	Taxes lost to Foreclosure	2013	\$ 24.04
Boyd, Johnnie Mitchell	Senior Exemption	2014	\$ 821.31
Greater Little Zion Holiness	Taxes lost to Foreclosure	2014	\$ 383.86
McGhee, Willie L. Jr., Heirs	Taxes lost to Foreclosure	2014	\$ 119.42
Regeneration Development	Taxes lost to Foreclosure	2014	\$ 24.04
1/2 Price Outlet	Personal Property Billed	2014	\$ 778.41
			\$ 5,953.17
Real & Personal Property			
Refunds			
	None		\$ -
Total R & P Property Refunds			\$ -
Total R&P Prop. Rel. & Ref.			\$ 5,953.17
Vehicle Releases			
Ellis, Toni Sovonya Rekkia	Pro-Rate	2013	\$ 12.79
Total Vehicle Releases			\$ 12.79
Vehicle Refunds			
Richardson, James Arthur	Pro-Rate	2013	\$ 25.56
Wilson, James Edward Jr.	Billed in NCVTS (DMV)	2013	\$ 49.20
Total Vehicle Refunds			\$ 74.76
Tot. Veh. Rel. & Ref.			\$ 87.55
Total All Releases & Refunds			\$ 6,040.72

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

Motion was made by Council Member Coffey to approve the *Tax Releases and Refunds from Vance County for the Month of October 2014*. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Simmons, Daye and Coffey. ABSTAIN: None. ABSENT: Kearney and Inscoc.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

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

REPORTS

a) Mayor/Mayor Pro-Tem

Mayor O'Geary wished everyone a very blessed Thanksgiving as did Mayor Pro-Tem Rainey.

b) City Manager

As a reminder, Assistant City Manager Frazier said City Hall will be closed on Thursday and Friday for the Thanksgiving holiday. However, staff will be on stand-by for any problems. He mentioned leaf season is in full force and loose leaf pickup will end 15 January 2015.

c) City Attorney (No Report)

d) City Clerk (No Report)

Mayor O'Geary called for a brief recess to allow time for citizens and staff to depart if they so wished before the start of the Work Session.

WORK SESSION

Authorizing the Execution of a Contract with I. Kruger, Inc., to Perform an Actiflo-Carb Pilot Study at Kerr Lark Regional Water Plant and Authorizing Transfer of Contingency Funds for Above Mentioned Study.(*Reference: CAF 14-125, Resolution 14-92, Ordinance 14-07, FY 15 Budget Amendment #15*)

Assistant City Manager Frazier asked Kerr Lake Regional Water Director Lipscomb to present this item. Ms. Lipscomb explained there is a new process that could potentially save major expense with the 20MGD project. This process uses sand and carbon to reduce TOCs which are precursors to THM problems. The cost of this three week pilot study is \$13,000 which will be credited to the upgrade if it meets expectations and is approved by Council. Ms. Lipscomb explained the process could allow for retrofitting current units.

Council Member Rainey asked how many gallons would be used in the study. Ms. Lipscomb said approximately 5,000 and added the water will go through a mini plant which will be brought on-site by the company and placed where staff will have the opportunity to use the system. She added Salisbury is currently using this system and she is in the process of setting up a time when she, her operators and the Engineering Director can all go to Salisbury to observe the system.

Council Member Daeke asked about costs. Ms. Lipscomb said she was unsure at this time.

Mr. Frazier said the \$13,000 is reasonable to help make a sound decision.

Mayor O'Geary asked if Council would like to move forward with this project. It was the consensus of Council to bring this to the next regular session for approval as follow: YES: Coffey, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney and Inscoc.

Mayor O'Geary asked if Council wished to add a work session to the 8 December Regular Meeting to begin discussions regarding the City Manager Search. There was no disagreement and a Work Session will be added to the next meeting.

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Peace-Jenkins and unanimously approved. The meeting adjourned at 6:57 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk