



## **AGENDA**

**Henderson City Council Work Session Meeting**  
**(Immediately following Short Regular Meeting)**

**Monday, 28 February 2011, 6:00 p.m.**

**R. G. (Chick) Young, Jr. Council Chambers, Municipal Building**  
**134 Rose Avenue**  
**Henderson, North Carolina**

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.

### **I. CALL TO ORDER**

### **II. ROLL CALL**

### **III. WORK SESSION ITEMS**

- a) Consideration of Resolution 11—02, Approving Engineering Contract for Julia Avenue Project (CAF 11—02) [See Notebook Tab # 7]*
  - Resolution 11—02
- b) Consideration of Approval of Resolution 11—13, Approving the Award of Contract for the Harriet Street Project (CAF 11—21) [See Notebook Tab #8]*
  - Resolution 11—13
- c) Consideration of Approval of Resolution 11—19, Approving the Closing of a Portion of Glenn Avenue (CAF 11—36) [See Notebook Tab #9]*
  - Resolution 11—19

<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.

- d) Consideration of Approval of Resolution 11—28 Accepting the 2011 Strategic Plan (CAF 11—49) [See Notebook Tab #10]
  - Resolution 11—28
- e) Consideration of Approval of Ordinance 11—04, Amending the Water Shortage Response Ordinance to Align with State Law and Guidelines.(CAF 11—05 ) [See Notebook Tab# 11]
  - Ordinance 11—04
- f) Information Relative to 2010 Census Redistricting and Potential Impacts on 2011 Elections (CAF 11—53 ) [See Notebook Tab# 12]
- g) Consideration of Approval of Resolution 11—30, FY12 Budget Work Session Schedule(CAF 11—52)[See Notebook Tab# 13]
  - Resolution 11—30
- h) Information Related to Amending the Storm Water Ordinance to Incorporate New Verbiage Relative to New Criteria [See Notebook Tab# 14]
  - CM 11-02
- i) Information Related to Award of Industry Drive Water Main Project Grant [See Notebook Tab# 15]
  - CM 11-03

#### IV. ADJOURNMENT

**City Council Minutes**  
**Work Session**  
**28 February 2011**

---

**PRESENT**

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

**ABSENT**

None

**STAFF PRESENT**

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Engineering Director Peter Sokalski and Kerr Lake Regional Water Plant Manager Christy Lipscomb

**CALL TO ORDER**

The 28<sup>th</sup> day of February 2011 Work Session of the Henderson City Council was called to order by Mayor James D. O'Geary at 7:36 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.

**WORK SESSION ITEMS**

**Approving Engineering Contract for Julia Avenue Project** (*Reference: CAF 11-02; Resolution 11-02*)

City Manager Griffin asked Engineering Director Peter Sokalski to come forward to address Council on both the Julia Avenue Project and the Harriet Street project.

Director Sokalski stated Phase 2 of the Julia Avenue project includes utility and housing redevelopment. He stated no final approval is expected but there are two issues to consider. One is that Council authorize accepting the second phase and second is a proposal from Appian Consulting for establishing specifications for a Public Facilities Manual. Mr. Sokalski stated Appian has worked with several other cities to establish specific engineering designs — cities

*Minute Book 42*

28 February, 2011 Work Session Minutes

Page 1 of 6

such as Jacksonville, Wake Forest and Clayton. A synopsis of the proposal for a public facilities manual is found as Attachment A to Resolution 11-29.

Council Member Rainey asked if Appian's information is confined to city limits and ETJ. City Manager Griffin stated it would pertain to all City projects. Council Member Coffey asked if specifications different for all cities. Mr. Sokalski stated specifications vary and Appian provides specifications specific to each city.

Council Member Daeke asked for confirmation that COG (Council of Government) is paying the City \$38,500. Mr. Sokalski responded yes.

With no further discussion, Council unanimously agreed to move forward with this project.

**Approving the Award of Contract for the Harriet Street Project (Reference: CAF 11--21; Resolution 11-13)**

Engineering Director Sokalski stated there is approximately a 920 linear foot water main that has experienced numerous leaks resulting in many pavement repairs and patches. All engineering design has been done in-house and informal bids were requested from several contractors. Two firms responded and the recommendation is to contract with H. G. Reynolds. Mr. Sokalski stated funds were budgeted approximately a year ago at \$70,000; however the bids came in significantly higher at \$125,000. Mr. Sokalski asked Council to consider obtaining additional funds from contingency items.

Council Member Inscoe asked if this project had been advertised. Assistant City Manager Frazier stated this had been handled informally. Mr. Sokalski stated the information received is the same as what would be submitted formally. H stated he called five potential bidders and only two responded. Mr. Inscoe asked that this project be sent out for formal bids.

Council Member Daeke asked why the difference in cost. Assistant City Manager Frazier stated when the original numbers were calculated there was less patching to complete, besides there has been significant price increases in materials. Mr. Frazier stated it had been a while since the City has done a project such as this and he went on to state that the two bids received were very close in total costs. Mr. Frazier stated the bids were within \$2,000. Council Member Rainey agreed that formal bids should be requested and asked how current the bid submissions were. Mr. Sokalski stated the bids were received last Thursday. Mr. Rainey stated he would like to keep the work local to keep the dollars in-town. Mr. Sokalski stated the only difference between a formal and informal bid would be advertising in the paper versus calling bidders.

Council Member Daeke stated he was hopeful more bids would be received if a formal bid was requested. Mr. Daeke also asked for confirmation that some of the funds for this project were coming from monies left from the Perry Street project. Mr. Frazier stated that was true. Mr. Griffin stated the monies for Perry Street came from capital reserve.

*Minute Book 42*

28 February, 2011 Work Session Minutes

Page 2 of 6

Mr. Sokalski stated if a formal bid is requested it would require advertising in the paper for seven (7) days. Council Member Inscoe stated he felt Council owed due diligence to the community to obtain the best price. He also asked about the Powell Bill and its flexibility. Mr. Griffin advised the resources would come from the water fund rather than Powell Bill since the work is water fund related work. Council Member Rainey felt it would be more ethical if a formal bid was advertised.

Council Member Inscoe then asked when a formal or informal bid is requested. City Manager Griffin stated there is no specific policy at this time. After further discussion it was the consensus of Council to reject the current bids and to request formal bids for this project to be brought back before Council.

It was also consensus of Council that a policy be established for formal/informal bidding and this matter be brought forward at a future work session.

**Approving the Closing of a Portion of Glenn Avenue** (*Reference: CAF 11-36; Resolution 11-19*)

Assistant City Manager Frazier received a request from Red Birds of Henderson, LLC to permanently close the unbolt portion of Glenn Avenue. This portion of Glenn Avenue (from Maynard to US1) has never been opened. If the resolution is passed, the next step would be for Attorney Zollicoffer to do the legal work. Mr. Frazier stated there is an \$800 application fee that goes with this request that covers legal fees such as recording, and advertising.

Council Member Rainey asked if any City dollars have been used to maintain this property. Mr. Frazier stated the street was never built. It is just open land.

Council Member Coffey was unfamiliar with the Red Birds and asked about the company. Mr. Frazier stated he was not sure. Ms. Coffey then asked who pays the application fee. Mr. Frazier stated Red Birds.

There was no further discussion.

It was the unanimous consensus of Council to move forward with this item.

**Accepting the 2011 Strategic Plan** (*Reference: CAF 11-49; Resolution 11-28*)

City Manager Griffin stated the Strategic Plan incorporates changes from the January strategic planning session. The binder containing the Plan is large enough to incorporate notes and updates on the Scorecard and can be added to throughout the year. He asked Council Members to notify him if they have any questions or changes and to please return the planning session binder.

It was the unanimous consensus of Council to move this forward with this item

*Minute Book 42*

28 February, 2011 Work Session Minutes

Page 3 of 6

**Amending the Water Shortage Response Ordinance to Align with State Law and Guidelines** (*Reference: CAF 11-05; Ordinance 11-04*)

The City Manager asked Kerr Lake Regional Water Plant Manager Christy Lipscomb to address Council on this matter. Ms. Lipscomb stated previously the State required changes to the Kerr Lake Regional Water System Water Shortage Response Plan and Council approved those changes with Resolution 10-110. Since then, the State has come back saying the City of Henderson falls within the Kerr Lake Regional Water System Water Shortage Response Plan and that the City's existing ordinance does not meet all the criteria.

There was no discussion on this item.

It was the unanimous consensus of Council to move forward with this amendment.

**FY12 Budget Work Session Schedule** (*Reference: CAF 11-52*)

City Manager Griffin stated the proposed budget work schedule has been set with nine (9) work sessions beginning 9 May and ending with adoption of the budget on 27 June. Mr. Griffin stated the delay in beginning the process is because hopefully the State budget will become available to the City.

Council Member Rainey asked about the time of these meetings. Mr. Griffin stated they would all begin at 6:00 p.m. except those that fall on regular scheduled Council meeting days which will follow the normal schedule (7:00 p.m. for Regular meetings and 6:00 p.m. for Short Regular meetings).

It was the unanimous consensus of Council to accept this Schedule.

**Information Related to Amending the Storm Water Ordinance to Incorporate New Verbiage Relative to New Criteria** (*Reference: CM 11-02*)

City Manager Griffin asked Engineering Director Peter Sokalski to address Council on this amendment.

Director Sokalski stated the changes are highlighted in the Executive Summary of CM 11-02. He stated that Attorney Zollicoffer had approved the changes. As background, he stated in 2004 the City met the Tar-Pamlico Nutrient Management Regulations and since then changes to the program have been made as well as the status of the City's stormwater program. The EPA now sees the City of Henderson as a Phase II Community meaning the City has a population over 10,000. This increases the amount of regulation and oversight on stormwater runoff. The City sits on a ridge with half the stormwater flowing into the Tar-Pamlico River basin and the other half flowing into the Roanoke River basin. Mr. Sokalski stated the changes to the ordinance incorporate new verbiage on nutrient buy down, incorporating the entire city limits.

*Minute Book 42*

28 February, 2011 Work Session Minutes

Page 4 of 6

As general information, Mr. Sokalski stated Council could look at requiring escrow accounts from builders when permits are issued for future addition/repair of buffers.

Council Member Rainey thanked Mr. Sokalski for a job well done. Council Member Coffey stated this was very thorough information.

City Manager Griffin asked if any approvals are needed. Mr. Sokalski stated the steps would be to go before the Planning Board, receive State approval and then make modifications/changes to the Ordinance. He suggested an open forum for contractors in the process. Mr. Griffin asked about time frame and Mr. Sokalski stated approximately 3 months to come back before Council. Mr. Griffin asked who would hold the escrow accounts.

Mr. Sokalski stated there are two methods. One, the City could control the accounts and the other would be having the accounts held by the private developer who would have to give a yearly accounting. Mr. Griffin felt City held accounts would provide greater protection. Council Member Coffey asked if the escrow account would be interest bearing. Mr. Sokalski responded no. Council Member Daeke stated he felt the escrow account is a great idea and asked what other cities are doing. Mr. Sokalski stated some require 80%, some 50%. He thought Raleigh, Holly Springs and Cary required 110% and while Rocky Mount currently requires 25% but understood they were in the process of increasing the requirement to 50%. Mr. Daeke stated he was in favor. Mr. Inscoe felt a public forum with contractors was needed and Ms. Coffey agreed.

With no further discussion, Council unanimously agreed to move forward with this amendment.

**Information Relative Award of Industry Drive Water Main Project Grant (Reference: CM 11-03)**

City Manager Griffin stated Council has earlier asked that attempts be made to find funding assistance for this project. A pre-application was submitted to N.C. Rural Center and the good news is partial funding has been located with the assistance of Representative James W. Crawford and Senator Doug Berger through the N. C. Rural Center. The funding requires 7 jobs be created by a private company at \$10,000 each.

Council Member Inscoe asked how long the funds can be held. Assistant City Manager Frazier stated he was unsure. Mr. Inscoe stated in his experience job based grants had an eighteen (18) month period to create jobs or the funds had to be paid back.

Mr. Griffin stated the property owners have not submitted an annexation petition as required in City Code. He also stated Mr. Frazier has contacted the property owners several times with no action on their part. He suggested Council consider the precedent and policy they wish to set for future requests. Mr. Griffin asked Mr. Frazier to send another letter to the property owners and then Council can consider how to proceed.

Council unanimously consented to move forward.

*Minute Book 42*

28 February, 2011 Work Session Minutes

Page 5 of 6

## **ADJOURNMENT**

Council Member Davis moved for adjournment. Motion seconded by Council Member Daye and unanimously approved. The meeting adjourned at 8:28 p.m.

---

James D. O'Geary  
Mayor

***ATTEST:***

---

Esther J. McCrackin  
City Clerk



#### Part 4. Modification of Form of Government.

##### § 160A-101. Optional forms.

Any city may change its name or alter its form of government by adopting any one or combination of the options prescribed by this section:

- (1) Name of the corporation:  
The name of the corporation may be changed to any name not deceptively similar to that of another city in this State.
- (2) Style of the corporation:  
The city may be styled a city, town, or village.
- (3) Style of the governing board:  
The governing board may be styled the board of commissioners, the board of aldermen, or the council.
- (4) Terms of office of members of the council:  
Members of the council shall serve terms of office of either two or four years. All of the terms need not be of the same length, and all of the terms need not expire in the same year.
- (5) Number of members of the council:  
The council shall consist of any number of members not less than three nor more than 12.
- (6) Mode of election of the council:
  - a. All candidates shall be nominated and elected by all the qualified voters of the city.
  - b. The city shall be divided into single-member electoral districts; council members shall be apportioned to the districts so that each member represents the same number of persons as nearly as possible, except for members apportioned to the city at large, if any; the qualified voters of each district shall nominate and elect candidates who reside in the district for seats apportioned to that district; and all the qualified voters of the city shall nominate and elect candidates apportioned to the city at large, if any.
  - c. The city shall be divided into single-member electoral districts; council members shall be apportioned to the districts so that each member represents the same number of persons as nearly as possible, except for members apportioned to the city at large; and candidates shall reside in and represent the districts according to the apportionment plan adopted, but all candidates shall be nominated and elected by all the qualified voters of the city.
  - d. The city shall be divided into electoral districts equal in number to one half the number of council seats; the council seats shall be divided equally into "ward seats" and "at-large seats," one each of which shall be apportioned to each district, so that each council member represents the same number of persons as nearly as possible; the qualified voters of each district shall nominate and elect candidates to the "ward seats"; candidates for the "at-large seats" shall reside in and represent the districts according to the apportionment plan adopted, but all candidates for "at-large" seats shall be nominated and elected by all the qualified voters of the city.
  - e. The city shall be divided into single-member electoral districts; council members shall be apportioned to the districts so that each member represents the same number of persons as nearly as possible, except for members

apportioned to the city at large, if any; in a nonpartisan primary, the qualified voters of each district shall nominate two candidates who reside in the district, and the qualified voters of the entire city shall nominate two candidates for each seat apportioned to the city at large, if any; and all candidates shall be elected by all the qualified voters of the city.

If either of options b, c, d or e is adopted, the council shall divide the city into the requisite number of single-member electoral districts according to the apportionment plan adopted, and shall cause a map of the districts so laid out to be drawn up and filed as provided by G.S. 160A-22 and 160A-23. No more than one half of the council may be apportioned to the city at large. An initiative petition may specify the number of single-member electoral districts to be laid out, but the drawing of district boundaries and apportionment of members to the districts shall be done in all cases by the council.

(7) Elections:

- a. Partisan. – Municipal primaries and elections shall be conducted on a partisan basis as provided in G.S. 163-291.
- b. Nonpartisan Plurality. – Municipal elections shall be conducted as provided in G.S. 163-292.
- c. Nonpartisan Election and Runoff Election. – Municipal elections and runoff elections shall be conducted as provided in G.S. 163-293.
- d. Nonpartisan Primary and Election. – Municipal primaries and elections shall be conducted as provided in G.S. 163-294.

(8) Selection of mayor:

- a. The mayor shall be elected by all the qualified voters of the city for a term of not less than two years nor more than four years.
- b. The mayor shall be selected by the council from among its membership to serve at its pleasure.

Under option a, the mayor may be given the right to vote on all matters before the council, or he may be limited to voting only to break a tie. Under option b, the mayor has the right to vote on all matters before the council. In both cases the mayor has no right to break a tie vote in which he participated.

(9) Form of government:

- a. The city shall operate under the mayor-council form of government in accordance with Part 3 of Article 7 of this Chapter.
- b. The city shall operate under the council-manager form of government in accordance with Part 2 of Article 7 of this Chapter and any charter provisions not in conflict therewith. (1969, c. 629, s. 2; 1971, c. 698, s. 1; c. 1076, s. 1; 1973, c. 426, s. 19; c. 1001, ss. 1, 2; 1975, c. 19, s. 64; c. 664, s. 6.)