



AGENDA

Henderson City Council Regular Meeting

Monday, 12 December 2011 7:00 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 G. Peace—Jenkins
Councilmember Garry D. Daeke
Councilmember Lonnie Davis, Jr.
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) 28 November 2011 Short Regular Meeting Minutes *[See Notebook Tab 1]*
- b) 28 November 2011 Work Session Meeting Minutes
- c) 9 December 2011 Special Called Meeting Minutes

VII. PUBLIC HEARING

- a) Consideration of Approval of Resolution 11-114, Requesting an Amendment to the A. L. Harris Estates Grant 06-C-1609 to Reduce the Benefit Requirement from Seven Homes to Two Homes. *(CAF 11—149) [See Notebook Tab 2]*
 - Public Hearing
 - Resolution 11—114

VIII. 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, 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.³

IX. NEW BUSINESS

- a) Consideration of Approval of Resolution 11—111, Awarding Contract with McGill Associates Relative to Engineering Services Needed in Conjunction with Improvements at the Henderson Water Reclamation Facility; and Ordinance 11—62, FY12 Budget Amendment #25, An Amendment to the CIP Sewer Fund Henderson Water Reclamation Facility Improvements Project. *(CAF 11—D—134) [See Notebook Tab 3]*
 - Resolution 11—111
- b) Consideration of Approval of Ordinance 11—28, FY12 Budget Amendment #26, Establishing the Sanitary Sewer Rehabilitation Project/State Revolving Funds Capital Project Budget. *(CAF 11—A—79) [See Notebook Tab 4]*
 - Ordinance 11—28
- c) Consideration of Approval of Ordinance 11—74, Demolition of Garnett Street (Parcel 0002 05008A). *(CAF 11—153) [See Notebook Tab 5]*
 - Ordinance 11—74

- d)* Consideration of Approval of Resolution 11—118, Authorizing Execution and Approval of CSX Facility Encroachment Agreement No. CSX 691920; and Consideration of Approval of Ordinance 11—73, FY12 Budget Amendment #27, Amending Budget for Additional Fees for Spring Street Sanitary Sewer Replacement Required by CSX. (CAF 11—A—115) [See Notebook Tab 6]
- Resolution 11—118
 - Ordinance 11—73
- e)* Henderson-Vance Economic Development Commission Report on Recent Activities by Stuart Litvin. (No attachments)

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 Resolution 11—113, Officially Changing the Names of Hillcrest Street, Ashmont Drive and Barclay Road; and Ordinance 11—71, Modifying Chapter 7, Division 2, Stop Intersections to Change Street Names. (CAF 11—148) [See Notebook Tab 7]
- Resolution 11—113
 - Ordinance 11—71
- b)* Consideration of Approval of Ordinance 11—46, Modifying City of Henderson's Code of Ordinances, Chapter 4, Relative to Elmwood Cemetery, and 2) Ordinance 11—66, Creating Chapter 4A to the City Code Relating to All Other Cemeteries in City Limits. (CAF 11—98) [See Notebook Tab 8]
- Ordinance 11—46
 - Ordinance 11—66
- c)* Consideration of Approval of Resolution 11—108, Authorizing the Mayor to Sign on Behalf of the City, a Supplemental Agreement Relative to the Beckford Drive Widening Project. (CAF 11—144) [See Notebook Tab 9]
- Resolution 11—108

XI. WORK SESSION

- a) Consideration of Approval of Ordinance 11—70, Amending City Code Section 12-1, Providing for Appeal Rights Regarding the Fire Prevention Codes. (CAF 11—143) [See Notebook Tab 10]
 - Ordinance 11—70
- b) Consideration of Approval of Resolution 11—112, Adopting the KLRWS 2007 Local Water Supply Plan. (CAF 11—147) [See Notebook Tab 11]
 - Resolution 11—112
- c) Consideration of Approval of Resolution 11—120, Supporting Urban Progress Zone Designation. (CAF 11—35) [See Notebook Tab 12]
 - Resolution 11—120

XII. 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 on below.³

³ 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.

XIII. REPORTS

- a) Mayor/Mayor Pro-Tem
- b) City Manager
- c) City Attorney
- d) City Clerk
 - i. Calendar Notes and Schedule Update *[See Notebook Tab 13]*
 - ii. Various Departmental Reports *[See Notebook Tab 14]*
 - Fire Department
 - 911

XII. ADJOURNMENT

City Council Minutes
Regular Meeting
12 December 2011

PRESENT

Mayor James D. O'Geary, Presiding; and Council Members, James C. Kearney, Sr., Sara M. Coffey, Michael C. Inscoc, D. Michael Rainey, Brenda G. Peace—Jenkins, Garry Daeke and George M. Daye.

ABSENT

Council Members Lonnie Davis, Jr.

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther McCrackin, Assistant City Manager Frank Frazier, Fire Chief Danny Wilkerson, Planning Director Erris Dunston, Code Compliance Director Corey Williams, Kerr Lake Regional Water Director Christy Lipscomb, and Henderson Water Reclamation Facility Director Tom Spain.

CALL TO ORDER

The 12 December 2011 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 7:03 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 that a quorum was present.

Mayor O'Geary welcomed everyone.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin stated there were several changes to the agenda: 1) Under the Work Session, Item A should be Ordinance 11-70, not Resolution 11-70; 2) City Attorney changed the wording on the next to the last *Whereas* in Resolution 11-111 and the revision has been distributed and highlighted for your convenience. The three additions to the agenda are: 1) *Consideration of Approval of Resolution 11-121, Authorizing a Primary and Secondary Agent in Conjunction with a Disaster Assistant Agreement with FEMA for Cost Incurred with Hurricane Irene Cleanup*; 2) *Consideration of Approval of Resolution 11-122, Authorizing the Use of Contingency and Other Line Item Funds of the Harriett Street Water Main Project in Conjunction with Final Milling and Resurfacing*

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Work; and 3) Consideration of Approval of Resolution 11-124, Authorizing Corporate Resolution Update for First Citizens Bank Amending Signatories on Account. Council Member Inscoe asked that we add a New Business Item regarding changing the time of the first meeting of the month in 2012.

Council Member Rainey moved to accept the agenda with these changes. Motion seconded by Council Member Coffey 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 following minutes as presented: 28 November Short Regular Meeting; 28 November Work Session and 9 December Special Called Meeting. Motion seconded by Council Member Kearney and unanimously approved.

PUBLIC HEARING

Amendment to the A. L. Harris Estates Grant 06-C-1609 to Reduce the Benefit Requirement from Seven Homes to Two Homes. (Reference: CAF 11-149; Resolution 11-114)

(Clerk's Note: Council Member Peace-Jenkins requested to abstain from voting as she is a member of Gateway CDC Board which is involved in this project. Council concurred with the request.)

City Manager Griffin asked Planning Director Erris Dunston to update Council.

Ms. Dunston reminded Council that the original grant required the development of seven (7) houses. Ms. Dunston spoke with the State and with their permission, she is asking Council for approval to submit an amendment requesting the grant be reduced from seven (7) houses to two (2) houses. She said the State is agreeable to this amendment with certain restrictions.

City Manager Griffin said the State one restriction would be requiring the City to install five (5) taps free of charge to the homeowner as the five (5) additional houses are constructed. If Council is agreeable, Mr. Griffin stated another *Resolve* will be added to Resolution 11-114 which the State will require as part of the Resolution.

Council Member Daeke asked for clarification regarding the housing. Attorney Zollicoffer clarified that the original owner needed to occupy the house for one year but the house would remain a single family home for 21 years.

There were no further questions so Mayor O'Geary opened the Public Hearing by asking if anyone 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.

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Council Member Inscoe moved approval of Resolution 11—114, *Amendment to the A. L. Harris Estates Grant 06-C-1609 to Reduce the Benefit Requirement from Seven Homes to Two Homes*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Daeke and Daye. NO: None. ABSTAIN: Peace-Jenkins. ABSENT: Davis. (See Resolution Book 2, p 229)

(Clerk's Note: Council Member Peace-Jenkins abstained as she is a member of the Board)

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

One citizen wished to address Council.

James Lawrence, 985 Southerland Mill Road. Mr. Lawrence stated he has started the rights of process regarding the property being considered for demolition on Garnett Street.

City Attorney Zollicoffer said Mr. Lawrence's comments relate to an item to be discussed under New Business and summarized Ordinance 11—74, by stating the building is in disrepair. The City has given appropriate notification to the owners to bring up the property up to code. An extension was granted and Attorney Zollicoffer said then there was further delay due to court action on the defendant's part which was found in favor of the City in October 2011. Mr. Zollicoffer recommended decisions on this demolition be delayed until the item is brought before Council under New Business and suggested the City proceed with the demolition.

City Manager Griffin suggested this matter be discussed at its place on the agenda and asked Mr. Lawrence if he could remain in Council chambers in case there were questions.

Mayor O'Geary thanked Mr. Lawrence for coming forward.

NEW BUSINESS

Awarding Contract with McGill Associates Relative to Engineering Services Needed in Conjunction with Improvements at the Henderson Water Reclamation Facility; and FY12 Budget Amendment #25, An Amendment to the CIP Sewer Fund Henderson Water Reclamation Facility Improvements Project. (Reference: CAF 11—D—134), Resolution 11—111; Ordinance 11-62)

City Manager Griffin said this item was discussed at the 9 December 2011 Work Session. He said no changes had been made to the Resolution or Ordinance. He told Council, Assistant City Manager Frazier, Henderson Water Reclamation Facility Director Tom Spain and McGill Associates Andy Lovingood were all available to answer any questions on this matter.

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

Council Member Peace-Jenkins moved approval of Resolution 11—111, *Awarding Contract with McGill Associates Relative to Engineering Services Needed in Conjunction with Improvements at the Henderson Water Reclamation Facility; and Ordinance 11—62, FY12*

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Budget Amendment #25, An Amendment to the CIP Sewer Fund Henderson Water Reclamation Facility Improvements Project. Motion seconded by Council Member Rainey APPROVED by the following vote: YES: Kearney, Coffey, Inscoc, Rainey, Peace-Jenkins, Daeke and Daye. NO: None. ABSTAIN: None. ABSENT: Davis. (See Resolution Book 2, p 223; Ordinance Book 8, p. 327)

FY12 Budget Amendment #26, Establishing the Sanitary Sewer Rehabilitation Project/State Revolving Funds Capital Project Budget. (Reference: CAF 11—A—79; Ordinance 11-28)

City Manager Griffin asked Assistant City Manager Frazier to update Council. Mr. Frazier stated this is \$1M grant loan with \$500,000 in loan and \$500,000 in forgiveness for sewer main replacements. This project was originally approved on 25 October 2010 and on 13 June 2011 a contract was awarded to O'Brien & Gere to perform the Engineering design and other components of the Plans and Specifications. However, a budget amendment was not prepared beyond the original amendment for the preliminary engineering report so Council is being asked to approve Budget Amendment #26. The Plans and Specifications have been submitted to the State and once approved, it is anticipated the project will be advertised on or before 1 June 2012 with a construction contract in place by 2 July 2012.

Council Member Kearney asked if any of this work would affect Patton Circle. Mr. Frazier said it may help some as there will be several projects in the area.

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

Council Member Daeke moved the approval of Ordinance 11—28, *FY12 Budget Amendment #26, Establishing the Sanitary Sewer Rehabilitation Project/State Revolving Funds Capital Project Budget.* Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Coffey, Inscoc, Rainey, Peace-Jenkins, Daeke, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: Davis. (See Ordinance Book 8, p. 259)

Demolition of Garnett Street (Parcel 0002 05008A). (Reference: CAF 11—153; Ordinance 11-74)

City Manager Griffin said this is the demolition that Mr. Lawrence referred to during the Public Comment period. Mr. Griffin asked Code Compliance Director Corey Williams to bring Council up to date.

Mr. Williams stated the structure is in the 400 block of Garnett Street. Historically, two years ago Council authorized demolition of a portion of this structure and in proceedings found that the structure has two different parcel numbers, the second being the parcel under discussion this evening. Mr. Williams stated that Mr. James Lawrence, the structure's former owner, attempted to meet Code.

Attorney Zollicoffer stated the first notice was sent 30 March 2011 and all proper steps have been taken.

Council Member Rainey asked if the building was occupied. Mr. Williams said no. Council Member Daeke asked if this was the building with the tree on top. Mr. Williams said yes. Council Member Coffey stated she felt the building has been in disrepair for more than a couple of years if it had a tree growing out of it.

Council Member Kearney asked for an estimate of demolition costs. Mr. Williams stated the last rough bid he received was a minimum of \$10,000 plus the costs of hauling away debris. Mr. Kearney asked how the City recovers the costs. City Attorney Zollicoffer responded with a lien on the property.

Council Member Rainey asked who owns the building. Mr. Williams stated the owners and parties of interest are Deryl Von Williams, Reginald Hinton, Jimmy Lawrence and Betty Jean Lawrence are the beneficiaries of a Deed of Trust recorded in Vance County Register of Deeds Book 1031, page 587.

City Manager Griffin stated Mr. Williams has been working with Ms. Porcha Brooks in the County Tax Department to identify and garnish lien properties. He also stated that there does not seem to be any effort to secure the building and/or remove the tree. Mr. Griffin expressed concern that the building will continue to deteriorate and suggested Council move forward at this time with approval of the demolition.

Council Member Daeke said historically the owners have had a generous amount of time to improve the building, as required. He said the lack of presence of Ms. Von Williams indicated him that clean up would not occur and felt the building could be a danger to residence. Mr. Griffin stated at one time the area was blocked off due to falling debris.

Council Member Coffey asked how long ago the building was purchased. Attorney Zollicoffer stated approximately ten (10) years ago. Ms. Coffey stated her opinion that the City is trying to clean up downtown, there are apartments being built in the area and that the City should go forward with the demolition.

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

Council Member Daeke moved the approval of Ordinance 11—74, *Demolition of Garnett Street (Parcel 0002 05008A)*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Inscoc, Daeke, Daye, Kearney and Coffey. NO: Rainey and Peace-Jenkins. ABSTAIN: None. ABSENT: Davis. *(See Ordinance Book 8, p 351)*

(Clerk's Note: Neither Ms. Von Williams nor Mr. Hinton were in attendance; however, proper notification was given.)

Authorizing Execution and Approval of CSX Facility Encroachment Agreement No. CSX 691920; and Consideration of Approval of Ordinance 11—73, FY12 Budget Amendment #27, Amending Budget for Additional Fees for Spring Street Sanitary Sewer Replacement Required by CSX. (Reference: CAF 11—A—115; Resolution 11—118; Ordinance 11—73)

City Manager Ray Griffin asked Assistant City Manager Frazer to update Council. Mr. Frazier stated a contract was approved for Harris Equipment Company on 12 September 2011 for sewer pipe replacement and manhole rehabilitation. Since that time, CSX Transportation accepted the project plans; however, CSX provided a *Statement of Fees* which was not included in the original budget. Included in the fees were insurance costs and a license fee for the contractor to perform work within CSX's easement and right-of-way. The cost for this, plus hours for flaggers, if needed, is not expected to exceed \$3,000.

Council Member Kearney asked if this is a cap amount. Attorney Zollicoffer responded CSX can be arbitrary and the City is at their mercy.

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

Council Member Inscoe moved the approval of Resolution 11—118, *Authorizing Execution and Approval of CSX Facility Encroachment Agreement No. CSX 691920; and Ordinance 11—73, FY12 Budget Amendment #27, Amending Budget for Additional Fees for Spring Street Sanitary Sewer Replacement Required by CSX.* Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Davis. (See *Resolution Book 2, p 237; Ordinance Book 8, p. 349*)

Henderson-Vance Economic Development Commission Report on Recent Activities by Stuart Litvin. (No CAF, Resolution or Ordinance)

Economic Development Director Stuart Litvin presented an update on the Commissions activities and stated he hopes to make this an annual presentation. Mr. Litvin summarized the information on his handout by segments. Since coming on board this Fall, Mr. Litvin has seen the By-Laws revised, formed a Strategic Plan Committee and is developing a "Floating" business plan. Also, two marketing committees have been formed; one for basic industries and the other for retail businesses.

Mr. Litvin reviewed their marketing activities, existing industry retention and expansion visits and meetings. The EDC is in the process of establishing a disaster preparedness seminar for local business owners in conjunction with the Vance-Henderson Chamber of Commerce and E-911.

In summary, he has been working proactively with local, regional and state officials to make Henderson and the County a better place.

Authorizing a Primary and Secondary Agent in Conjunction with a Disaster Assistant Agreement with FEMA for Cost Incurred with Hurricane Irene Cleanup. (Reference: CAF 11—154; Resolution 11-121)

City Manager Griffin stated Council's approval is needed for the Mayor to sign the necessary documents to file for and receive the reimbursement of \$39,289.08 that the City is eligible for as a result of the cleanup costs from Hurricane Irene.

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

Council Member Coffey moved the approval of Resolution 11—121, *Authorizing a Primary and Secondary Agent in Conjunction with a Disaster Assistant Agreement with FEMA for Cost Incurred with Hurricane Irene Cleanup*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Daye, Kearney, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: Davis. (See Resolution Book 2, p. 243)

Authorizing the Use of Contingency and Other Line Item Funds of the Harriett Street Water Main Project in Conjunction with Final Milling and Resurfacing Work. (Reference: CAF 11—155; Resolution 11—122)

City Manager Griffin asked Assistant City Manager Frazier to update Council. Mr. Frazier stated two quotes were received for the milling and resurfacing of Harriett Street. Nu-Tech Paving from Youngsville was the low bidder at \$28,481.60 versus S.T. Wooten's bid of \$30,635.00. Once approved, work can begin promptly.

Council Member Coffey asked approximately how long the project should take. Mr. Frazier responded, depending on the weather, two to three days at the most.

Council Member Daeke asked what size pipe was used. Mr. Frazier said a 2" pipe was replaced with an 8" pipe which was a much needed upgrade.

Council Member Inscoe asked if the manhole problem would be addressed. Mr. Frazier stated yes.

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

Council Member Daeke moved the approval of Resolution 11—122, *Authorizing the Use of Contingency and Other Line Item Funds of the Harriett Street Water Main Project in Conjunction with Final Milling and Resurfacing Work*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Daeke, Daye, Kearney, Coffey, Inscoe, Rainey and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: Davis. (See Resolution Book 2, p. 245)

Authorizing Corporate Resolution Update for First Citizens Bank Amending Signatories on Account. (CAF 11—156; Resolution 11—124)

City Manager Ray Griffin stated this is a housekeeping issue. The new Finance Director, Katherine Brafford, needs to be added to the signature cards at First Citizens Bank and the change is set to coincide with her first day of work which is 29 December 2011. City Manager Griffin and Assistant City Manager Frazier will remain signers on the account with Ms. Brafford, Mr. Griffin and Mr. Frazier as first, second and third signers respectively.

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

Council Member Daeke moved the approval of Resolution 11—124, *Authorizing Corporate Resolution Update for First Citizens Bank Amending Signatories on Account*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Daye, Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins and Daeke. NO: None. ABSTAIN: None. ABSENT: Davis. (See Resolution Book 2, p. 249)

CONSENT AGENDA

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

- a. **Officially Changing the Names of Hillcrest Street, Ashmont Drive and Barclay Road; and Ordinance 11—71, Modifying Chapter 7, Division 2, Stop Intersections to Change Street Names.** These two ordinances change the official street names to coincide with E-911 and the wishes of residence. (CAF 11—148; Resolution 11—113; Ordinance 11—71) (See Resolution Book 2, p 227; Ordinance Book 8, p 345)
- b. **Modifying City of Henderson's Code of Ordinances, Chapter 4, Relative to Elmwood Cemetery, and 2) Ordinance 11—66, Creating Chapter 4A to the City Code Relating to All Other Cemeteries in City Limits.** This ordinance allows provides for changes in the City Code relating to Elmwood and other cemeteries within City limits. (Reference: CAF 11—98; Ordinance 11—46 and Ordinance 11—66) (See Ordinance Book 8, pgs 295 and 335)
- c. **Authorizing the Mayor to Sign on Behalf of the City, a Supplemental Agreement Relative to the Beckford Drive Widening Project.** This resolution allows Mayor O'Geary to sign a supplemental agreement for the Beckford Drive widening project. (Reference: CAF 11—144; Resolution 11—108) (See Resolution Book 2, p 217)

Mayor O'Geary asked if anyone wished to remove an item from the Consent Agenda. There was no such request. Mayor O'Geary then asked for a motion to approve the Consent Agenda as presented.

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

WORK SESSION ITEMS

Amending City Code Section 12-1, Providing for Appeal Rights Regarding the Fire Prevention Codes. *(Reference: CAF 11—143; Ordinance 11—70)*

City Manager Griffin stated that currently the Fire Prevention Code does not allow for any appeal process and asked City Attorney Zollicoffer to present further information to Council.

Attorney Zollicoffer to be in line with the National Fire Protection Association, he has amended the City Code Section 12-1 by adding an appeals process which includes the establishment of an Appeals Board with members appointed by Council. Members must not be full time employees of the City; must be qualified by experience and training on matters pertaining to hazards of fire, explosions; must be familiar with fire protection systems and hazardous conditions. Attorney Zollicoffer recommends the board be comprised of three individuals.

Council Member Coffey asked if Council would vote on the board members. Council Member Inscoe asked if the members would be pre-appointed or wait until an appeal was filed. Attorney Zollicoffer suggested members be pre-appointed.

City Manager Griffin said an issue came through his office that brought this to his attention and that an amicable agreement was reached with the aggrieved party. He said if this is approved for action, he would suggest the Boards and Commissions Committee report to Council with candidates and that they are appointed to staggered terms to coincide with other committees. Council Member Daeke confirmed that a quorum for the three-member board would be two (2).

Fire Chief Wilkerson was asked how often appeals had been filed. Chief Wilkerson stated this was his first and added the appeal process should be put in place if another appeal occurred.

It was the consensus of Council to establish a board which would serve at the pleasure of Council and to bring this back to Council for approval in 2012.

Adopting the KLRWS 2007 Local Water Supply Plan. *(Reference: CAF 11—147; Resolution 11—112)*

City Manager Griffin asked KLRWS Director Christy Lipscomb to explain this resolution. Ms. Lipscomb stated the water plan is updated yearly and reviewed by the State every five (5) years. The State has been shorthanded and they have just completed their review for 2007.

This resolution will be brought to the next council meeting for action.

Supporting Urban Progress Zone Designation. *(Reference: CAF 11—35; Resolution 11—120)*

City Manager Griffin asked Economic Development Commission (EDC) Director Stuart Litvin to brief Council. Mr. Litvin said this program is sponsored by the NC Department of Commerce and the EDC has agreed to prepare an application for the City to be designated as an Urban

Progress Zone. The Urban Progress Zone program provides economic incentives to stimulate new investment and job creation in economically distressed areas by offering incentives. Mr. Griffin said if the City is approved Mr. Litvin would work with the City to strategically narrow the zones as required by the program.

Council member Rainey asked if the incentives were for new businesses only. Mr. Litvin was unsure and said he would inquire. Council Member Inscoe asked how many industrial/commercial zones would be established. Mr. Griffin said that would be determined after the City is approved.

Council Member Coffey asked about specific small businesses. Mr. Litvin said he knew of no criteria.

Council Member Daeke asked if there was an application fee. Mr. Litvin said no.

With approval of Council, this program will be brought back to a future council meeting.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised no citizen had signed-up to address City Council.

REPORTS

Mayor/Mayor Pro Tem/Chairman Pro Tem – Mayor O’Geary wished everyone a very Merry Christmas. He thanked each Council member for their help and hard work throughout the year.

City Manager- Mr. Griffin first recognized Planning Director Erris Dunston who received a master’s degree in Public Administration this week. He stated working full time and going to school is something for which she should be commended.

Being the last meeting of the year, Mr. Griffin thanked Council for their diligence and support. He also wished everyone a Merry Christmas.

The annual audit is nearing completion and should be submitted to the LGC by the end of the month. Mr. Griffin anticipates Mr. Brafford will present the audit to Council during the first meeting in 2012.

Mr. Griffin then passed on *thank you* from numerous staff regarding the extra bonus dollars and the salary increase Council so generously approved.

He then wished everyone a Merry Christmas and a safe holiday season.

City Attorney – Attorney Zollicoffer wished all a Merry Christmas

City Clerk - (No Report)

Council Member Coffey stated she had asked the *Daily Dispatch* to share that Council members did not take a salary increase. She stated she felt it was important for citizens to know.

With no further comments, Mayor O'Geary asked for a motion to adjourn.

ADJOURNMENT

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Daeke and unanimously approved. The meeting adjourned at 8:23 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk