



AGENDA

Henderson City Council Regular Meeting

Monday 8 September 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) 25 August 2014 Short Regular Meeting [See Notebook Tab 1]
- b) 25 August 2014 Work Session Meeting

VII. PRESENTATIONS/RECOGNITIONS

- a) Resolution of Appreciation for City Attorney John H. Zollicoffer, Jr.

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 1) Resolution 14-69, Appointments to the Henderson-Vance Human Relations Commission, Henderson Planning Board, Henderson-Vance Economic Development Commission and the Perry Memorial Library Board, and 2) Requesting the City Attorney's Recommendations Regarding Changes to the Henderson-Vance Human Relations Commission By-Laws. (CAF 14-94) [See Notebook Tab 2]
 - Resolution 14-69
- b) Consideration of Approval of Resolution 14-14-A, Providing for the Disposition of Jointly Held Property by the City and County Otherwise Identified as 777 Parkway Drive Tax Parcel #0104 02015; Vance County Deed Book 01271, Page 1145. (CAF 14-22-A) [See Notebook Tab 3]
 - Resolution 14-14-A

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.

c) Consideration of Approval of Resolution 14-72, Authorizing the Mayor to Sign and Submit an Application to the State Grant Program for a Technical Assistance Grant to Perform a Sanitary Sewer Evaluation Study and Develop a Sanitary Sewer Model. (CAF 14-99) [See Notebook Tab 4]

- Resolution 14-72

d) Consideration of Approval of Resolution 14-73, Relaying Concerns Relative to the Closing of Ramps in Conjunction with Improvements to I-85 (I-0914BA). (CAF 14-102) [See Notebook Tab 5]

- Resolution 14-73

X. 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 1) Resolution 14-13-A, Acceptance of 2014 NC Governor's Crime Commission VIPER/MDT Upgrade Grant for the Henderson Police Department; and 2) Ordinance 14-05, FY15 Budget Amendment #6, Establishing the Budget for Said Grant. (CAF 14-21-A) [See Notebook Tab 6]

- Resolution 14-13-A
- Ordinance 14-05

b) Consideration of Approval of Ordinance 14-42, FY15 Budget Amendment #7, Amending and Closing Out the 2013 NC Governor's Highway Safety Program Grant. (CAF 14-96) [See Notebook Tab 7]

- Ordinance 14-42

c) Consideration of Approval of Ordinance 14-43, FY14-15 Budget Amendment #8, Amending Fund 46: CIP Regional Water Fund. (CAF 14-98) [See Notebook Tab 8]

- Ordinance 14-43

d) Consideration of Approval of 1) Resolution 14-29-A, Acceptance of the 2014 BJA Bullet Proof Vest Partnership Grant in the Amount of \$3,829.38, and 2) Ordinance 14-44, FY15 Budget Amendment #9, Amending Fund 55: Establishing Budget for Above Mentioned Grant. (CAF 14-49-A) [See Notebook Tab 9]

- Resolution 14-29-A
- Ordinance 14-44

XI. 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

XII. REPORTS

- a) Mayor/Mayor Pro-Tem (No Report)**
- b) City Manager (No Report)**
 - i. Henderson Water Reclamation Facility FY 14 Annual Report *[See Notebook Tab 10]*
- c) City Attorney (No Report)**
- d) City Clerk**
 - i. Meeting and Events Calendar *[See Notebook Tab 11]*
 - ii. Reports
 - E-911 August Report

XIII. 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

Regular Meeting

8 September 2014

PRESENT

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

ABSENT

Council Members Michael C. Inscoe and Garry D. Daeke.

STAFF PRESENT

City Manager A. Ray Griffin, Jr., City Attorney John H. Zollicoffer, Jr., City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Kathy Brafford, Engineering Director Clark Thomas, Police Chief Marcus Barrow, Code Compliance/Interim Planning Director Corey Williams, Interim Recreation and Parks Director Steve Osborne, Fire Chief Danny Wilkinson and Youth Services Director Donna Stearns.

CALL TO ORDER

The 8 September 2014 Regular Meeting of the Henderson City Council was called to order by Mayor O'Geary at 6:06 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 Rainey led those present in a prayer and the Pledge of Allegiance.

(Clerk's Note: Council Member Peace-Jenkins arrived at 6:10 p.m. and Council Member Simmons arrived at 6:15 p.m.)

OPENING COMMENTS

Mayor O'Geary articulated his pleasure in seeing so many present this evening and specifically mentioned former Mayor Robert "Chick" Young and his wife, Shirley, Mr. Ed Wyatt, former Interim City Manager, former employees Sherry Moss and Erris Dunston, along with Attorneys Stainback and Satterwhite. He also recognized Mrs. Martha Zollicoffer and thanked them all for coming this evening as Council recognizes retiring City Attorney John H. Zollicoffer, Jr.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. The City Clerk asked for Council's permission to add the following item was added to the agenda: *Resolution 14-64, Authorizing the Acceptance of the Stormwater Agreement and Covenants Between Duke Energy and the City of Henderson for their Facility Located at 602 Raleigh Road.* 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 Coffey moved the approval of the 25 August Short Regular and 25 August Work Session Minutes, as presented. Motion seconded by Council Member Daye, and unanimously approved.

PRESENTATIONS/RECOGNITIONS

Mayor O'Geary asked City Attorney John H. Zollicoffer, Jr. to come forward. The Mayor then read a resolution which is incorporated by reference and hereby made part of these minutes. He said *thank you* in no way expresses how much the City and staff have benefited from Attorney Zollicoffer's dedication, integrity and strong work ethic over his 42 years of service. The Mayor also presented a token of appreciation from the Council, Mayor, City Manager and Staff.

Attorney Zollicoffer, Jr. commented how much he has enjoyed working with the City. He said he has worked with some wonderful staff and Council members, including the current Council that he has found good to work with. He added he is proud of what has been accomplished over the years and appreciate opportunity to serve.

At this time Mayor O'Geary asked for a motion to recess for a short reception to wish Attorney Zollicoffer, Jr. the very best as he begins a new journey into retirement. Motion was made by Council Member Kearney; seconded by Council Member Coffey and unanimously approved.

After a short recess, Mayor O'Geary called the meeting back into session and asked the City Clerk to proceed.

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

Appointments to the Henderson-Vance Human Relations Commission, Henderson Planning Board, Henderson-Vance Economic Development Commission and the Perry Memorial Library Board; and Requesting the City Attorney's Recommendations Regarding Changes to the Henderson-Vance Human Relations Commission By-Laws. (CAF 14-94; Resolution 14-69)

City Clerk McCrackin said the Boards and Commissions Committee met 19 August 2014 to review applications received for re-appointment. After discussion, the Committee unanimously voted to bring all five applicants before Council for approval. The applicants and the terms are as follows: Geraldine Champion and Evelyn Mitchel for full three-year terms to the Henderson-Vance Human Relations Commission; Arthur Henderson for a full three-year term to the Henderson Planning Board; Andrea Harris for a full three-year term to the Henderson-Vance Economic Development Commission and Martha Zollicoffer for a full three-year term to the Perry Memorial Library Board.

The Committee also discussed the need to update the 1983 By-Laws of the Human Relations Commission and specifically focused on the section which states the Human Relations Commission may enter into contracts/agreements without specific approval of its Governing Bodies. The Committee would like Council's consent for the City Attorney to review this portion which will then be taken before both the City Council and County Commissioners for final approval. City Attorney Zollicoffer, Jr. indicated he would prepare this before the October meeting.

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

Council Member Rainey moved the approval of Resolution 14-69, *Appointments to the Henderson-Vance Human Relations Commission, Henderson Planning Board, Henderson-Vance Economic Development Commission and the Perry Memorial Library Board; and Requesting the City Attorney's Recommendations Regarding Changes to the Henderson-Vance Human Relations Commission By-Laws*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Kearney, Coffey, Rainey, Peace-Jenkins, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Inscoc and Daeke. (See Resolution Book 4, p 85)

Council Member Rainey asked about the status of the Planning Board. City Manager Griffin said the Planning Board, along with the Board of Adjustment will continue to meet as necessary. City Attorney Zollicoffer, Jr. said issues brought before the Planning Board must be brought before Council for approval and Interim Planning & Community Development Director Corey Williams added a meeting is scheduled for October.

Providing for the Disposition of Jointly Held Property by the City and County Otherwise Identified as 777 Parkway Drive Tax Parcel #0104 02015; Vance County Deed Book 01271 Page 1145. (Reference: CAF 14-22-A; Resolution 14-14-A)

City Manager Griffin explained the sale of this property was approved by Council in January 2014. However, when the County realized the purchaser owed back taxes, the sale was voided.

The County has received a new offer to purchase from a different purchaser and it is recommended that Council approve this action with the understanding the proceeds will be shared on a pro-rata basis.

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

Council Member Coffey moved the approval of Resolution 14-14-A, *Identified as 777 Parkway Drive Tax Parcel #0104 02015; Vance County Deed Book 01271 Page 1145*. Motion seconded by Council Member Peace-Jenkins, and APPROVED by the following vote: YES: Coffey, Rainey, Peace-Jenkins, Simmons, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: Inscoc and Daeke. (*See Resolution Book 3, p 293-A*)

Authorizing the Mayor to Sign and Submit an Application to the State Grant Program for a Technical Assistance Grant to Perform a Sanitary Sewer Evaluation Study and Develop a Sanitary Sewer Model. (*Reference: CAF 14-99; Resolution 14-72*)

City Manager Griffin said no action is expected on this item which is being brought before Council this evening for informational purposes. City Engineer Thomas explained that due to time constraints the Technical Assistant Grant (TAG) cannot be applied for this October but will be brought back to Council for action in the Spring. The TAG typically is in the amount of \$50,000 but often can be leveraged with a city matching a portion.

Council Member Rainey asked if this type of study has been done previously and if so, when. Assistant City Manager Frazier responded a study of this type was last done in 2008 and substantial changes have occurred since then. Mr. Rainey asked if this study will pinpoint existing problems or new problems. Mr. Frazier said both.

Council Member Coffey asked who does the study --- the City or a consultant. Engineering Director Thomas said parts can be done by city staff but hiring a consultant with expertise would be prudent.

There was no further discussion so Mayor O'Geary now called for a consensus that this is the direction Council wishes to pursue with the following response: YES: Kearney, Coffey, Rainey, Peace-Jenkins, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Inscoc and Daeke.

(Clerk's Note: Council Member Simmons left the meeting at 6:49 p.m.)

Relaying Concerns Relative to the Closing of Ramps in Conjunction with Improvements to I-85 (I-0914BA). (*CAF 14-102; Resolution 14-73*)

Assistant City Manager Frazier explained plans and design for major improvements to the north and south bound lanes of I-85 are being finalized and there is concern regarding the closing of the ramps as designed by the NC Department of Transportation. He said outcome from previous meetings with the NCDOT which included area fire/police/rescue representatives gleaned concerns and good suggestions regarding the project. Two main concerns are the economic loss to the City and County along with public safety response needs as the NCDOT plans to close traffic completely to certain access ramps for an anticipated 60-90 days.

Mr. Frazier said Ms. Helen Shyu, PE, the Project Design Engineer of the North Carolina Department of Transportation Work Zone Traffic Control – Central Region Division is present to answer any questions/concerns Council.

There was a lengthy discussion as to why the NCDOT could not allow crossover traffic to keep the ramps open; the DOT's responsibility for damage to City streets used for traffic detours; concern that Dabney Drive, already pinpointed by the DOT as overused, would be a major problem; what the requirements are for keeping ramps open during construction; how industry and businesses will be affected with ramp closures and the project timeframe were all concerns expressed by Council.

Ms. Shyu stated the NCDOT began reaching out to the City/County as soon as it could to make officials aware of the project. She said she was unsure why there was no discussion with the community before the plans were finalized other than there are time constraints on the project. She also distributed a map showing the three (3) phases of the project.

Mr. Frazier said the NCDOT has been asked to look at traffic signals in the detour areas as this project will create big changes, including school bus schedules and emergency vehicle movements for starters.

Overall Council opposed the project due to the financial impact to the City and the businesses/industries located within the project area.

Mayor O'Geary now asked for the pleasure of Council.

Council Member Kearney moved the approval of Resolution 14-73, *Relaying Concerns Relative to the Closing of Ramps in Conjunction with Improvements to I-85 (I-0914BA)*. Motion seconded by Council Member Peace-Jenkins, and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: Inscoc, Daeke and Simmons. (See Resolution Book 4, p 93)

Authorizing the Acceptance of the Stormwater Agreement and Covenants Between Duke Energy and the City of Henderson for their Facility Located at 602 Raleigh Road.
(Reference: CAF 14-83, Resolution 14-64)

Engineering Director Thomas explained Duke Energy is consolidating its operations into one facility. The current facility complies with the State and City standards and as part of the City standards, this agreement is needed to comply with the Stormwater Best Management Practices which permits the City to inspect the wet detention pond.

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

Council Member Rainey moved the approval of Resolution 14-64, *Authorizing the Acceptance of the Stormwater Agreement and Covenants Between Duke Energy and the City of Henderson for their Facility Located at 602 Raleigh Road*. Motion seconded by Council Member Peace-Jenkins, and APPROVED by the following vote: YES: Peace-Jenkins, Daye, Kearney, Coffey

and Rainey. NO: None. ABSTAIN: None. ABSENT: Inscoc, Daeke and Simmons. (*See Resolution Book 4, p 75*)

CONSENT AGENDA

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

Acceptance of 2014 NC Governor's Crime Commission VIPER/MDT Upgrade Grant for the Henderson Police Department and FY15 Budget Amendment #6, Establishing the Budget for Said Grant. (*Reference: CAF 14-21-A; Resolution 14-13-A, Ordinance 14-05*) This grant application was approved by Resolution 14-13 in January 2014 for the purchase of new mobile data terminals and VIPER radios in the amount of \$31,876. The grant was approved at 75% (\$23,907) and the remaining 25% (\$7,969) was budgeted from the Asset Forfeiture Fund. (*See Resolution Book 3, p 291-A and Ordinance Book 9, p 73*)

Amending and Closing Out the 2013 NC Governor's Highway Safety Program Grant, FY 14 Budget Amendment #7. (*CAF 14-96; Ordinance 14-42*) This action officially closes out Fund 55-205 which was awarded to assist the Police Department with the purchase of traffic enforcement equipment. (*See Ordinance Book 9, p 169*)

Amending Fund 46: CIP Regional Water Fund, FY14-15 Budget Amendment #8. (*Reference: CAF 14-98; Ordinance 14-43*) This action transfers \$38,000 from 64: Regional Water to 46: CIP Regional Fund to provide additional funding for the inter-basin transfer (IBT) of water project. The funds were adopted as part of the FY15 but an offsetting amendment was not done at that time. (*See Ordinance Book 9, p 171*)

Acceptance of the 2014 BJA Bullet Proof Vest Partnership Grant in the amount of \$3,829.38 and FY15 Budget Amendment #9, Amending Fund 55: Establishing Budget for Above Mentioned Grant. (*Reference: CAF 14-49-A; Resolution 14-29-A, Ordinance 14-44*) Notice of the award of this grant has been received and this action accepts the conditions of the grant. This year's allocation is \$3,829.38.

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

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address Council.

REPORTS

a) Mayor/Mayor Pro-Tem

- i. Mayor Pro-Tem thanked City Attorney Zollicoffer, Jr. for all he has done for the City and shared how enjoyable it has been working with Mr. Zollicoffer over the years.

b) City Manager

- i. Mr. Griffin recognized the Henderson Water Reclamation Facility (HWRf) staff for an excellent FY14 Annual Report. Given the on-going construction they have all done a very fine job staying in compliance.
- ii. Mr. Griffin also extended, in German, his expression of appreciation to City Attorney Zollicoffer by saying *My friend, you are a good man!*

c) City Attorney

- i. Attorney Zollicoffer, Jr. said he has enjoyed working with the City and was happy to report Council has made his job enjoyable.

d) City Clerk (No Report)

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

ADJOURNMENT

Council Member Peace-Jenkins moved for adjournment. Motion seconded by Council Member Rainey, and unanimously approved. The meeting adjourned at 7:34 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk



A RESOLUTION HONORING

City Attorney John Hilliard Zollicoffer, Jr.

WHEREAS, John Hilliard Zollicoffer, Jr. was born in Henderson, North Carolina: *and*

WHEREAS, in 1954, John Hilliard Zollicoffer, Jr. graduated High School in Henderson and won a Morehead Scholarship to the University of North Carolina at Chapel Hill where he graduated with high honors; *and*

WHEREAS, John Hilliard Zollicoffer, Jr. entered Duke University School of Law where he was honored as a Regional Scholar and a member of the Law Review and received his JD (Juris Doctor) in 1961; *and*

WHEREAS, upon graduation from Duke University, John Hilliard Zollicoffer, Jr. chose to carry on a longstanding family tradition and joined the Zollicoffer Law Firm which was founded by his grandfather, Allison Caulaincourt Zollicoffer in 1881; and continued on with his uncle Jere Perry Zollicoffer joining the firm in 1912; his father, John H. Zollicoffer joining the firm in 1924 and his cousin, Algernon Augustus Zollicoffer, Jr. joining the firm in 1950; *and*

WHEREAS, in 2008 the Zollicoffer Firm merged into Stainback, Satterwhite, Burnette & Zollicoffer, PLLC, better known today as Stainback, Satterwhite and Zollicoffer, PLLC; *and*

WHEREAS, the Zollicoffer family has had strong ties with the City of Henderson for many decades with J.P. and J.H. Zollicoffer serving as City Attorneys in the 1930's; John H. Zollicoffer, Sr. serving as City Attorney from 1945 to 1968 and John H. Zollicoffer, Jr. serving 35 years as City Attorney from 1972 to 2007 and again from 2008 to 2014; *and*

WHEREAS, John H. Zollicoffer, Jr. has served the City well in his 42 years as City Attorney; *and*

WHEREAS, John H. Zollicoffer, Jr. has provided legal counsel to the City Council and Staff without displaying political bias, and has aided the City in:

- *the creation and formation of the Kerr Lake Regional Water System*
- *re-writing the Henderson City Code*
- *successfully defending the City's election format with the U.S. Supreme Court*
- *establishing four year staggered terms for Council; and*

WHEREAS, John H. Zollicoffer, Jr. has served this community and the State of North Carolina on numerous committees, including the North Carolina Bar Association, North Carolina Local Government Commission, the Henderson Vance Chamber of Commerce, Maria Parham Hospital Association and the Perry Memorial Library Foundation; *and*

WHEREAS, through a strong work ethic, compassion, dedication, and quick wit, John H. Zollicoffer, Jr. has earned the respect and admiration of his peers and will be greatly missed by the Mayor, City Council, City Manager and all City staff: *and*

WHEREAS, John H. Zollicoffer, Jr., advised the Mayor and City Council of his retirement as City Attorney during its 25 August 2014 meeting, with said retirement to be effective 30 September 2014.

NOW THEREFORE, be it resolved that the resignation of the Honorable John H. Zollicoffer, Jr. as City Attorney is hereby accepted, with regret, and much appreciation for his loyal, faithful and distinguished service to the Mayor, City Council, City Manager and Staff; *and*

BE IT FURTHER RESOLVED, by virtue of the authority vested in me as Mayor and on behalf of Henderson's City Council Members and citizens, we thank John H. Zollicoffer, Jr. for his many years of dedication and service to this City and wish him many wonderful years of retirement with his wife, Martha and their family.

James D. O'Geary, Mayor

D. Michael Rainey, Mayor Pro-Tem

Sara M. Coffey, Council Member

Garry Daeke, Council Member

George M. Daye, Council Member

Michael C. Inscoc, Council Member

James C. Kearney, Sr., Council Member

Brenda Peace-Jenkins, Council Member

Fearldine A. Simmons, Council Member

A. Ray Griffin, City Manager

September 8, 2014