



## **AGENDA**

**Henderson City Council Short Regular Meeting**

**Monday, 26 August 2013, 6:00 p.m.**

**R. G. (Chick) Young, Jr. Council Chambers, Municipal Building**

**134 Rose Avenue**

**Henderson, North Carolina**

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### **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 G. Peace—Jenkins

Councilmember Garry D. Daeke

Councilmember Vernon L. Brown

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**

### **V. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA**

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 Behavior<sup>1</sup> and Transparency in Governance<sup>2</sup>. 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.

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<sup>1</sup> **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.

<sup>2</sup> **Core Value 10: Transparency in Governance:** We value transparency in the governance and operations of the City.

**VI. APPROVAL OF MINUTES**

- a) 12 August 2013 Regular Meeting [*See Notebook Tab 1*]

**VII. PUBLIC HEARING**

- a) Consideration of Approval of Ordinance 13-49, Rezoning Property on the Corner of Parham Street and Burwell Avenue in the City of Henderson from R-15 TO R6. (CAF 13-91) [*See Notebook Tab 2*]
- Public Hearing
  - Ordinance 13-49

**VIII. PUBLIC COMMENT 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, and identify the Agenda Item about which you wish to speak on the sign-up sheet. Please review the Citizen Comment Guidelines that are provided on the last page of this Agenda.<sup>3</sup>

**IX. NEW BUSINESS**

- a) Consideration of Approval of Resolution 13-63, Amendments to City Administrative Policy, Section 4.11 Overtime Pay and Compensatory Time. (CAF 13-92) [*See Notebook Tab 3*]
- Resolution 13-63
- b) Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of July 2013. (CAF 13-94) [*See Notebook Tab 4*]

**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 on the last page of this Agenda.<sup>3</sup>

**XI. REPORTS**

- a) Mayor/Mayor Pro-Tem
- b) City Manager
- c) City Attorney
- d) City Clerk
  - i. Calendar Update [*See Notebook Tab 5*]
  - ii. Henderson Fire Department

**XII. ADJOURNMENT**

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<sup>3</sup> **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**  
**Regular Meeting**  
**12 August 2013**

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**PRESENT**

Mayor James D. O'Geary, Presiding; and Council Members Sara M. Coffey, Michael C. Inscoe, D. Michael Rainey, Brenda Peace-Jenkins, Garry D. Daeke, Vernon L. Brown, and George M. Daye.

**ABSENT**

Council Member James C. Kearney, Sr.

**STAFF PRESENT**

City Manager Ray Griffin, City Attorney John H. Zollicoffer, Jr., City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Planning and Community Development Director Erris Dunston and Police Captain Perry Twisdale.

**CALL TO ORDER**

The 12 August 2013 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 Brenda Peace-Jenkins led those in attendance in a prayer and the Pledge of Allegiance.

Mayor O'Geary welcomed everyone and said it was good to see citizens present on such a beautiful day.

## **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 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 22 July 2013 Short Regular and 22 July 2013 Work Session minutes as presented. Motion seconded by Council Member Daye and unanimously approved.

## **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**

**Declaring Various Police Department Weapons as Surplus and Approving the Trade of Said Firearms for a Discount on the Purchase of New Firearms.** (*Reference: CAF 13-85; Resolution 13-10*)

City Manager Griffin asked Police Captain Perry Twisdale to advise Council regarding this issue. Captain Twisdale said five (5) departmental shotguns have exceeded their usefulness (at or over 20 years old). He said several quotes were received and one before Council from Lawmans' Supply came in as the lowest. Lawmans' Supply, has offered a credit of \$480.00 for the old shotguns and the full cost of the new shotguns is \$3,322.15. Captain Twisdale added Lawmans' Supply deals only with police departments and there would be no resale of the weapons. The monies for this purchase are included in the FY13-14 approved budget.

Mayor O'Geary asked how many weapons would be credited. Captain Twisdale responded five.

There were no further questions. Mayor O'Geary then asked for the pleasure of Council.

Council Member Incoe moved the approval of Resolution 13-10, *Declaring Various Police Department Weapons as Surplus and Approving the Trade of Said Firearms for a Discount on the Purchase of New Firearms*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Coffey, Incoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney. (*See Resolution Book 3, pp. 121*)

**Acceptance of 2013 NC Governor's Crime Commission Mobile Data Terminal Grant for the Henderson Police Department and Establishing Budget for Said Grant – FY14 Budget Amendment #7. (CAF 13-07-A; Resolution 13-05-A, Ordinance 13-48)**

City Manager Griffin asked Police Captain Perry Twisdale to again come forward and present this item. Captain Twisdale said an application to the NC Governor's Crime Commission was approved on February 11, 2013 to purchase eight (8) new mobile data terminals/in-car camera systems. The grant has been approved; however, the approval was only for the purchase of the eight (8) data terminals. The in-car camera portion was not included in the approved grant and Captain Twisdale said the department is looking for other funding options for the in-car cameras. The revised grant provides \$17,580 (75%) with the remaining \$5,860 budgeted from the Federal Asset Forfeiture Funds of the FY13-14 Police Department budget.

Council Member Rainey asked if this purchase would cover the rolling stock. Captain Twisdale responded yes and it would replace several outdated units.

Council Member Daeke asked if replacement of the cameras was due to age. Captain Twisdale responded yes.

There were no further questions. Mayor O'Geary then asked for the pleasure of Council.

Council Member Daeke moved the approval of Resolution 13-05-A, *Acceptance of 2013 NC Governor's Crime Commission Mobile Data Terminal Grant for the Henderson Police Department and Ordinance 13-48, Establishing Budget for Said Grant – FY14 Budget Amendment #7*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney. (See Resolution Book 3, p 111-A, Ordinance Book 9, p 17)

**Adopting Vance County's Analysis of Impediment Plan and Adopting an Equal Employment and Procurement Plan in Regards to the CDBG Talent Enhancement Grant. (CAF 13-63-A; Resolution 13-58 and 13-60)**

City Manager Griffin asked Planning and Community Development Director Erris Dunston to advise Council on this issue. Ms. Dunston said adoption of these plans is required for the Talent Enhancement Grant process to proceed. She explained by resolution, Council needed to adopt Vance County's Impediment Plan which is an analysis of Vance County's Fair Housing Plan previously adopted by Council. The Equal Employment and Procurement Plan adoption pertains only to this grant and establishes a plan for maintaining equal employment policies and practices which utilizes all persons in its potential workforce.

Council Member Daeke questioned several statements in the County's plan including having notices available in both English and Spanish. Ms. Dunston said the County's Language Plan has ensured notices are available in both languages and said notices have been posted in various locations throughout the City in areas such as the library and the Senior Center.

Council Member Brown asked for more information on the growth mentioned in the analysis. Ms. Dunston said the analysis was completed by the County in 2011 and is good for five (5) years. Since this is a 15 month grant, the analysis is acceptable. City Attorney Zollicoffer, Jr., added that the grown portion of the analysis refers to the County and not just the City.

Council Member Coffey noted Kerr-Tar was responsible for completing the analysis and asked if they would prepare future analyses. Ms. Dunston responded the County would make that selection.

Council Member Peace-Jenkins asked if there was room for tweaking the analysis. Ms. Dunston responded no as the City cannot tweak a County document.

With no further questions, Mayor O'Geary asked for Council's pleasure.

Council Member Brown moved the approval of Resolution 13-58, *Adopting Vance County's Analysis of Impediment Plan* and Resolution 13-60, *Adopting an Equal Employment and Procurement Plan in Regards to the CDBG Talent Enhancement Grant*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Brown, Daye, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Kearney. (See Resolution Book 3, p 217 and 221)

## CONSENT AGENDA

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

**Accepting the North Carolina Governor's Highway Safety Program Grant in the Amount of \$18,300 for the Purchase of Traffic Enforcement Equipment; and Establishing Budget for Said Grant - FY14 Budget Amendment #6.** (Reference: CAF 13-27-A; Resolution 13-21-A, Ordinance 13-14) This action establishes a budget allowing for the acceptance of this fully funded grant for the Police Department to purchase a traffic equipment trailer, portable light tower & generator, traffic cones, checkpoint signs with stands, flashlights and OSHA/DOT Certified traffic vests. No matching funds from the City are required (See Resolution 3, p 143-A, Ordinance Book 8, p 547)

**Amendments to City Administrative Policies 2.03 Definitions, 5.11 Part-Time Employment and 5.12 Temporary Employees, 6.06.00 Dress and Appearance Policy and 4.13 Separation Pay.** ( Reference: CAF 13-80; Resolution 13-55) This amendment allows for the establishment of an employee dress code and further defines part-time employment, temporary employees and those eligible for separation pay. (See Resolution Book 3, p 211)

**Closing Out the Public Library Fund.** (Reference: CAF 13-14: Ordinance 13-41) This fund is being closed because the fund is archaic and the Library's annual budget request is now reflected in the General Fund along with other County-shared programs. (See Ordinance Book 9, p 3)

**Amending Portions of Chapter 15, Regarding Water and Sewer Due Dates and Cut-Offs, and the Annual Fee Schedule.** (Reference: CAF 13-89; Ordinance 13-47) These revisions specifically change the Late Fee Policy by providing one (1) automatic late fee waiver per year for customers in good standing during the most recent rolling twelve (12) month period and extends the Grace Period Policy from seven (7) calendar days to ten (10) calendar days. (See Ordinance Book 9, p 15)

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

#### **PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS**

City Clerk McCrackin advised one citizen wished to address City Council.

**Dorothy Hunt** Ms. Hunt is the founder and Executive Director of the LifeLine Outreach Program. She said her concern tonight is liberty. She said years ago when she organized a *March for Jesus*, they were able to walk down main street with a police escort. Last March she said there were pages of restrictions that limited the prayer march she was organizing to the sidewalk on a side street. Although she was grateful for the opportunity to even march on the sidewalk, she asked Council to reconsider the restrictions. She asked what will change Henderson and said only prayer. She felt people of prayer should have the same rights as those who organize events such as *Meet Me In the Street* and the *Ducky Derby*. Ms. Hunt thanked Council for listening and said she would like the privilege of walking down main street just as others are allowed. She concluded by saying this city needs all the help and God is the one to help.

Mayor O'Geary thanked Ms. Hunt for her comments and said he was sure the entire Council shared her concerns.

Council Member Rainey said he did not remember Council approving any such regulations and asked the City Manager to look into this matter. City Manager Griffin said he would have to review this matter and report back to Council and Ms. Hunt.

Council Member Coffey said she had helped organize a prayer walk and mentioned the Mayor and Mrs. O'Geary participated in the walk. She said she felt the process was too difficult, time consuming and thought the restrictions came from the Police Department rather than Council.

With no further discussion, Mayor O'Geary asked if Council was prepared to go into Closed Session and stated there would be no report following the session.

## **CLOSED SESSION**

Council Member Daeke moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3) for an Attorney-Client Privilege Matter. Motion seconded by Council Member Coffey and unanimously approved.

Council Member Rainey moved for Council to convene in open session. Motion seconded by Council Member Inscoe and unanimously approved.

## **REPORTS**

- a) Mayor/Mayor Pro-Tem - Mayor Pro-Tem Rainey said there was excellent participation in the Night Out Against Crime event. He also said the Henderson Rec Players performance of Cabaret was excellent. Lastly, he reported on the Ribbon Cutting he attended earlier in the day.
- b) City Manager (No Report)
- c) City Attorney (No Report)
- d) City Clerk – Council was reminded of the Perry Memorial Library event on August 19<sup>th</sup>, the Community Watch Meeting on August 22<sup>nd</sup> and asked for and received Council's consensus to allow City Manager Griffin to act as the voting delegate from the City at the NCLM Annual Business meeting.

Council Member Daeke asked about the graffiti process. He said a process was established but it did not seem to be working as there has been graffiti on Norlina Road and Williams Street for quite a while.

Mayor O'Geary said he had reported the graffiti on Williams Street to Code Compliance.

City Manager Griffin said he would review the process with Code Compliance Director Corey Williams and report back at the next work session.

Council Member Coffey said in reference to the one-stop permitting process, she brought the process packet she received from Granville County to share with the City Manager as she thought it contained material that would help the City/County in the development of the one-stop process.

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

**ADJOURNMENT**

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Daye, and was unanimously approved. The meeting adjourned 6:53 p.m.

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James D. O'Geary  
Mayor

***ATTEST:***

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Esther J. McCrackin  
City Clerk