

## **AGENDA**

**Henderson City Council Short Regular Meeting**

**Monday, 25 July 2011, 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, 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 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.

---

<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.

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

**VI. APPROVAL OF MINUTES**

*a) 11 July 2011 Regular Meeting [See Notebook Tab #1]*

**VII. PRESENTATIONS AND RECOGNITIONS**

*a) Mr. Stuart Litvin – EDC Director*

**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.<sup>3</sup>

**IX. NEW BUSINESS**

*a) Consideration of Approval of Ordinance 11—44, FY 12 Budget Amendment #2, Spring Street Sanitary Sewer Replacement. (CAF 11—95) [See Notebook Tab # 2]*

- Ordinance 11—44

*b) Consideration of Approval of Resolution 11—73, Closeout of COPS Hiring Grant (2009-RK-WX-0584). (CAF 11—100) [See Notebook Tab # 3]*

- Resolution 11—73

*c) Consideration of Approval of Resolution 11—33, Reaffirming the City's Bidding and Procurement Policy in Accordance with the North Carolina General Statutes and Strengthening its Policy Relative to the Availability and Notification of Upcoming Projects to Local and Minority Contractors. (CAF 11-56) [See Notebook Tab # 4]*

- Resolution 11—33

*d) Consideration of Approval of a) Resolution 11—78, Authorizing Award of Engineering Contract for Proposal for Surge Investigation by Hazen and Sawyer, PC in the Amount Not to Exceed \$10,000; and b) Budget Ordinance 11—50, FY 12 Budget Amendment #5 Appropriating Additional Funds to the CIP Water Hydraulics/Water Quality Study. (CAF 11—106) [See Notebook Tab # 5]*

- Resolution 11—78
- Ordinance 11—50

- e) Consideration of Resolution 11—76, Ratifying the Submission of a Request to Extend the FY 10-11 Weed and Seed Program (#2010-WX-ZX-0108), for Closeout Purposes and Ordinance 11—49, Budget Amendment #4, Effecting Said Program’s Extension Budget. *(CAF 11—104)* [See Notebook Tab #6]

- Resolution 11—76
- Ordinance 11—49

## **X. 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 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 Notes and Schedule Update [See Notebook Tab # 7]

## **XVI. ADJOURNMENT**

---

### **<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 - DRAFT**

### **11 July 2011**

---

#### **PRESENT**

Mayor James D. O'Geary, Presiding; and Council Members, James C. Kearney, Sr., Sara M. Coffey, 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, Jr., City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Sandra Wilkerson, Planning Director Erris Dunston and Henderson Water Reclamation Facility Director Tom Spain.

#### **CALL TO ORDER**

The 11 July 2011 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 7:00 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 that a quorum was present.

Mayor O'Geary welcomed everyone to the meeting. He presented a plaque which was received from Franklin-Granville-Vance Partnership for Children thanking Council for its support of the Ducky Derby last year. The Mayor shared that Franklin-Granville-Vance raised almost \$8,000 at the Derby and hope to raise even more this year. Mayor O'Geary stated the children were so excited as they watched the ducks float down the street and he looks forward to seeing them this year.

*(Clerk's Note: Council Members Davis and Daye arrived at 7:02 p.m.)*

#### **ADJUSTMENTS TO/APPROVAL OF AGENDA**

Mayor O'Geary asked if there were any adjustments to the Agenda. City Attorney John Zollicoffer, Jr. asked for ratification of the April 21 Resolution 11-46, A Resolution Authorizing

*Refinancing of 2001 Revenue Bonds; and the June 27 Resolution 11-65, A Resolution Authorizing Issuance of Combined Enterprise System Revenue Refunding Bonds, Series 2011 of the City of Henderson, North Carolina and Requesting the North Carolina Local Government Commission to Sell Such Bonds at Private Sale, with the new resolutions which will be submitted to the Local Government Commission and bond attorney. With that addition, Council Member Rainey moved to accept the Agenda. Motion seconded by Council Member Inscoe and unanimously approved.*

## **APPROVAL OF MINUTES**

Mayor O'Geary asked for any corrections to and/or approval of the minutes. City Clerk Esther McCrackin advised that City Attorney John Zollicoffer Jr. requested a slight rewording on the discussion regarding the Bond issue and a new set of draft minutes for the 13 June Regular Meeting was handed out prior to the meeting with the rewording highlighted. Council Member Davis moved the approval of the following minutes: 13 June Regular Meeting (with the change), 27 June Short Regular Meeting and 27 June Work Session. Motion seconded by Council Member Daye and unanimously approved.

## **PUBLIC HEARINGS**

**A Zoning Amendment to Rezone 19.28+/- acres located at I-85 Southbound and SR 1312 Parham Road (Vance County Tax Map 0037A, Block 06, Lot 003, 004 and 005) from R-15M (Moderate to Low Density, Residential-HUD Code Home District) to B-2 (Highway Commercial) Zoning District. (Reference: CAF 11—93; Ordinance 11—42)**

City Manager Ray Griffin asked Planning Director Erris Dunston to brief Council. Ms. Dunston stated this rezoning would open commercial access on Parham Road and said the other side of I-85 is currently zoned commercial. This rezoning was petitioned by the Vance County Tourism Development Authority and both the Planning Board and staff favor this change.

Council Member Kearney asked if this rezoning would allow for other business. Ms. Dunston responded yes.

Mayor O'Geary opened the public hearing and asked if anyone would like to speak in favor of this rezoning.

**Ms. Nancy Wilson, Director of the Vance County Tourism Authority.** Ms. Wilson expressed appreciation to Council for their consideration. The property is at Exit 215 and stated all other exits within Henderson are zoned commercial. She also stated their request was for two lots, not three.

No other citizen came forward to speak in favor of this rezoning.

Mayor O'Geary then asked for those who wished to speak against the rezoning to come forward.

**Mr. Jesse Thomas, 401 Parham Road.** Mr. Thomas stated his concern was how the space would be used after-hours and hoped the area would not become drug-infested. He had no problem with a Welcome Center as long as it did not bring crime to the area.

**Ms. Audrey Davis, 116 Northwoods.** Ms. Davis lives in the ETJ and her concern was lack of notification. She requested more information on the exact location, impact expected to the neighborhood and why that area.

Planning Director Dunston stated letters were sent to adjacent property owners and the property was posted.

There being no further comments, Mayor O'Geary thanked everyone for participating and closed the public hearing.

City Attorney Zollicoffer Jr. reminded Council that rezoning cannot be for specific uses. He also stated that the notifications complied with the law. Council Member Kearney felt going a step further would be a courtesy to the neighborhood and City Manager Griffin asked Ms. Dunston to set up a meeting with surrounding property owners to answer questions. Ms. Dunston agreed.

Council Member Davis moved the approval of Ordinance 11—42, *A Zoning Amendment to Rezone 19.28+/- acres located at I-85 Southbound and SR 1312 Parham Road (Vance County Tax Map 0037A, Block 06, Lot 003, 004 and 005) from R-15M (Moderate to Low Density, Residential-HUD Code Home District) to B-2 (Highway Commercial) Zoning District.* Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 8, p.287.)

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

City Clerk McCrackin advised no citizens desired to speak before Council on agenda items.

#### **NEW BUSINESS**

**Ratification of Resolutions 11-46 and 11-65 Making Certain Findings in Connection with the Authorization and Issuance of Combined Enterprise System Revenue Refunding Bonds, Series 2011 of the City of Henderson, North Carolina and Requesting the Local Government Commission to Sell Such Bonds At Private Sale.**

City Attorney Zollicoffer, Jr. asked Council to ratify *nunc pro tunc* Resolutions 11-46 and 11-65 which have been slightly reworded by Gundars Aperans to receive approval from the Local Government Commission and the Bond Council.

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

Council Member Rainey moved the approval of ratification of Resolutions 11-46 (now 11-A-46), *Making Certain Findings in Connection with the Authorization and Issuance of Combined Enterprise System Revenue Refunding Bonds, Series 2011 of the City of Henderson, North Carolina and Requesting the Local Government Commission to Sell Such Bonds at Private Sale*, and Resolution 11-65 (now 11-A-65), *Resolution Relating to the Authorization and Issuance of Combined Enterprise System Revenue Refunding Bonds, Series 2011 of the City Of Henderson, North Carolina*. Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye, and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 2, p 92-A and p 132-A.)

**A Resolution of the Henderson City Council ratifying and approving the Mayor's signature on the 2009-2010 Clean Water Partner's Round 1 Supplemental Grant: Project # 2010-266-40101-112, Amendment No. 2).** (Reference CAF 11—99; Resolution 11—72)

City Manager Griffin asked Henderson Water Reclamation Director Spain to address Council. Mr. Spain stated the US system is 2-3 weeks from start-up. He continued by saying that this amendment reflects the \$75,000 rebate received from Trojan.

Council Member Coffey asked for verification that the \$75,000 is a credit and the project budget would be recalculated by this amount. Mr. Spain responded yes. Council Member Inscoe asked if the \$100,000 was included in the original budget. City Manager Griffin responded yes.

Mr. Spain responded the \$75,000 was part of the original budget and that the Rural Center had already made the change.

Council Member Kearney asked if this was the final action. Mr. Spain responded yes; as far as he was aware and Mr. Griffin stated there have been several technical amendments because of the different organizations involved. He continued that this amendment holds the City harmless.

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

Council Member Coffey moved the approval of Resolution 11—72, *A Resolution of the Henderson City Council ratifying and approving the Mayor's signature on the 2009-2010 Clean Water Partner's Round 1 Supplemental Grant: Project # 2010-266-40101-112, Amendment No. 2).* Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 2, p. 145.)

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

City Clerk McCrackin advised two citizens wished to address Council.

**Ms. Carolyn H. Hicks, 1631 Stewart Avenue.** Ms. Hicks expressed concern regarding the police and sheriff's departments and asked for time to discuss her issues. City Manager Griffin stated he would be happy to meet with Ms. Hicks and asked the City Clerk to arrange a

meeting. (Clerk's Note: At Ms. Hicks' request, a meeting has been set for the first week of August with the City Manager)

**Mr. Armand Hargrove, 348 Fern Lane.** Mr. Hargrove represented the non-profit organization called Connections 4 Real. He presented Council members with a flyer detailing the Stop the Violence campaign which will be held in Henderson on July 29-30, 2011. Mr. Hargrove highlighted portions of the event and thanked Council Member Coffey for donating space at her work location for kids activities. Council Member Coffey stated she is currently attempting to obtain live radio time for the event.

## REPORTS

a) Mayor/Mayor Pro-Tem (No Report)

b) City Manager - Mr. Griffin stated that a memo had been distributed prior to the meeting from Kerr Lake Regional Water System Director Christy Lipscomb showing 61 items had been sold through GovDeals Auction for a total of \$40,458.55.

Council Member Inscoe asked if these dollars went to the General Fund. Following a brief discussion Finance Director Wilkerson stated all \$40,458.55 was designated to the General Fund.

City Attorney Zollicoffer, Jr. reminded Council that a decision needed to be made regarding the Bennett Perry house before September. Mayor O'Geary asked Council members to contact the City Clerk with times they would be available to tour the building. Mayor O'Geary stated only two Council members at a time would be able to take the tour.

Council Member Coffey asked if the cost of renovations would be known before reaching an agreement. City Manager Griffin responded the home would need improvements but felt the first step was the tour and encouraged everyone to set up a time within the next couple of weeks. If this is done, Mr. Griffin will add this topic to the work session on 25 July.

Council Member Rainey expressed his desire to keep the home if at all possible. He stated so many old buildings had not been maintained within the City and felt this home represented a family which was a vital part of the City's development. Mayor O'Geary felt the same stating especially since it was a gift to the City.

c) City Attorney (No Report)

d) City Clerk (No Report)



## ADJOURNMENT

Council Member Davis moved for adjournment. Motion seconded by Council Member Peace-Jenkins and unanimously approved. The meeting adjourned at 7:44 p.m.

---

James D. O'Geary  
Mayor

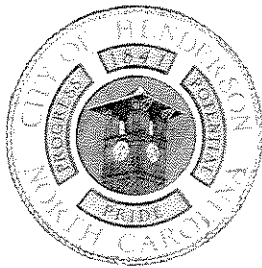
***ATTEST:***

---

Esther J. McCrackin  
City Clerk

**City Council Action Form**

Office of City Manager  
 P. O. Box 1434  
 Henderson, NC 27536  
 252.430.5701



**Agenda Item:** \_\_\_\_\_

**Council Meeting:** 25 July 2011 Short Meeting

11 July 2011

**TO:** The Honorable Mayor James D. O'Geary and Members of City Council

**FR:** A. Ray Griffin, Jr., City Manager

**RE:** CAF: 11—95

**Consideration of Approval of Ordinance 11—44, FY 12 Budget Amendment #2, Spring Street Sanitary Sewer Replacement**

**Ladies and Gentlemen:**

**Council Retreat Goals Addressed By This Item:**

- KSO 5: *Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems.*

**Recommendation:**

- Approval of Ordinance 11—44, FY 12 Budget Amendment #2, Spring Street Sanitary Sewer Replacement.

**Executive Summary**

During a routine inspection of the sewer system along Spring Street (from the intersection of Spring Street and William Street to the intersection of Spring Street and Garnett Street), several issues were noted by the Public Services Department as follows:

1. The sewer main (ductile iron pipe) has corroded to the point that failure could occur under the existing railroad crossing. The encasement pipe is currently keeping the pipe in place and operational.
2. The manhole near the intersection of Spring Street and Garnett Street needs to be rehabilitated. Currently, a steel plate is in place over the existing manhole to add support to the area and to protect heavy vehicular traffic from a potential cave in.
3. Also, there is a manhole within the intersection of Garnett Street and Spring Street that needs to be rehabilitated. The existing sewer connection within the manhole has failed with the pipes broken around the manhole itself.

Based on these issues, the Engineering Department has been working on a repair plan for all three items. A preliminary estimate by a local contractor is \$150,000. The cost is extremely high, but in discussion with the contractor, the project is considered high risk with potential for use of temporary pumping, hazardous conditions of the work (as the sewer must continue to flow during the replacement and repair operations) and additional restrictions due to CSX Transportation regulations. We are requesting at this time to obtain \$150,000 for all three repairs that need to be accomplished at the same time.

**Enclosures:**

1. Ordinance 11—44

## ORDINANCE 11—44

Council Member \*\* introduced the following Ordinance that was seconded by Council Member \*\* and read:

**FY 2011-2012**  
**AN AMENDMENT TO THE CIP SEWER – SPRING STREET SANITARY SEWER**  
**REPLACEMENT**  
**BUDGET AMENDMENT #2**

***WHEREAS***, the City Council of the City of Henderson on July 10, 1995 adopted the CIP-Sewer Budget; *and*

***WHEREAS***, it is necessary to amend the various revenue and expense accounts of the CIP-Sewer Fund as different projects open and close.

***NOW THEREFORE BE IT ORDAINED*** by the City Council of The City of Henderson, that the following Ordinance be approved and said Ordinance shall be effective immediately upon approval of the City Council:

**CIP SEWER FUND**

**REVENUES:**

| Account Number | Revenue Line Item                       | Current Budget | Amended Amount   | Total Revised Budget |
|----------------|---|----------------|------------------|----------------------|
| 44-444-4610-71 | Transfer from Capital Reserve Utilities | \$0.           | \$150,000        | \$150,000            |
| <b>Total</b>   |   | <b>\$0</b>     | <b>\$150,000</b> | <b>\$150,000</b>     |

**CIP SEWER FUND**

**EXPENDITURES: SPRING STREET SANITARY SEWER REPLACEMENT**

| Account Number | Expenditure Line Item | Current Budget | Amended Amount   | Total Revised Budget |
|----------------|-----------------------|----------------|------------------|----------------------|
| 44-852-5102-00 | Legal/Admin           | \$0            | \$2,500          | \$2,500              |
| 44-852-5099-00 | Contingency           | \$0            | 10,000           | 10,000               |
| 44-852-5104-00 | Construction          | \$0            | \$137,500        | \$137,500            |
| <b>Total</b>   |                       | <b>\$0</b>     | <b>\$150,000</b> | <b>\$150,000</b>     |

The foregoing Ordinance 11—44, upon motion of Council Member \*\* and second by Council Member \*\*, and having been submitted to a roll call vote and received the following votes and was \*\*\*\* on this the 25th day of July 2011: YES: . NO: . ABSTAIN: . ABSENT: .

---

James D. O'Geary, Mayor

**ATTEST:**

---

Esther J. McCrackin, City Clerk

*Reference: Minute Book \*\*1, p. \*\*\*.*

---

**STATE OF NORTH CAROLINA  
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 11—44 adopted by the Henderson, City Council in Regular Session on \*\*\*\*, (*Minute Book \*\*\*, p.\*\**). This Ordinance is recorded in *Ordinance Book 8, p. \*\*\*.*

Witness my hand and corporate seal of the City, this \*\*\*\*\*.

---

Esther J. McCrackin  
City Clerk  
City of Henderson, North Carolina

**FY 2011-2012**  
**Budget Ordinance Amendment #2**  
**CAF #11-70**

**CIP Sewer – Spring Street Sanitary Sewer Replacement**

This amendment establishes a new project budget in the CIP Sewer Fund to replace pipe and other serious manhole issues due to corroded ductile iron pipe in the sewer system along Spring Street (from the intersection of Spring Street and William Street to the intersection of Spring Street and Garnett Street). The City will contract this work out.

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_  
Sandra Wilkerson, Finance Director

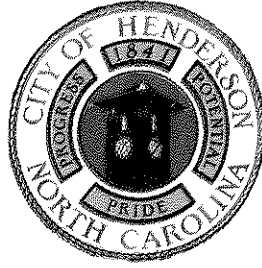
Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Frank Frazier, Asst. City Manager

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
A. Ray Griffin, Jr., City Manager

Approved by: City Council Date: \_\_\_\_\_

**City Council Action Form**

Office of City Manager  
 P. O. Box 1434  
 Henderson, NC 27536  
 252.430.5701



Agenda Item: \_\_\_\_\_

Council Meeting: 25 Jul 11 SRM


---

 11 July 2011
**TO:** The Honorable Mayor James D. O'Geary and Members of City Council**FR:** A. Ray Griffin, Jr., City Manager**RE:** CAF: 11—100**Consideration of Approval of Resolution 11—73, Closeout of COPS Hiring Grant****Ladies and Gentlemen:****Council Retreat Goals Addressed By This Item:**

- na

**Recommendation:**

- Approval of Resolution 11—73, Closeout of COPS Hiring Grant (2009-RK-WX-0584)

**Executive Summary:**

In 2009, the City was awarded a COPS Hiring Grant in the amount of \$369,306. The funds were designated to pay the salaries of three (3) new positions for Police Officer 1 level. Over time, the City would have to 'pick up' these three positions.

Given the turnover issue within the Police Department, the City was only able to utilize \$2,696.97 of the grant funds since accepting the grant award. The reorganization and reclassification of the police officer positions pursuant to the FY12 Budget approvals resulted in the reduction in force of 10 funded positions—five from general funds, two from asset forfeiture funds and three from the COPS grant funds. The reduction in the sworn officer count that existed at the time of grant award means the City cannot use the grant funds due to supplication.

This was discussed at the time the reorganization was presented to Council during the budgetary review process. Approval of the attached Resolution will have the effect of authorizing the closeout of the COPS Hiring Grant.

**Enclosures:**

1. Resolution 11—73

## RESOLUTION 11—73

### A RESOLUTION AUTHORIZING ACTIONS TO CLOSEOUT THE US DEPARTMENT OF JUSTICE FOR COPS HIRING RECOVERY PROGRAM GRANT (2009-RK-WX-0584)

**WHEREAS**, the Henderson City Council (Council) authorized the application for the 2009 COPS Hiring Grant in the amount of \$396,306 in Federal Funds (no local match required) for the purpose of three (3) new full-time police officers for a period of three (3) years at which time the City will be required to continue funding for these positions via **Resolution 09-34** at its 13 April 2009 Meeting; *and*

**WHEREAS**, the Council accepted the award of said grant via **Resolution 09-79** at its 14 September 2009 Meeting; *and*

**WHEREAS**, continued and unprecedented turnover in the Police Department and inability to hire and retain police officers resulted in the Council approving, as part of its FY12 Budget review and adoption process via **Resolution 11-56** at its 13 June 2011 Meeting, a reorganization and reclassification plan for sworn police officers in an effort stabilize the police workforce, and said reorganization resulted in the reduction of 10 positions; five of which are funded with general funds, two of which are funded with asset forfeiture funds and three of which are funded with said COPS Hiring Grant; *and*

**WHEREAS**, the City has only been able to draw down \$2,696.97 of said COPS Hiring Grant funds since its award in 2009 and continued use of said funds would be supplementation given the reduction in the sworn officer workforce.

**NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL** that it does hereby authorize 1) the closeout of the COPS Hiring Recovery Program Grant (2009-RK-WX-0584); 2) repayment of funds previously drawn-down in the amount of \$2,696.97; and 3) the Mayor and/or City Manager, as appropriate, are authorized to sign documentation as appropriate to effect closeout of the said grant.

The foregoing Resolution, introduced by Councilmember \*\*\*\* and seconded by Councilmember \*\*\*\* on this the 25<sup>th</sup> day of July 2011, and having been submitted to a roll call vote, was \*\*\*\* by the following votes: YES: NO: ABSTAIN: ABSENT:

---

James D. O'Geary, Mayor

**ATTEST:**

---

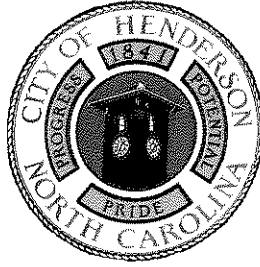
Esther J. McCrackin, City Clerk  
Approved to Legal Form:

---

John H. Zollicoffer, Jr., City Attorney  
*Reference: Minute Book 42, p. \*\*.*

**City Council Action Form**

Office of City Manager  
P. O. Box 1434  
Henderson, NC 27536  
252.430.5701



**Agenda Item:** \_\_\_\_\_

**Council Meeting:** 25 July 11 Short Reg Meeting

---

15 July 2011

**TO:** The Honorable Mayor James D. O'Geary and Members of City Council  
**FR:** A. Ray Griffin, Jr., City Manager  
**RE:** CAF: 11—56 *A. Ray Griffin*  
**Consideration of Approval of Resolution 11—33, Reaffirming the City's Bidding and Procurement Policy in Accordance with the North Carolina General Statutes and Strengthening its Policy Relative to the Availability and Notification of Upcoming Projects to Local and Minority Contractors.**

**Ladies and Gentlemen:**

**Recommendation:**

- Consideration of Approval of Resolution 11—33, Reaffirming the City's Bidding and Procurement Policy in Accordance with the North Carolina General Statutes and Strengthening its Policy Relative to the Availability and Notification of Upcoming Projects to Local and Minority Contractors.

**Executive Summary**

The City's current bid and procurement policy was discussed at the June workshop meeting and explained that the City followed the North Carolina General statutes. It was discussed also that the City may not have a good way to provide notification of upcoming bids to the local contractors as well as minority contractors for the smaller projects that do not require formal advertising. As a way to improve on this, the following steps are to be taken:

1. The City will set up a link on the City of Henderson web page that will allow contractors to register their email address as a qualified contractor. Once a project is released for bidding, an email will go out to all contractors on the updated email list.
2. From the link on the main web page, a separate page would be set up to list the projects currently released for bidding, as well as providing more detailed information on each project. Some of the information may include, but is not limited to, the type of project, contact information, etc.
3. The responsibility will rely with the contractors to include their email address and any other information requested to stay current and up to date. The City would not be responsible in the event the email is returned as undeliverable.
4. Project notices will also be sent to the Henderson/Vance Chamber of Commerce along with links to the North Carolina Institute of Minority Economic Development.

**Enclosures:**

1. Resolution 11—33



## RESOLUTION 11—33

### **A RESOLUTION REAFFIRMING THE CITY'S BIDDING AND PROCUREMENT POLICY IN ACCORDANCE WITH THE NORTH CAROLINA GENERAL STATUTES AND STRENGTHENING ITS POLICY RELATIVE TO THE AVAILABILITY AND NOTIFICATION OF UPCOMING PROJECTS TO LOCAL AND MINORITY CONTRACTORS.**

*WHEREAS*, the City Council asked for staff to report on Bidding and Procurement procedures and a report was given at the June 27, 2011 workshop session; *and*

*WHEREAS*, the Director of Engineering presented a PowerPoint presentation outlining the procedures and bidding requirements, as required by the North Carolina General Statutes; *and*

*WHEREAS*, the City Council desired to see a better defined policy and measures put in place to insure that local and minority contracts are notified of upcoming projects that they may be qualified to bid on; *and*

*WHEREAS*, the staff has outlined steps in the Executive Summary of CAF 11—56 in which contractors may register to be included on an email list for notification of upcoming projects.

***NOW, THEREFORE BE IT RESOLVED*** by the Henderson City Council that it does hereby reaffirm the City's existing policy regarding Bidding and Procurement and the actions to be put in place to strengthen its policy relative to the availability and notification of upcoming projects to local and minority contractors, said actions more fully articulated in Attachment A to this Resolution.

The foregoing Resolution 11—33, upon motion of Council Member \*\* and second by Council Member \*\*, and having been submitted to a roll call vote received the following votes and was \*\*\*\*\* on this the 25<sup>th</sup> day of July, 2011: YES: . NO: . ABSTAIN: . ABSENT: .

---

James D. O'Geary, Mayor

***ATTEST:***

---

Esther J. McCrackin, City Clerk

Approved to Legal Form:

---

John H. Zollicoffer, Jr., City Attorney

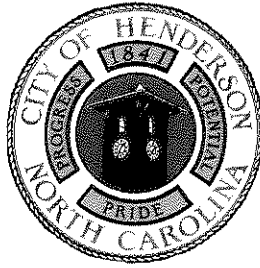
*Reference: Minute Book 42, pp. \*\*.*

The City's current bid and procurement policy was discussed at the June workshop meeting and explained that the City followed the North Carolina General statutes. It was discussed also that the City may not have a good way to provide notification of upcoming bids to the local contractors as well as minority contractors for the smaller projects that do not require formal advertising. As a way to improve on this, the following steps are to be taken:

1. The City will set up a link on the City of Henderson web page that will allow contractors to register their email address as a qualified contractor. Once a project is released for bidding, an email will go out to all contractors on the updated email list.
2. From the link on the main web page, a separate page would be set up to list the projects currently released for bidding, as well as providing more detailed information on each project. Some of the information may include, but is not limited to, the type of project, contact information, etc.
3. The responsibility will rely with the contractors to include their email address and any other information requested to stay current and up to date. The City would not be responsible in the event the email is returned as undeliverable.
4. Project notices will also be sent to the Henderson/Vance Chamber of Commerce along with links to the North Carolina Institute of Minority Economic Development.

**City Council Action Form**

Office of City Manager  
P. O. Box 1434  
Henderson, NC 27536  
252.430.5701



**Agenda Item:** \_\_\_\_\_

**Council Meeting:** 25 Jul Short Meeting

22 July 2011

**TO:** The Honorable Mayor James D. O'Geary and Members of City Council

**FR:** A. Ray Griffin, Jr., City Manager

**RE:** CAF: 11—106

- ARX*
- a) Consideration of Approval of Resolution 11—78, Authorizing Award of Engineering Contract for Proposal for Surge Investigation by Hazen and Sawyer, PC in the Amount Not To Exceed \$10,000;
  - b) Consideration of Budget Ordinance 11—50, Authorizing Additional Funds to the CIP Water Hydraulics/Water Quality Study for the Shirley Drive Pressure Investigation.

**Ladies and Gentlemen:**

**Council Goals Addressed By This Item:**

- KSO 5 – Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems.

**Recommendation:**

- Approval of Resolution 11—78, Authorizing Award of Engineering Contract for Proposal for Surge Investigation by Hazen and Sawyer, PC in the Amount Not to Exceed \$10,000.
- Consideration of Approval of Budget Ordinance 11—50, FY 12 Budget Amendment #5, Appropriating Additional Funds to the CIP Water Hydraulics/Water Quality Study.

**Executive Summary**

The City is experiencing a significant amount of water line breaks along Shirley Drive, which is a 10" AC pipe, estimated to have been installed during the 1940's/50's. Due to a break back in March 2011, the City staff requested help from Hazen and Sawyer concerning possible causes for the continued breaks in the area. They placed a pressure gauge at the intersection of Avis Lane and Shirley Drive and one at Nelson Street and Shirley Drive at existing fire hydrants and obtained readings from a Saturday thru a Monday, for a total of 2.5 days. The gauges showed continued spikes in the water system. The spikes are abnormal and as the Shirley Drive watermain connects to the 12" watermain along Dabney Drive, the water system on the west side of the City may be affected. This work was completed under the original hydraulic study with Hazen and Sawyer, PC. The City staff requested approval for a detailed pressure investigation, however, it was not approved by the City Council pending the completion of the system-wide hydraulic study.

More recently, three additional breaks have occurred along Shirley Drive within the past three weeks. With labor costs, material costs for new pipe, repair of the road, repair of driveway and/or drainage ditch, the overall cost per break is estimated at \$15,000. Due to the amount of recent breaks, the proximity of

the breaks to each other and the uncertainty of the cause of the problem, the City staff recommends the following immediate action:

- Initiate a pressure/surge investigation within the vicinity of Shirley Drive. The City staff will enlist the aid of Hazen and Sawyer, PC to help with the overall investigation in determining the potential cause for the unknown pressure surges within the system.
- Replace the existing watermain along Shirley Drive. The City staff is recommending a bid be placed for the project and for allowance to begin the project immediately once the bid(s) have been received from the Contractor. The City staff recommends that we proceed with an informal bid and contract on the project to allow for the shortest time allotment and quick turnaround to begin construction. This will include reuse of existing ductile iron pipe that have been installed through the various breaks, replacement of 1,400 linear feet of watermain to ductile iron pipe, placement of additional valves within the main lines, correction/repair of watermain connections at the Nelson Street intersection and asphalt repair. The preliminary estimate for the project is approximately \$308,200. Once the project is bid, this section will be brought before the City Council for approval.

The money for the above will need to be allotted with the following breakout:

- Not to Exceed \$10,000 for the Proposal for Surge Investigation by Hazen and Sawyer, PC.
- \$308,200 for Replacement of Shirley Drive Watermain. This figure is from an engineer's estimate and is thought to be on the high end.

**Enclosures:**

1. Resolution 11—78
2. Ordinance 11—50
3. Proposal for Surge Investigation by Hazen and Sawyer, PC

## RESOLUTION 11—78

### A RESOLUTION AUTHORIZING AWARD OF ENGINEERING CONTRACT FOR PROPOSAL FOR SURGE INVESTIGATION BY HAZEN AND SAWYER, PC IN THE AMOUNT NOT TO EXCEED \$10,000

**WHEREAS**, the City Council conducted its Annual Planning Retreat in January 2010, and during said Retreat identified Strategic Objectives and Goals; *and*

**WHEREAS**, this Resolution addresses KSO 5: *Provide Reliable, Dependable Infrastructure*—To provide reliable, dependable and environmentally compliant infrastructure systems; *and*

**WHEREAS**, the City Council has provided funding to perform an original hydraulic and water quality study by Hazen and Sawyer, PC per Resolution 10-64; *and*

**WHEREAS**, Shirley Drive is seeing a substantial amount of watermain breaks with no apparent causes; *and*

**WHEREAS**, Shirley Drive is connected to the 12" watermain along Dabney Drive, which serves and connects to the majority of the west side of Henderson and could be affected; *and*

**WHEREAS**, Hazen and Sawyer has the capability and the ability to perform this investigation quickly in conjunction with their original contract.

**NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE** awarding of Engineering Contract for Shirley Drive Pressure Investigation to Hazen and Sawyer, PC in the amount of \$10,000; *and*

**BE IT FURTHER RESOLVED** that the Mayor is authorized to sign all agreements and documents necessary to effect said Agreement.

The foregoing Resolution 11—78, upon motion of Council Member \*\* and second by Council Member \*\*, and having been submitted to a roll call vote received the following votes and was \*\*\*\*\* on this the \*\*\* day of \*\*\*\*\* 2011: YES: . NO: . ABSTAIN: . ABSENT: .

---

James D. O'Geary, Mayor

**ATTEST:**

---

Esther J. McCrackin, City Clerk

Approved to Legal Form:

---

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 42, pp. \*\*.*

## ORDINANCE 11—50

Council Member \*\* introduced the following Ordinance that was seconded by Council Member \*\* and read:

**FY 2011-2012**

**AN AMENDMENT TO THE CIP WATER – WATER LINE REPLACEMENT  
SHIRLEY DRIVE WATER LINE STUDY AND REPLACEMENT and  
WATER DISTRIBUTION OPERATING BUDGET  
BUDGET AMENDMENT #5**

**WHEREAS**, the City Council of the City of Henderson on June 23, 1993 adopted the CIP-Water Budget; *and*

**WHEREAS**, it is necessary to amend the various revenue and expense accounts of the CIP-Water Fund as different projects open and close.

**NOW THEREFORE BE IT ORDAINED** by the City Council of The City of Henderson, that the following Ordinance be approved and said Ordinance shall be effective immediately upon approval of the City Council:

**CIP WATER FUND**

**REVENUES:**

| Account Number | Revenue Line Item        | Current Budget | Amended Amount  | Total Revised Budget |
|----------------|--------------------------|----------------|-----------------|----------------------|
| 43-433-4610-30 | Transfer from Water Fund | \$0.           | \$10,000        | \$10,000             |
| <b>Total</b>   |                          | <b>\$0</b>     | <b>\$10,000</b> | <b>\$10,000</b>      |

**CIP WATER FUND**

**EXPENDITURES: WATER LINE REPLACEMENT – SHIRLEY DRIVE WATER LINE REPLACEMENT**

| Account Number | Expenditure Line Item | Current Budget | Amended Amount  | Total Revised Budget |
|----------------|-----------------------|----------------|-----------------|----------------------|
| 43-849-5103-01 | Engineering           | \$0            | \$10,000        | \$10,000             |
| <b>Total</b>   |                       | <b>\$0</b>     | <b>\$10,000</b> | <b>\$10,000</b>      |

**WATER FUND**

**REVENUES:**

| Account Number | Revenue Line Item              | Current Budget | Amended Amount  | Total Revised Budget |
|----------------|--------------------------------|----------------|-----------------|----------------------|
| 30-300-4910-00 | Retained Earnings Appropriated | \$0.           | \$10,000        | \$10,000             |
| <b>Total</b>   |                                | <b>\$0</b>     | <b>\$10,000</b> | <b>\$10,000</b>      |

**WATER FUND**

**EXPENDITURES: WATER DISTRIBUTION**

| Account Number | Expenditure Line<br>Item | Current<br>Budget | Amended<br>Amount | Total Revised<br>Budget |
|----------------|--------------------------|-------------------|-------------------|-------------------------|
| 30-818-5097-07 | Transfer to CIP<br>Water | \$0               | \$10,000          | \$10,000                |
| <b>Total</b>   |                          | <b>\$0</b>        | <b>\$10,000</b>   | <b>\$10,000</b>         |

The foregoing Ordinance 11-50 upon motion of Council Member \*\* and second by Council Member \*\*, and having been submitted to a roll call vote and received the following votes and was \*\*\*\* on this the 25th day of July: YES: . NO: . ABSTAIN: . ABSENT: .

\_\_\_\_\_  
James D. O'Geary, Mayor

***ATTEST:***

\_\_\_\_\_  
Esther McCrackin, City Clerk

*Reference: Minute Book 42, p. \*\*\*.*

**STATE OF NORTH CAROLINA  
CITY OF HENDERSON**

I, Esther McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 11—50 adopted by the Henderson, City Council in Regular Session on \*\*\*\*, (*Minute Book 42, p.\*\**). This Ordinance is recorded in *Ordinance Book 8, p. \*\*\*.*

Witness my hand and corporate seal of the City, this \*\*\*\*\*.

\_\_\_\_\_  
Esther McCrackin  
City Clerk  
City of Henderson, North Carolina

**FY 2011-2012  
Budget Ordinance Amendment #5  
CAF #11-106**

**CIP Water– Water Line Replacement- Shirley Drive**

This amendment establishes a new project budget in the CIP Water Fund to engage in an engineering contract for proposal for surge investigation by Hazen and Sawyer, PC in the amount not to exceed \$10,000. When the contract for construction is brought back to the Council for award, an amendment will accompany it to set up the budget for the total cost of the project.

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_  
Sandra Wilkerson, Finance Director

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Frank Frazier, Asst. City Manager

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
A. Ray Griffin, Jr., City Manager

Approved by: City Council Date: \_\_\_\_\_





Hazen and Sawyer, P.C.  
629 Green Valley Road, Suite 200  
Greensboro, North Carolina 27408  
336-292-7490  
Fax 336-292-5614

July 19, 2011

Mr. Peter Sokalski, P.E.  
Director of Engineering  
City of Henderson  
Post Office Box 1434  
Henderson, NC 27536

Re: Proposal for Surge Investigation

Dear Mr. Sokalski:

As you requested, this is our proposal for on-call engineering services related to investigating pressure surges in the Shirley Drive area. This project will include flow and pressure measurements to investigate the cause of the surges and recommendations to prevent additional main breaks.

#### **Project Background**

Hazen and Sawyer, P.C. is currently completing a Water System Master Plan and Water Quality Study for the City of Henderson. The project included measuring flows and pressures, updating and calibrating a hydraulic model of the existing distribution system, simulating future demands and recommending improvements, as outlined in the scope of work for a July 22, 2010, contract.

City staff has requested additional flow and pressure measurements not included in the scope of the master plan to investigate the cause of pressure surges that were recorded in the Shirley Drive area where the city has experienced numerous main breaks. Pressure measurements conducted March 25-27, 2011, showed pressures fluctuating from 71 psi to 89 psi near the intersection of Shirley Drive and Nelson Street.

The proposed investigation will include recording pressures at several intersections in the vicinity of Shirley Drive to try and determine the cause of the pressure fluctuations. We expect the greatest fluctuations closest to the cause of the problem. We will study billing records in this area to identify commercial customers who may be using water at high flow rates. If these preliminary tests indicate a particular customer may be causing the problem, subsequent flow and pressure measurements will document the problem in detail, including measurements of flow rates through the customer's meter. After the cause of the surges is identified, we will make recommendations to solve the problems and prevent future main breaks.

### **Scope of Work**

- 1) **Meet with city staff to plan field investigations.** This task will consist of a meeting with city staff to review the locations of planned pressure measurements for the preliminary investigation.
- 2) **Conduct field tests.** We will provide nine calibrated pressure loggers for recording pressures at city hydrants in the problem area. The loggers will record average, maximum and minimum pressures for each minute of a four-day period that includes a weekend, when the problems usually occur. If the loggers do not record any surges, the measurements will be repeated the following weekend. After identifying a suspect location, we will study billing records in this area to identify the commercial customer most likely causing the problem and provide a meter master device that will record flow rates through the customer's meter for each minute of a four-day period, again including a weekend. We will simultaneously record pressures at the customer's meter and at nearby hydrants.
- 3) **Run model simulations.** If the investigation requires hydraulic modeling to investigate or explain the field measurements, we will set up and run the city's hydraulic model as needed.
- 4) **Present preliminary results and recommendations to city staff.** We will prepare a PowerPoint presentation summarizing and explaining the flow and pressure measurements, make preliminary recommendations to solve the surge problem, answer questions from city staff, and obtain staff input for any further investigations.
- 5) **Prepare technical memo summarizing modeling results.** If requested by city staff, we will prepare a technical memo that summarizes the project.

### **Proposed Fee**

We propose billing at the following hourly rates, which remain in effect through June 30, 2012:

- \$100.00 per hour for Assistant Engineers
- \$125.00 per hour for Senior Field Coordinators and Principal Engineers
- \$145.00 per hour for Associates
- \$210.00 per hour for Senior Associates
- \$40.00 per hour for interns and technical editors

Expenses will be billed at cost, including travel expenses at \$0.555 per mile. The total fee will not exceed TEN THOUSAND DOLLARS (\$10,000.00) without further authorization.

**Cooperation by the City**

This proposal assumes the city will provide:

- Billing records, drawings, maps or as-built plans of the water system as needed
- Trained personnel for operating hydrants, accessing customer meters and installing test equipment as needed for the flow and pressure measurements
- Transportation in a city vehicle while conducting field tests
- Safety equipment and trained personnel for entering confined spaces, if needed

**Schedule**

We will begin the project within 14 days of authorization to proceed and complete the project within 60 days.

Please call us if you have any questions about this proposal.

Sincerely,

**HAZEN AND SAWYER, PC**



Jeffrey R. Cruickshank, PE  
Greensboro Office Manager

Accepted By: \_\_\_\_\_

(Signature)

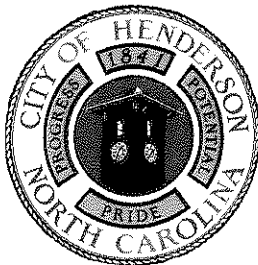
Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**City Council Action Form**

Office of City Manager  
P. O. Box 1434  
Henderson, NC 27536  
252.430.5701



**Agenda Item:** \_\_\_\_\_

**Council Meeting:** 25 Jul 11 Short Reg Meeting

July 15, 2011

**TO:** The Honorable Mayor James D. O'Geary and Members of City Council

**FR:** A. Ray Griffin, Jr., City Manager

**RE:** CAF: 11—104

**Consideration of Resolution 11—76, Ratifying the Submission of a Request to Extend the FY10-11 Weed and Seed Program (#2010-WX-ZX-0108), for Closeout Purposes and Ordinance 11—49, Budget Amendment # 4, Effecting Said Program's Extension Budget.**

**Ladies and Gentlemen:**

**Council Goals Addressed By This Item:**

- KSO 2: Reduce Crime – To Reduce Crime and Provide for a Safe Community.
- KSO 8: Provide Financial Resourcing – To Provide Sufficient Funds for Municipal Operations and Capital Outlay Necessary to Meet the Needs of Citizens, Customers, and Mandates of Regulatory Authorities

**Recommendation:**

- Consideration of Resolution 11—76, Ratifying the Submission of a Request to Extend the FY10-11 Weed and Seed Program (#2010-WX-ZX-0108), for Closeout Purposes and Ordinance 11—49, Budget Amendment # 4, Effecting Said Program's Extension Budget.

**Executive Summary**

The Henderson-Vance Weed and Seed program is in its fifth and final year of funding. The Federal government has eliminated all weed/seed program funding from the Department of Justice's budget. All programs will cease operations at the end of the Federal budget year, ending September 30, 2011. As this is the final year of operation, a number of final program and financial reports will be due within 60-90 days after the end of the Federal budget year. It is necessary to request both a three month extension of the program, and a budget adjustment, which will allow the Weed/Seed Coordinator to remain employed in order to complete reports and close out documents as required by the Department of Justice. These would include: Financial Status Reports, final expenditure draw down of funds, 6 month and annual progress reports which would be due December 31, 2011, final close out report, and any other required reports or documents required by either the Community Capacity Development Office or the Department of Justice. This will allow for an orderly and proper final close out of the Henderson-Vance Weed and Seed Program.

Since the program extension is only for the purpose of program closeout, the part-time staff position will be eliminated on 30 September 2011 and no service programs or Weed & Seed police activities will be provided beyond 30 September.

The Weed/Seed Steering Committee met on July 21, 2011 and has approved both the requested extension and the budget adjustment.

**Enclosures:**

1. Resolution 11—76
2. Ordinance 11—49
3. Henderson-Vance Weed/Seed Steering Committee Minutes from May 19, 2011
4. Addendum to the May 19, 2011 Weed/Seed Steering Committee Minutes
5. Grant Adjustment Notice from the U.S. Department of Justice

# RESOLUTION 11—76

## A RESOLUTION AUTHORIZING A THREE MONTH EXTENSION RATIFYING THE WEED/SEED PROGRAM

**WHEREAS**, Henderson and Vance County have previously been awarded the Federally designated status for a Weed and Seed Community through the Community Capacity Development Office of the Department of Justice, and

**WHEREAS**, the Henderson-Vance Weed and Seed program is in its fifth and final year of funding, and

**WHEREAS**, the Henderson-Vance Weed and Seed program will end on September 30, 2011 which is the end of the Federal fiscal year, and

**WHEREAS**, there are required program and financial reports and documents that must be prepared and submitted to the Department of Justice including: Financial Status Reports, Final Expenditure draw-downs, six month progress reports that are due December 31, 2011, and final project close out reports that will be due, and

**WHEREAS**, the requested three month extension and budget adjustment will allow the Henderson-Vance Weed and Seed Coordinator to remain employed during the extension period and complete the required final reports and to properly close out the project as specified and required by the Department of Justice

**NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL** that it does hereby ratify and approve the submission of the required documentation to the Community Capacity Develop Office with the Department of Justice to request the necessary three month extension, through December 31, 2011, and it further accepts the U.S. Department of Justice's offer to extend the program through 31 December 2011 for the purposes of effecting grant program closeout activities.

The forgoing Resolution 11-76, introduced by Council Member \*\*\* and seconded by Council Member \*\*\* on this the 25<sup>th</sup> day of JULY 2011 and having been submitted to a roll call vote, was \*\*\* by the following votes: YES: NO: ABSTAIN: ABSENT:

---

James D. O'Geary, Mayor

**ATTEST:**

---

Esther McCrackin, City Clerk

Approved to Legal Form:

---

John H. Zollicoffer, Jr., City Attorney

Reference: Minute Book 42, p. \*\*

Resolution Book 2

Resolution 11—76, Page 1 of 1

## ORDINANCE 11—49

Council Member \*\* introduced the following Ordinance that was seconded by Council Member \*\* and read:

### FY 2011-2012 AN AMENDMENT TO THE WEED & SEED 2010 GRANT BUDGET AMENDMENT 4

*WHEREAS*, the City Council of the City of Henderson on September 27, 2010 adopted the Weed & Seed Grant - 2010 Budget; *and*

*WHEREAS*, it is necessary to amend the various revenue and expense accounts of the Weed & Seed Grant – 2010 budget as the scope of the project changes.

*NOW THEREFORE BE IT ORDAINED* by the City Council of The City of Henderson, that the following Ordinance be approved and said Ordinance shall be effectively immediately upon approval of the City Council:

#### **WEED & SEED 2010 FUND** **REVENUES**

| Account Number | Revenue Line Item     | Current Budget | Amended Amount | Total Revised Budget |
|----------------|-----------------------|----------------|----------------|----------------------|
| 95-921-4582-18 | Dept of Justice Grant | \$157,000      | \$0            | \$157,000            |
| Total          |                       | \$157,000      | \$0            | \$157,000            |

#### **WEED & SEED 2010 FUND** **EXPENDITURES**

| Account Number | Expenditure Line Item | Current Budget | Amended Amount | Total Revised Budget |
|----------------|-----------------------|----------------|----------------|----------------------|
| 95-926-5002-00 | Salaries & Wages      | 35,000         | \$4,552        | \$39,552             |
| 95-926-5003-00 | Salaries & Wage PT    | 10,000         |                | 10,000               |
| 95-926-5005-00 | FICA                  | 5,065          | 348            | 5,413                |
| 95-926-5005-01 | Medicare              | 653            |                | 653                  |
| 95-926-5006-00 | Group Insurance       | 4,462          | 1,148          | 5,610                |
| 95-926-5007-00 | Retirement            | 2,223          | 313            | 2,536                |
| 95-926-5008-00 | Overtime              | 36,700         |                | 36,700               |
| 95-926-5011-00 | Telephone             | 1,620          |                | 1,620                |
| 95-926-5014-00 | Travel & Schools      | 7,500          | (6,361)        | 1,139                |
| 95-926-5026-00 | Advertising           | 2,998          |                | 2,998                |
| 95-926-5033-00 | Department Supplies   | 6,013          |                | 6,013                |
| 95-926-5045-00 | Contracted Services   | 37,000         |                | 37,000               |
| 95-926-5054-00 | Insurance             | 1,766          |                | 1,766                |
| 95-926-5074-00 | Capital Outlay        | 6,000          |                | 6,000                |
| Total          |                       | \$157,000      | \$0            | \$157,000            |

The foregoing Ordinance #11—49, upon motion of Council Member \*\* and second by Council Member \*\*, and having been submitted to a roll call vote and received the following votes and was \*\*\*\* on this the 25th day of July 2010: YES: . NO: . ABSTAIN: . ABSENT: .

\_\_\_\_\_  
James D. O'Geary, Mayor

**ATTEST:**

\_\_\_\_\_  
Esther J. McCrackin, City Clerk

Approved to Legal Form:

\_\_\_\_\_  
John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book \*\*1, p. \*\*\*.*

**STATE OF NORTH CAROLINA  
CITY OF HENDERSON**

I, Esther J. McCrackin the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 11— adopted by the Henderson, City Council in Regular Session on \*\*\*\*, (*Minute Book 42, p.\*\**). This Ordinance is recorded in *Ordinance Book 8, p. \*\*\**.

Witness my hand and corporate seal of the City, this \*\*\*\*\*.

\_\_\_\_\_  
Esther J. McCrackin  
City Clerk  
City of Henderson, North Carolina



**FY 11-12**  
**Budget Ordinance Amendment #4**  
**CAF #11—104**

**Weed & Seed 2010**

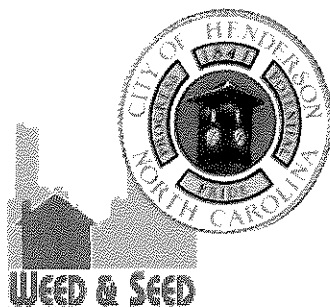
Amendment #4 reduces travel and schools by \$6,361.00 and adjusts the salary and benefits accounts in order to provide staffing from October – December 2010 in order for the grant to be closed out through the Department of Justice.

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_  
Sandra Wilkerson, Finance Director

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Frank Frazier, Asst. City Manager

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
A. Ray Griffin, Jr., City Manager

Approved by: City Council                      Date: \_\_\_\_\_



**Henderson/Vance Weed & Seed  
Steering Committee  
Meeting Minutes  
May 19, 2011**

**Call to order**

Chair Juanita Somerville called the meeting of the Henderson/Vance Weed and Seed on May 19, 2011 at Gateway CDC. Invocation was given by Juanita Somerville.

**Roll Call**

Chair Somerville conducted roll call. Absentee List was read. No Quorum was present.

The following Steering Committee Members were on the excused list (\*) means they submitted their proxy vote

|               |                  |               |
|---------------|------------------|---------------|
| Ray Griffin   | Sandra Wilkerson | Chief Sidwell |
| Donald Hansen | Donald Connelly  |               |

The following Steering Committee Members present:

|                      |                    |               |
|----------------------|--------------------|---------------|
| Donna Sterns         | Alan Gill          | Diane Macklin |
| Phil Lakernick       | Juanita Somerville | Rick Seekins  |
| Hattie Alexander     | Chevon Davis       | Vernon Brown  |
| Officer Jessica West | Officer Feingold   |               |

Youth present:

|                |               |
|----------------|---------------|
| Maurice Mathis | Albany Cooley |
|----------------|---------------|

The following guests present:

|                  |                              |
|------------------|------------------------------|
| Kim Warren (PFC) | Timothy Terry (Group Sports) |
|------------------|------------------------------|

**Approval of minutes from last meeting**

Tabled to next month because a quorum was not present.

**Items of Discussion**

❖ Financial Report-Rick Seekins

- ➔ ○ Tabled to next month because there was no quorum. Phil Lakernick suggested that an email be sent to poll members about requesting an extension and doing

a budget modification. Motion was made by Rick Seekins and 2<sup>nd</sup> by Phil Lakernick all present voted in favor of the motion.

- ❖ **US Attorney's Office – Absent (out of town/business)**
  - No new information.
- ❖ **Safe Haven Reports**
  - ✓ Kim Warren- Progressive Faith Church
  - ✓ Gateway CDC- Juanita Somerville
  - ✓ Equipping Faith Church –No one present
  - ✓ L.E.V.I.- No one present
  - ✓ Group Sports- Tim Terry
- ❖ **Site Coordinator's Report**
  - GPRA Report due June 30, 2011
  - Summer Enrichment Program to start in June 2011 (week after school ends)
- ❖ **Police Report**
  - Off. Jessica West reported on community outreach and golf fundraiser
- ❖ **Steering Committee Chair's Report**
  - SHIP information and upcoming event. SHIP will be held Saturday, May 21, 2011
  - Community Outreach: May-September the monthly meeting will be held at one of the Safe Havens Location as part of the Summer Community Outreach Program
  - Next Steering Committee Meeting will be held on Thursday, June 16, 2011 at 5:30pm; Gateway Community Center, South Garnett Street, Henderson, NC 27536.

### **Adjournment**

Meeting was dismissed by Steering Committee Chair Juanita Somerville

**Minutes submitted by Chevon Davis, Secretary**



**Henderson/Vance Weed & Seed  
Steering Committee  
Meeting Minutes  
June 23, 2011**

**Call to order**

Chair Juanita Somerville called the meeting of the Henderson/Vance Weed and Seed on June 23, 2011 at Gateway CDC. Invocation was given by Geraldine Champion.

**Roll Call**

Chair Somerville conducted roll call. Absentee List was read. No Quorum was present.

**The following Steering Committee Members were on the excused list (\*) means they submitted their proxy vote**

|                 |                  |                   |                |
|-----------------|------------------|-------------------|----------------|
| Ray Griffin     | Sandra Wilkerson | Chief Sidwell     | Margaret Ellis |
| Vernon Brown(*) | Donald Hansen    | Phil Lakernick(*) | Terri Hedrick  |
| Donald Connelly | Alan Gill(*)     | Donna Stearns(*)  | Rick Seekins   |

**The following Steering Committee Members were present:**

|                    |                    |
|--------------------|--------------------|
| Diane Macklin      | Geraldine Champion |
| Juanita Somerville | Lt. Irvin Robinson |
| Hattie Alexander   | Chevon Davis       |

**The following guests were present:**

|                  |                 |
|------------------|-----------------|
| Kim Warren (PFC) | Mrs. Carr (EFC) |
|------------------|-----------------|

**The following Youth was present:**

Keandre Haywood

**Approval of minutes from last meeting**

Tabled to next month because a quorum was not present. Minutes were read for information only.

**Items of Discussion**

- ❖ Financial Report-
  - Tabled to next month because there was no quorum.

- ❖ **US Attorney's Office-Out of Town**
- ❖ **Safe Haven Reports**
  - ✓ **Kim Warren - Progressive Faith Church**
  - ✓ **Gateway CDC - Juanita Somerville**
  - ✓ **L.E.V.I. - submitted a written report**
  - ✓ **Group Sports - submitted a written report**
  - ✓ **Mrs. Carr - Equipping Faith Church**
- ❖ **Police Report, Lt. Robinson**
  - **353 charges over the last few weeks. Gang leader Ernest Augustus Hawkins received 20 yrs Federal Time. He is also referred to as E40.**
- ❖ **Site Coordinator's Report, Hattie Alexander**
  - **All Summer Enrichment Programs have started and is running smoothly.**
  - **A three month extension has been submitted to DOJ to carry thru Dec 31, 2011**
  - **GPRA (Government Performance Results Act) Report is ready for submission to DOJ (Due date is June 30, 2011)**
  - **Upcoming Reports due by July 30<sup>th</sup> are the FSR (Financial Status Report) for April - June 2011 and the Semi-Annual Progress Report for Jan - June 2011**
  - **LEVI will attend the SEMAA Program in Warrenton, NC June 27 - July 1, 2011**
  - **Propose a back to school event for September**
  - **Two resources information:**
    - Warren County Free Clinic NOW OPEN serving Warren and Vance County residents. Must be 18 - 64 years of age and there is an income requirements. For more Info contact 252-257-1904**
    - Legal Aid will have a Renter's Right meeting on July 11, 2011 @ 5:30pm at the Library in Henderson. Open to the public**
- ❖ **Steering Committee Chair's Report, Juanita Somerville**
  - **Geraldine Champion gave a brief report of training received in Detroit**
  - **Let us plan a big event for September**
  - **The next Community Outreach Steering Committee Meeting will be held on Thursday, July 21, 2011 at Progressive Faith Church 735 East Rockspring Street Henderson, NC 27536 @ 5:30pm.**

### **Adjournment**

**Meeting was dismissed by Steering Committee Chair Juanita Somerville**

**Minutes submitted by Chevon Davis, Secretary**

## ADDENDUM

Addendum to Weed and Seed Steering Committee Minutes of Meeting of May 19, 2011.

In reference to an Extension for Grant No. 2010-WS-QX-0108 to change the Grant period ending September 30, 2011 to December 31, 2011, per the nine members present of the Weed and Seed Steering Committee, approval was made for the Site Coordinator to poll the voting Weed and Seed Steering Committee Members.

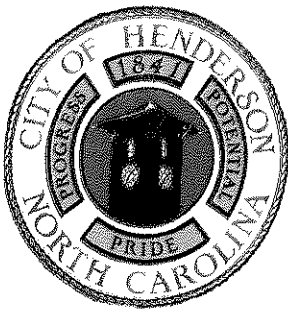
Only 3 voting members in favor of the extension were needed in order to establish a quorum for the approval of requesting an extension. Therefore the Site Coordinator called the following members: Tina Burwell, Marcus Barrow, Irvin Robinson, Elnora O'Hara, and Geraldine Champion. Irvin Robinson, Elnora O'Hara and Geraldine Champion voted in favor of the extension giving the motion the required votes for approval.

Addendum approved by the Steering Committee at their July 21, 2011 meeting.

Submitted by: Hattie Alexander

Date: 7/21/2011

Hattie Alexander, Site Coordinator



# City of Henderson

[www.henderson.nc.us](http://www.henderson.nc.us)

P. O. Box 1434

134 Rose Avenue

Henderson, NC 27536

[halexander@ci.henderson.nc.us](mailto:halexander@ci.henderson.nc.us)

Phone: 252/430-0382 / Fax: 252-438-2786

Office of

**Weed & Seed Coordinator**

Hattie Alexander

TO: Cory Randolph,  
Grant Program Manager, CCDO

FROM: Hattie Alexander, Site Coordinator  
Henderson/Vance Weed and Seed

DATE: June 10, 2011

RE: Grant Extension Request for Grant # 2010-WS-QX-0108

Henderson/Vance Weed and Seed would like to request a 3-month no cost extension for the above referenced grant to extend thru December 31, 2011. The current grant period is for October 1, 2010 to September 30, 2011. Total Award Amount \$157,000.00. As of May 31, 2011 total funds requested at this time, is in the amount of \$63,678.92. Grant balance is \$93,321.08.

This GAN no cost extension is needed to carry the program thru December 31, 2011. Attached is the Henderson/Vance Weed and Seed Steering Committee Minutes of Meeting indicating approval of the Grant Extension Request.

Thank you very much for your assistance. If you have any questions or concerns, please feel free to contact me at the Henderson/Vance Weed and Seed office at 252-430-0382.

Attachments



US DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS

# GRANT ADJUSTMENT NOTICE

## Grantee Information

|                             |  |                               |                         |                    |            |
|-----------------------------|--|-------------------------------|-------------------------|--------------------|------------|
| <b>Grantee Name:</b>        | City of Henderson                              | <b>Project Period:</b>        | 10/01/2010 - 12/31/2011 | <b>GAN Number:</b> | 001        |
| <b>Grantee Address:</b>     | P.O. Box 1434 134 Rose Avenue Henderson, 27536 | <b>Program Office:</b>        | CCDO                    | <b>Date:</b>       | 07/13/2011 |
| <b>Grantee DUNS Number:</b> | 08-236-8556                                    | <b>Grant Manager:</b>         | Cory Randolph           |                    |            |
| <b>Grantee EIN:</b>         | 56-6001245                                     | <b>Application Number(s):</b> | 2010-W0374-NC-WS        |                    |            |
| <b>Vendor #:</b>            | 566001245                                      | <b>Award Number:</b>          | 2010-WS-QX-0108         |                    |            |
| <b>Project Title:</b>       | Henderson/Vance Weed and Seed Initiative       | <b>Award Amount:</b>          | \$157,000.00            |                    |            |

## Change Project Period

|                              |                   |                                 |                   |
|------------------------------|-------------------|---------------------------------|-------------------|
| <b>Current Grant Period:</b> | Month: 11 Day: 29 | <b>New Grant Period:</b>        | Month: 14 Day: 30 |
| <b>Project Start Date:</b>   | 10/01/2010        | <b>*New Project Start Date:</b> | 10/01/2010        |
| <b>Project End Date:</b>     | 09/30/2011        | <b>*New Project End Date:</b>   | 12/31/2011        |

### \*Required Justification for Change Project Period:

A no-cost grant extension of (3) months has been approved to allow the grantee to draw down unexpended funds and continue project implementation that has been delayed. This approval changes the Grant Period end date from

### Attachments:

| Filename:                           | User:      | Timestamp:         |
|-------------------------------------|------------|--------------------|
| Bud_Mod_2010 Rqst Extension-GAN.doc | halexander | 06/23/2011 2:41 PM |
| WS SC Minutes 05-19-11.doc          | halexander | 06/23/2011 2:42 PM |



Print

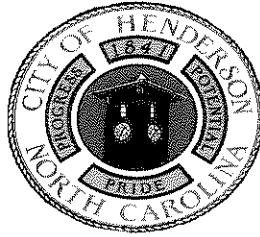
### Audit Trail:

| Description:   | Role:                     | User:       | Timestamp:          |
|----------------|---------------------------|-------------|---------------------|
| Approved-Final | OCFMD - Financial Analyst | SYSTEM_USER | 07/13/2011 12:01 PM |
| Submitted      | PO - Grant Manager        | halexander  | 06/23/2011 2:43 PM  |



# *Meetings and Events Calendar*

| <b>Date</b>           | <b>Time</b>   | <b>Event</b>   | <b>Location</b>   |
|-----------------------|---|--|---|
| July 21 <sup>st</sup> | 5:30 PM   | <b>Weed &amp; Seed Steering Committee</b>                    | City Council Chambers   |
| July 21 <sup>st</sup> | 7:00 PM   | <b>Human Relations Commission</b>                            | City Council Chambers   |
| July 25 <sup>th</sup> | 6:00 PM   | <b>City Council Meeting<br/>Work Session to Follow</b>       | City Council Chambers   |
| Aug 1 <sup>st</sup>   | 3:30 PM   | <b>Henderson Planning Board</b>                              | City Council Chambers   |
| Aug 2 <sup>nd</sup>   | 3:30 PM   | <b>Board of Adjustment</b>                                   | City Council Chambers   |
| Aug 3 <sup>rd</sup>   | 3:30 PM   | <b>Clean Up Henderson Committee</b>                          | City Hall Large<br>Conference Room  |
| Aug 4 <sup>th</sup>   | 12:00 PM  | <b>Special Called City Council<br/>Meeting</b>               | City Hall Large Conference<br>Room  |
| Aug 5 <sup>th</sup>   | 3:30 PM   | <b>Board of Adjustment</b>                                   | City Council Chambers   |
| Aug 8 <sup>th</sup>   | 7:00 PM   | <b>Regular City Council Meeting</b>                          | City Council Chambers   |
| Aug 9 <sup>th</sup>   | 3:00 PM   | <b>Henderson Community<br/>Appearance Commission</b>         | City Council Chambers   |
| Aug 11 <sup>th</sup>  | 12:00 PM  | <b>Henderson-Vance Recreation &amp;<br/>Parks Commission</b> | Aycock Recreation Center  |
| Aug 18 <sup>th</sup>  | 5:30 PM   | <b>Weed &amp; Seed Steering<br/>Committee</b>                | City Council Chambers   |
| Aug 18 <sup>th</sup>  | 7:00 PM   | <b>Human Relations Commission</b>                            | City Council Chambers   |
| Aug 22 <sup>nd</sup>  | 6:00 PM   | <b>City Council Meeting<br/>Work Session to Follow</b>       | City Council Chambers   |
| Sept 5 <sup>th</sup>  |  | <b>LABOR DAY<br/>CITY HALL CLOSED</b>                        |  |
| Sept 6 <sup>th</sup>  | 3:30 PM   | <b>Board of Adjustment</b>                                   | City Council Chambers   |
| Sept 7 <sup>th</sup>  | 3:30 PM   | <b>Clean Up Henderson Committee</b>                          | City Hall Large<br>Conference Room  |
| Sept 8 <sup>th</sup>  | 12:00 PM  | <b>Henderson-Vance Recreation &amp;<br/>Parks Commission</b> | Aycock Recreation Center  |
| Sept 12 <sup>th</sup> | 9:30 AM   | <b>KLRWS Advisory Board Meeting</b>                          | City Hall Large<br>Conference Room  |
| Sept 12 <sup>th</sup> | 3:30 PM   | <b>Henderson Planning Board</b>                              | City Council Chambers   |
| Sept 12 <sup>th</sup> | 7:00 PM   | <b>Regular City Council Meeting</b>                          | City Council Chambers   |
| Sept 13 <sup>th</sup> | 3:00 PM   | <b>Henderson Community<br/>Appearance Commission</b>         | City Council Chambers   |



## **AGENDA**

**Henderson City Council Work Session**  
**Monday, 25 July 2011 Immediately Following Regular Session**  
**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. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA**

### **IV. REGULAR WORK SESSION**

- a)* Consideration of Resolution 11—71 and Ordinance 11—48, Authorizing the Execution of a Utility Agreement with the North Carolina Department of Transportation Relative to a Water Main Relocation in Conjunction with a Bridge Replacement Project and Ordinance 11—48, FY 12 Budget Amendment # 3. (CAF 11—97) [See Notebook Tab # 9]
  - Resolution 11—71
  - Ordinance 11—48
- c)* Consideration of Resolution 11—75, Amendments to City Administrative Policy 6.11, Harassment Policy. (CAF 11—103) [See Notebook Tab # 10]
  - Resolution 11—75

- d)* Consideration of CAF 11-101, Amending Voting Ward Boundary Maps and Descriptions Pursuant to 2010 Federal Decennial Census Redistricting Requirements. [*Notebook Tab # 11*]
  - CAF 11-101
- e)* Consideration of Ordinance 11—08, Amending Chapter 15 of the City Code Providing for Security Deposits and Various Other Amendments. (*CAF 11—16*)[*See Notebook Tab # 12*]
  - Ordinance 11—08
- f)* Consideration of Resolution 11—78, Approving Letter of Agreement with Robert S. Segal. (*CAF 11—105*) [*See Notebook Tab # 13*]
  - Resolution 11—76
- g)* Bennett Perry House. [*See Notebook Tab # 14*]

## **VI. ADJOURNMENT**

**City Council Action Form**

Office of City Manager  
P. O. Box 1434  
Henderson, NC 27536  
252.430.5701



Agenda Item: \_\_\_\_\_

Council Meeting: 25 July 11 Work Session

14 July 2011

TO: The Honorable Mayor James D. O'Geary and Members of City Council

FR: A. Ray Griffin, Jr., City Manager

RE: CAF: 11—97

*ARJ*  
**Consideration of Approval of Resolution 11—71, Authorizing the Execution Of A Utility Agreement With The North Carolina Department Of Transportation Relative To A Water Main Relocation In Conjunction With A Bridge Replacement Project and Budget Ordinance 11—48.**

**Ladies and Gentlemen:**

**Council Retreat Goals Addressed By This Item:**

- KSO 5: *Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems.*

**Recommendation:**

- Approval of Resolution 11—71, Authorizing the Execution of a Utility Agreement with the North Carolina Department of Transportation Relative to a Water Main Relocation in Conjunction with a Bridge Replacement Project.

**Executive Summary**

The North Carolina Department of Transportation (NCDOT) contacted the City of Henderson staff relative to a bridge replacement project BD-5105C, WBS Elements: 45351.3.3 over Red Bud Creek on SR 1120 (Vance Academy Road). There is an existing water main extending along the edge of the bridge that will need to be relocated during the construction of the new bridge. This project entails the relocation of approximately 400 linear feet of water main and the estimated cost is \$119,034. Cities with populations of 5,000 or more are required to participate in these costs. Upon completion of the work, the NCDOT will invoice the City.

It is anticipated that the project will start in March 2012 and completion of the construction will be within five (5) months. A transfer of funds from Utilities Capital Reserve into a project ordinance is necessary in order to budget for this work. The attached Resolution and Ordinance will have the effect of approving the agreement with NCDOT and establishing the project budget.

**Enclosures:**

1. Resolution 11—71
2. Ordinance 11—48

## RESOLUTION 11—71

### A RESOLUTION AUTHORIZING THE EXECUTION OF A UTILITY AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT)

**WHEREAS**, the Henderson City Council (Council) identified eight Key Strategic Objectives (KSO) at its 2010 Strategic Planning Retreat; *and*

**WHEREAS**, one of the Key Strategic Objectives is addressed by this Resolution as follows:  
KSO 5: To Provide Reliable, Dependable and Environmental Compliant Infrastructure Systems; *and*

**WHEREAS**, the NCDOT has prepared and adopted plans to make certain street and highway improvements including project BD-5105C, a bridge replacement project on Vance Academy Road in Vance County; *and*

**WHEREAS**, the City of Henderson (City) has an existing water main that is located within the NCDOT Right of Way that must be relocated in conjunction with the project; *and*

**WHEREAS**, upon completion of the project, the City is required to reimburse the NCDOT 100% of the cost for relocating the water line.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Henderson, North Carolina that it does hereby 1) authorize the approval of the Utility Agreement with NCDOT, said agreement being more fully articulated in *Attachment No. 1 to this Resolution*; *and* 2) authorize the Mayor to execute said agreement with NCDOT.

The foregoing Resolution 11—71, upon motion of Council Member \*\*\* and second by Council Member \*\*\*, and having been submitted to a roll call vote received the following votes and was \*\*\*\* on this the 25<sup>th</sup> day of July 2011: YES: . NO . ABSTAIN: . ABSENT: .

---

James D. O'Geary, Mayor

#### **ATTEST:**

---

Esther J. McCrackin, City Clerk  
Approved as to Legal Form:

---

John H. Zollicoffer, Jr., City Attorney  
*Reference: Minute Book 42, p. \*\*\*.*

## ORDINANCE 11—48

Council Member \*\* introduced the following Ordinance that was seconded by Council Member \*\* and read:

**FY 2011-2012**

**AN AMENDMENT TO THE CIP WATER – WATER LINE REPLACEMENT  
RED BUD CREEK BRIDGE REPLACEMENT PROJECT  
BUDGET AMENDMENT #3**

*WHEREAS*, the City Council of the City of Henderson on June 23, 1993 adopted the CIP-Water Budget; *and*

*WHEREAS*, it is necessary to amend the various revenue and expense accounts of the CIP-Water Fund as different projects open and close.

*NOW THEREFORE BE IT ORDAINED* by the City Council of The City of Henderson, that the following Ordinance be approved and said Ordinance shall be effective immediately upon approval of the City Council:

**CIP WATER FUND**

**REVENUES:**

| Account Number | Revenue Line Item                       | Current Budget | Amended Amount   | Total Revised Budget |
|----------------|---|----------------|------------------|----------------------|
| 43-433-4610-71 | Transfer from Capital Reserve Utilities | \$0            | \$120,000        | \$120,000            |
| <b>Total</b>   |   | <b>\$0</b>     | <b>\$120,000</b> | <b>\$120,000</b>     |

**CIP WATER FUND**

**EXPENDITURES: WATER LINE REPLACEMENT – RED BUD CRK BRIDGE**

| Account Number | Expenditure Line Item | Current Budget | Amended Amount   | Total Revised Budget |
|----------------|-----------------------|----------------|------------------|----------------------|
| 43-848-5104-00 | Construction          | \$0            | \$120,000        | \$120,000            |
| <b>Total</b>   |                       | <b>\$0</b>     | <b>\$120,000</b> | <b>\$120,000</b>     |

The foregoing Ordinance 11-48 upon motion of Council Member \*\* and second by Council Member \*\*, and having been submitted to a roll call vote and received the following votes and was \*\*\*\* on this the 25th day of July: YES: . NO: . ABSTAIN: . ABSENT: .

---

James D. O'Geary, Mayor

**ATTEST:**

\_\_\_\_\_  
Esther McCrackin  
City Clerk

*Reference: Minute Book 42, p. \*\*\*.*

\_\_\_\_\_

**STATE OF NORTH CAROLINA; CITY OF HENDERSON**

I, Esther McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 11—48 adopted by the Henderson, City Council in Regular Session on \*\*\*\*, (*Minute Book 42, p.\*\**). This Ordinance is recorded in *Ordinance Book 8, p. \*\*\*.*

Witness my hand and corporate seal of the City, this \*\*\*\*\*.

\_\_\_\_\_  
Esther McCrackin, City Clerk  
City of Henderson, North Carolina

**FY 2011-2012  
Budget Ordinance Amendment #3  
CAF #11-97**

**CIP Water– Water Line Replacement- Red Bud Creek Bridge Repair**

This amendment establishes a new project budget in the CIP Water Fund to relocate and replace approximately 400 linear feet of water main on SR 1120 (Kerr Vance Academy Road) at Red Bud Creek due to the replacement on the bridge by the NCDOT. Project is due to start in March 2012.

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_  
Sandra Wilkerson, Finance Director

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Frank Frazier, Asst. City Manager

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
A. Ray Griffin, Jr., City Manager

Approved by: City Council Date: \_\_\_\_\_

**FY 2011-2012**  
**Budget Ordinance Amendment #3**  
**CAF #11-97**

**CIP Water— Water Line Replacement- Red Bud Creek Bridge Repair**

This amendment establishes a new project budget in the CIP Water Fund to relocate and replace approximately 400 linear feet of water main on SR 1120 (Kerr Vance Academy Road) at Red Bud Creek due to the replacement on the bridge by the NCDOT. Project is due to start in March 2012.

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_  
Sandra Wilkerson, Finance Director

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Frank Frazier, Asst. City Manager

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
A. Ray Griffin, Jr., City Manager

Approved by: City Council Date: \_\_\_\_\_



NORTH CAROLINA  
VANCE COUNTY

**UTILITY AGREEMENT**

DATE: 5/20/2011

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

Project: BD-5105 C

AND

WBS Elements: 45351.3.3

CITY OF HENDERSON

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of Henderson, hereinafter referred to as the "Municipality";

**WITNESSETH:**

WHEREAS, the Department has prepared and adopted plans to make certain street and highway improvements under Project BD-5105 C, in Vance County, said plans consists of Bridge No. 67 on SR 1120 (Vance Academy Rd) over Red Bud Creek, Vance County; said project having a right-of-way width as shown on the project plans on file with the Department's office in Raleigh, North Carolina; and,

WHEREAS, the parties hereto wish to enter into an agreement for certain utility work to be performed by the Department's construction contractor with full reimbursement by the Municipality for the costs thereof as hereinafter set out.

NOW, THEREFORE, it is agreed as follows:

1. The Department shall place provisions in the construction contract for Project BD-5105 C Vance County, for the contractor to adjust and relocate water lines. Said work shall be accomplished in accordance with project, cost estimate attached hereto as Exhibit "A" and the plan sheets attached hereto as Exhibit "B".
2. The Municipality shall be responsible for water lines cost as shown on the attached Exhibit "B". The estimated cost to the Municipality is \$119,034.00 as shown on the attached Exhibit "A". It is

understood by both parties that this is an estimated cost and is subject to change. The Municipality shall reimburse the Department for said costs as follows:

- A. Upon completion of the utility work, the Department shall submit an itemized invoice to the Municipality for cost incurred. Billing will be based upon the actual bid prices and actual quantities used.
  - B. Reimbursement shall be made by the Municipality in one final payment within sixty (60) days of said invoice.
  - C. If the Municipality does not pay said invoice within sixty (60) days of the date of the invoice, the Department shall charge a late payment penalty and interest on any unpaid balance due in accordance with G.S. 147-86.23 and G.S. 105.241.21.
  - D. Any cost incurred due to additional utility work requested by the Municipality after award of the construction contract, shall be solely the responsibility of the Municipality. The Municipality shall reimburse the Department 100% of the additional utility cost.
3. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.
4. Upon the satisfactory completion of the relocations and adjustments of the utility lines covered under this Agreement, the Municipality shall assume normal maintenance operations to the said utility lines. Upon completion of the construction of the highway project, the Municipality shall release the Department from any and all claims for damages in connection with adjustments made to its utility lines; and, further, the Municipality shall release the Department of any future responsibility for the cost of maintenance to said utility lines. Said releases shall be deemed to be given by the Municipality upon completion of construction of the project and its acceptance by the Department from its contractor unless the Municipality notifies the Department, in writing, to the contrary prior to the Department's acceptance of the project.

5. It is further agreed that the following provisions shall apply regarding the utilities covered in this Agreement.
  - A. The Municipality obligates itself to service and to maintain its facilities to be retained and installed over and along the highway within the Department's right-of-way limits in accordance with the mandate of the North Carolina General Statutes and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.
  - B. If at any time the Department shall require the removal of or changes in the location of the encroaching facilities which are being relocated at the Municipality's expense, the Municipality binds itself, its successors and assigns, to promptly remove or alter said facilities, in order to conform to the said requirement (if applicable per G.S. 136-27.1), without any cost to the Department.
6. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor ( i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

CITY OF HENDERSON

BY: \_\_\_\_\_ BY: \_\_\_\_\_

TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by \_\_\_\_\_ of the local governing body of the City of Henderson

as attested to by the signature of Clerk \_\_\_\_\_ of said governing body on

\_\_\_\_\_ (Date)

(SEAL)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
(FINANCE OFFICER)

Federal Tax Identification Number

\_\_\_\_\_  
Remittance Address:

City of Henderson

\_\_\_\_\_  
DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
(STATE HIGHWAY ADMINISTRATOR)

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_ (Date)

Exhibit A

PRELIMINARY ESTIMATE FOR UTILITY CONSTRUCTION OF BD-5105C

CITY OF HENDERSON

|                  | ENGLISH UNITS |   |       |  | QUANTITY | TOTAL COST |
|------------------|---------------|---|-------|--|----------|------------|
| Type/Item Number | Section#      | Description                                 | Units |  |          |            |
| U                | 5325800000-E  | 1510 8" WATER LINE                          | LF    |  | 40       |            |
| U                | 5326000000-E  | 1510 10" WATER LINE                         | LF    |  | 400      |            |
| U                | 5801000000-E  | 1530 ABANDON 8" UTILITY PIPE                | LF    |  | 440      |            |
| U                | 5871600000-E  | 1550 TRENCHLESS INSTALLATION OF 10" IN SOIL | LF    |  | 400      |            |
|                  | TOTAL         |   |       |  |          |            |

Total

\$119,034

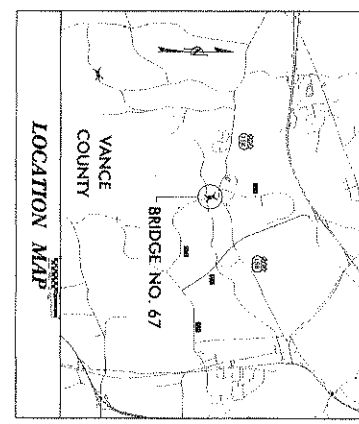
Exhibit B

TIP NO.   
 SHEET NO.   
 BD-5105C UC-1

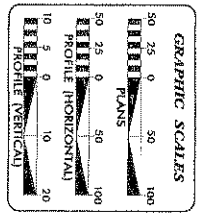
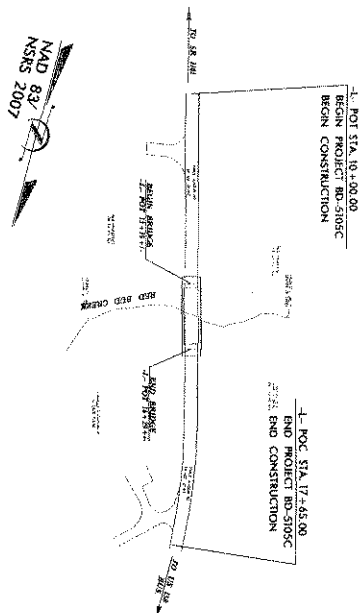
STATE OF NORTH CAROLINA  
DIVISION OF HIGHWAYS

# UTILITY CONSTRUCTION PLANS VANCE COUNTY

LOCATION: BRIDGE NO. 67 ON SR 1120  
(VANCE ACADEMY RD.) OVER RED BUD CREEK  
TYPE OF WORK: WATER LINE RELOCATION



## TIP PROJECT: BD-5105C



| SHEET NO. | DESCRIPTION                      |
|-----------|----------------------------------|
| UC-1      | TITLE SHEET                      |
| UC-2      | UTILITY CONSTRUCTION PLAN SHEETS |

WATER AND SEWER OWNERS ON PROJECT

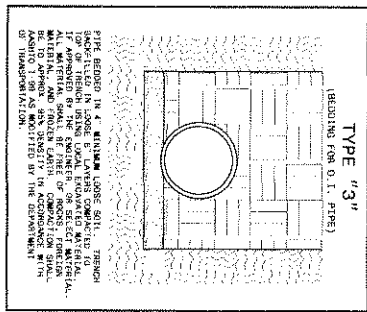
(1) WATER - CITY OF HENDERSON  
(2) SANITARY SEWER - CITY OF HENDERSON

DO NOT USE FOR CONSTRUCTION

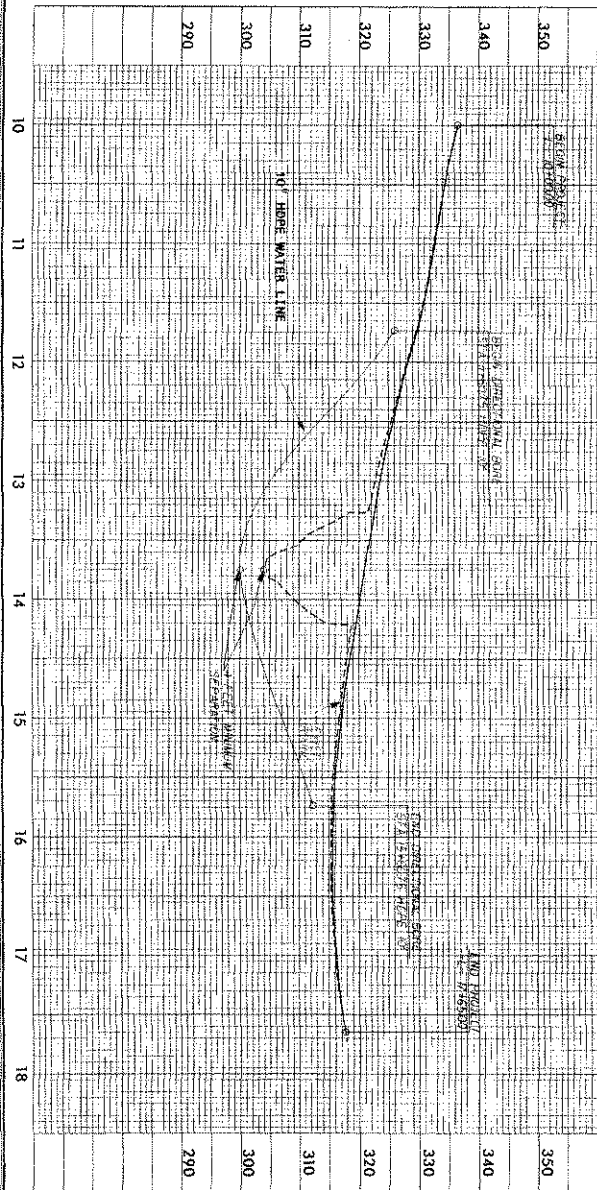
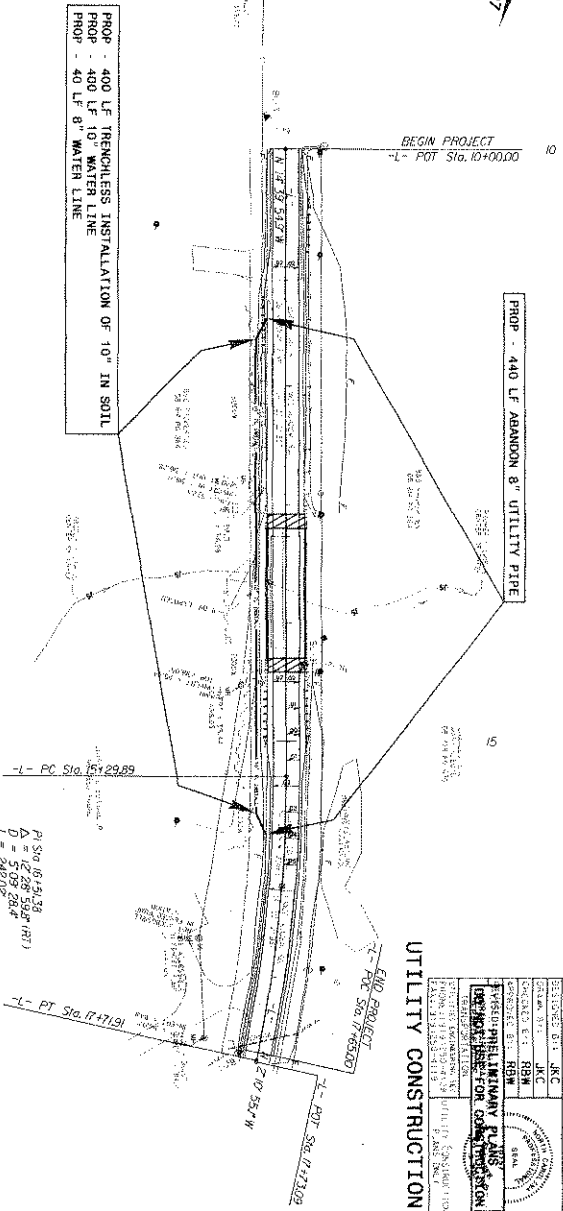
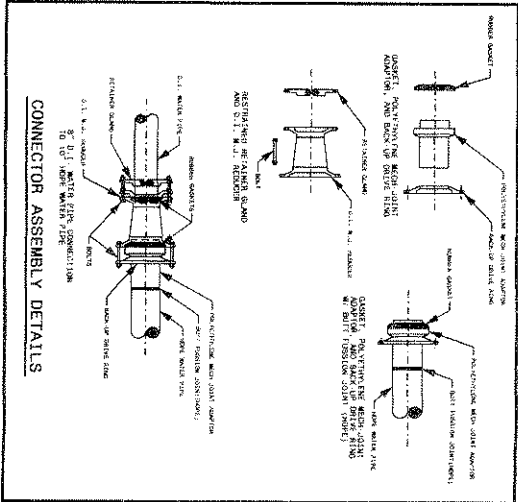
PREPARED IN THE OFFICE OF:  
DIVISION OF HIGHWAYS  
UTILITIES ENGINEERING  
SECTION  
100 SOUTH MAIN STREET  
RALEIGH, NC 27601  
TEL: (919) 733-4400

UTILITIES SECTION ENGINEER  
R. E. WILSON, P.E.  
UTILITIES SQUAD LEADER PROJECT ENGINEER  
Jordan K. Chapman

NAD 83/NRS 2007



| MAXIMUM TRENCH WIDTH<br>AT TOP OF PIPE |                          |                                  |                          |
|--|--------------------------|----------------------------------|--------------------------|
| NOMINAL<br>PIPE SIZE<br>(INCHES)       | TRENCH WIDTH<br>(INCHES) | NOMINAL<br>PIPE SIZE<br>(INCHES) | TRENCH WIDTH<br>(INCHES) |
| 4                                      | 28                       | 24                               | 44                       |
| 6                                      | 32                       | 30                               | 48                       |
| 8                                      | 36                       | 36                               | 52                       |
| 10                                     | 38                       | 42                               | 56                       |
| 12                                     | 40                       | 48                               | 60                       |
| 14                                     | 42                       | 54                               | 64                       |
| 16                                     | 44                       | 60                               | 68                       |



## City Council Action Form

Office of City Manager  
P. O. Box 1434  
Henderson, NC 27536  
252.430.5701



Agenda Item: \_\_\_\_\_

Council Meeting: 25 July 11 Work Session

---

25 July 2011

**TO:** The Honorable Mayor James D. O'Geary and Members of City Council  
**FR:** Cathy Brown, Human Resources Director  
**RE:** **CAF: 11-103**  
**Consideration of Approval of Resolution 11—75, Amendments to City Administrative Policy 6.11, Harassment Policy.**

**Ladies and Gentlemen:**

**Council Goals Addressed By This Item:**

- KSO 6: Develop and Maintain a Qualified Municipal Workforce – To provide a supportive and competitive workforce climate that facilitates and maintains a strong workforce capability and capacity and adequate staffing levels.

**Recommendation:**

- Approval of Resolution 11—75, Amendments to City Administrative Policy 6.11, Harassment Policy.

**Executive Summary:**

The City is committed to promote a safe and productive work environment for all employees. The current City administrative policies do not provide guidance on what is a hostile work environment or the possible consequences of violence in the workplace.

The proposed additions of *Hostile Work Environment* and *Violence in the Workplace* policies will help set standards of what is and is not acceptable behavior in the workplace or at any time the employee may be seen as a representative of the City. In addition, the proposed changes provide examples of behavior and activities which may create a hostile work environment. The policies provide guidance for employees and management.

The Human Resources Committee has reviewed and recommends these amendments to City Council for approval.

**Enclosures:**

1. Resolution 11—75



**RESOLUTION**  
**11—75**

**A RESOLUTION APPROVING  
AMENDMENTS TO PERSONNEL POLICY 6.11  
RELATIVE TO HOSTILE WORK ENVIRONMENT &  
VIOLENCE IN THE WORKPLACE**

*WHEREAS*, the Henderson City Council provides personnel policies that provide for the proper administration of Human Resources; *and*

*WHEREAS*, it is appropriate to amend the policies from time to time; *and*

*WHEREAS*, Administrative Policy No. 6.11 .01 Hostile Work Environment and 6.11.02 Violence in the Workplace being attached hereto as *Attachment 1 and Attachment 2*, is amended to provide to promote a safe and productive work environment for all employees.

***NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE*** the addition of Administrative Policies No. 6.11 .01 Hostile Work Environment and 6.11.02 Violence in the Workplace being attached hereto as *Attachment A and Attachment B*.

***BE IT FURTHER RESOLVED BY THE HENDERSON CITY COUNCIL*** that the aforementioned Administrative Policy shall be effective on the adoption date of this Resolution.

The foregoing Resolution, introduced by Councilmember \*\*\*\*\* and seconded by Councilmember \*\*\*\*\* on this the \_\_\_\_\_ day of \_\_\_\_\_ 2011, and having been submitted to a roll call vote, was approved by the following votes: Ayes:   Nays:

\_\_\_\_\_  
James D. O'Geary, Mayor

ATTEST:

\_\_\_\_\_  
Esther McCrackin, City Clerk

Approved to Legal Form:

\_\_\_\_\_  
John H. Zollicoffer, Jr., City Attorney  
*Reference: Minute Book 42, p \*\*.*

**6.11.01 HOSTILE WORK ENVIRONMENT**

It is the policy of the City to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts or interferes with another's work performance or that creates an intimidating, offensive or hostile environment.

Employees are prohibited from activities and behavior which are offensive in nature to co-worker such as foul language and gestures, inappropriate touching, jokes, etc., in the workplace. City employees are expected to be professional at all times. Demeaning, insulting, intimidating, communications in person or in written and/or graphic form including electronic communications (cyberbullying) is not acceptable behavior.

Because behavior that may be offensive was not intended to be so; the offended employee should inform the employee that the behavior is offensive and to stop the behavior. If the situation continues and is not settled between the two individuals, then the offended employee should seek assistance from his/her supervisor or the Human Resources Department.

**6.11.02 VIOLENCE IN THE WORKPLACE**

The City is committed to provide a safe workplace for all employees. It is the policy of the City to prohibit any acts or threats of violence by any City employee against any other employee in or about City facilities or at any time while on the job throughout the City or away from the City while on job related duties.

To achieve this objective, the City is committed to:

- Provide a safe and healthy work environment.
- To take prompt actions up to and including immediate termination, against any employee who engages in any threatening behavior, acts of violence or unsolicited touching of another.
- To take appropriate action when dealing with citizens, former employees, or visitors to City facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law.
- To prohibit employees, former employees, contractors and visitors from bringing unauthorized firearms or other weapons onto City premises.
- To properly handle access to facilities by the public, off-duty employees and former employees.

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on City premises will be reported to the proper authorities and fully prosecuted.

# City Council Action Form

Office of City Manager  
P. O. Box 1434  
Henderson, NC 27536  
252.430.5701



Agenda Item: \_\_\_\_\_  
Council Meeting: 25 July 2011 Work Session

22 July 2011

**TO:** The Honorable Mayor James D. O'Geary and Members of City Council

**FR:** A. Ray Griffin, Jr., City Manager

**RE:** CAF: 11—101  
**Consideration of Approval of Ordinance 11—47, Amending Voting Ward Boundary Maps and Descriptions Pursuant to 2010 Federal Decennial Census Redistricting Requirements**

**Ladies and Gentlemen:**

## Recommendation:

- Approval of Ordinance 11—47, Amending Voting Ward Boundary Maps and Descriptions Pursuant to 2010 Federal Decennial Census Redistricting Requirements.

## Executive Summary:

### Background

Localities that provide for elections by wards or districts are required to be compliant with the one-man-one-vote rule. The usual and customary time this review occurs is subsequent to a major annexation and/or the decennial census. The 2010 Census information was released to localities in March 2011. In order to review this data vis-à-vis the *one-man-one-vote* rule, the City Council approved *Resolution 11-37* which had the effect of delaying the Fall 2011 municipal elections to May 2012. This action was reviewed and approved by the US Department of Justice, Civil Rights Division.

### Methodology

City Attorney Zollicoffer and Planning Director Dunston have been working on the data and map process since early March. The City lost some population from 2000 to 2010, with the new population being 15,368.

The methodology used to come to this proposed boundaries was to first separate the City census blocks from the rest of the Vance County blocks. This resulted in 569 census blocks. The

census blocks were mapped to match the existing ward boundaries. The mean for the City populations per ward is 3,842. Population numbers were off in some wards by up to 16%. Thus, the data proved the City needs to make adjustments to the ward boundaries in order to rebalance the population and to come into compliance with the *one-man-one-vote* rule. The *one-man-one-vote* rule only allows for a minimal variance in ward populations.

Several boundary adjustments are needed in order to bring the wards into compliance. Ward 2 would become a donor ward to both Wards 1 and 3. Ward 3 would become a donor to Ward 4. The minority racial balance within the wards is preserved and the population variance ranges from  $-(0.729)$  in Ward 1 to  $0.911$  in Ward 4. The following Table provides additional detail on the population balance. Additionally, three maps are provided to show the current ward construct, proposed areas of change to the ward maps and the proposed ward map. (*See Matrix on Next Page*)

| City of Henderson, NC       |                     |  |       |           |       |           |                  |                    |                     |           |       |           |       |           |                  |                    |
|-----------------------------|---------------------|--|-------|-----------|-------|-----------|------------------|--------------------|---------------------|-----------|-------|-----------|-------|-----------|------------------|--------------------|
| 2011 Redistricting Proposal |                     |  |       |           |       |           |                  |                    |                     |           |       |           |       |           |                  |                    |
| Last Updated: 22 July 2011  |                     |  |       |           |       |           |                  |                    |                     |           |       |           |       |           |                  |                    |
|                             | Existing Population |  |       |           |       |           |                  |                    | Proposed Population |           |       |           |       |           |                  |                    |
|                             | White               | % of Ward  | Black | % of Ward | Other | % of Ward | Total Population | % Variance to Norm | White               | % of Ward | Black | % of Ward | Other | % of Ward | Total Population | % Variance to Norm |
| Ward 1                      | 439                 | 12.070   | 3,075 | 84.548    | 123   | 3.382     | 3,637            | (5.336)            | 485                 | 12.716    | 3,174 | 83.220    | 155   | 4.064     | 3,814            | (0.729)            |
| Ward 2                      | 2,493               | 59.146   | 1,513 | 35.896    | 209   | 4.958     | 4,215            | 9.708              | 2,364               | 61.756    | 1,275 | 33.307    | 189   | 4.937     | 3,828            | (0.364)            |
| Ward 3                      | 1,314               | 30.558   | 2,624 | 61.023    | 362   | 8.419     | 4,300            | 11.921             | 1,141               | 29.644    | 2,475 | 64.302    | 233   | 6.054     | 3,849            | 0.182              |
| Ward 4                      | 365                 | 11.350   | 2,630 | 81.779    | 221   | 6.872     | 3,216            | (16.294)           | 621                 | 16.018    | 2,918 | 75.264    | 338   | 8.718     | 3,877            | 0.911              |
| Total                       | 4,611               |  | 9,842 |           | 915   |           | 15,368           |                    | 4,611               |           | 9,842 |           | 915   |           | 15,368           |                    |
| Note:                       | 3,842               | = Norm for each Ward based on a total city population of 15,368 divided by 4 wards |       |           |       |           |                  |                    |                     |           |       |           |       |           |                  |                    |

## Next Steps and Time Table

Now that the data has been reviewed and understood, it is time for City Council to review the data and achieve a consensus on the election ward changes. Council Members may ask for additional information, make adjustments to the maps different from those proposed and must also consider input from the public before making a final decision. Once Council makes a decision, the US Department of Justice, Civil Rights Division (USDOJ) must be notified and given the opportunity to review and make comments. The plan approved by Council cannot become effective until such time as USDOJ completes its review and files no objection to it.

The recommended time line to complete the redistricting process and provide for the election is as follows:

|                            |                               |   |
|----------------------------|-------------------------------|---|
| 25 July 11                 | Work Session                  | Council reviews data and works towards a consensus on a draft redistricting plan.                           |
| 25 July 11 -<br>12 Sept 11 | Work<br>Sessions if<br>Needed | Providing work sessions for Council to review and discuss the redistricting plan, if needed                 |
| 8 August 11                | Regular<br>Meeting            | Council Approves Resolution Setting Public Hearing for Input on the Proposed Redistricting Plan             |
| 12 Sept 11                 | Regular<br>Meeting            | Public Hearing on Redistricting Plan  |
| 13 Sept 11-<br>22 Sept 11  | Work<br>Sessions if<br>Needed | Providing work sessions for Council to review and discuss public input on the redistricting plan, if needed |
| 26 Sept 11                 | Regular<br>Meeting            | Adopt Ordinance Approving Redistricting   |
| 25 Oct 11                  |                               | City Attorney submits redistricting packet to USDOJ for its review, State and Vance County elections boards |
| 25 Jan 12                  |                               | Estimated date of receipt of USDOJ comments on redistricting plan   |
| 13 Feb 12 –<br>29 Feb 12   |                               | Filing period for May 2012 Primary/Municipal Elections  |
| 8 May 12                   |                               | Primary Election  |
| 16 June 12                 |                               | Runoff Election   |
| 1 July 12                  |                               | Newly Elected Mayor and Council are seated  |

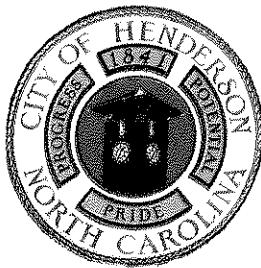
City Attorney Zollicoffer will be prepared to speak with Council about the redistricting plan and the legal requirements and processes necessary to effect a successful redistricting plan.

### Enclosures:

1. Ordinance 11-47 (*Ordinance Will Not be Prepared Until Council Reaches Consensus on Draft Redistricting Plan*)
2. Existing Ward Map
3. Proposed Ward Map
4. Ward Map Changes

**City Council Action Form**

Office of City Manager  
P. O. Box 1434  
Henderson, NC 27536  
252.430.5701



Agenda Item: \_\_\_\_\_

Council Meeting 25 July 2011 Work Session

21 July 2011

**TO:** The Honorable Mayor James D. O'Geary and Members of City Council

**FR:** A. Ray Griffin, Jr., City Manager

**RE:** CAF: 11—16

**Consideration of Approval of Ordinance 11—08, Amending Chapter 15 of the City Code providing for Security Deposits and Various Other Amendments**

**Ladies and Gentlemen:**

**Council Retreat Goals Addressed By This Item:**

- KSO 8: Provide Financial Resourcing – To Provide Sufficient Funds for Municipal Operations and Capital Outlay Necessary to Meet the Needs of Citizens, Customers and Mandates of Regulatory Authorities.

**Recommendation:**

- Approval of Ordinance 11—08, Amending Chapter 15 of the City Code providing for Security Deposits and Various Other Amendments

**Executive Summary**

City Administration is requesting Council consider three areas of adjustment to Chapter 15, Waters and Sewers, of the City Code as follows:

1. Implementation of Security Deposits
2. Revise Service Termination Schedule
3. Technical Amendments transferring various fees and costs for services in specific dollar amounts to the Annual Fee Schedule adopted by City Council

**Billing Cycle**

Section 15-34 allows the City to terminate service for non-payment after 15 days of the bill's date of issue. The City has by practice, however, allowed a customer to accrue two months unpaid bills before terminating service. Many delinquent customers usually pay one bill and leave one unpaid bill on the books. In other words, their accounts are always in arrears. This



problem is exacerbated by the fact by the time a customer is cut off for non-payment, he/she already has used another month's service that is in the process of being billed.

According to the Finance Department, on average, the City deals with approximately 733 delinquent utility accounts per billing cycle, or about 2,300 per month. This represents about 26% of the City's 8,717 utility accounts. On average, approximately 450 accounts are terminated for non-payment on a monthly basis. On average, a one month bill for a residential customer is \$90. By the time cut-off is necessary, the customer has accrued an unpaid balance of \$180 plus penalties.

The manner in which the City bills and allows a customer to constantly be in arrears can result in a customer owing \$180, not including late fees, in billed service plus another \$90 for service used but not yet billed, or \$270. In essence, the customer is in perpetual debt to the City. Assuming there are approximately 1,846 accounts that are constantly in arrears (2,300 accounts delinquent less 450 accounts terminated for non-payment), then one might extrapolate a monthly average of \$166,140 being *on the books* and delinquent.

It is the feeling of City Administration that transitioning the City's cut-off policy to a one month basis, or the entire bill must be paid by the past due date or the account is subject to disconnect, would reduce the financial loss potential to the City and would ultimately help customers from being in arrears.

The following matrix describes the current billing and service termination cycles: (*see next page*)

| <b>Current Policy</b>  |   |                  |              |                  |                                       |  |
|--|---|------------------|--------------|------------------|---------------------------------------|--|
| <b>Period in Which Service Was Rendered</b>                                      | <b>Meter Reading &amp; Billing</b>      | <b>Bill Date</b> | <b>Due</b>   | <b>Grace Day</b> | <b>\$12 Past Due Late Fee Applied</b> | <b>Cut Off Day \$40 Reconnection Fee Applied if Both Bills Unpaid by 5 pm on the 11<sup>th</sup></b>   |
| 10 <sup>th</sup> -15 <sup>th</sup> Aug – 10 <sup>th</sup> -15 <sup>th</sup> Sept | 10 <sup>th</sup> -15 <sup>th</sup> Sept | 20 Sept          | 10 Oct       | 11 Oct           | 12 Oct                                |  |
| 10 <sup>th</sup> -15 <sup>th</sup> Sept – 10 <sup>th</sup> -15 <sup>th</sup> Oct | 10 <sup>th</sup> -15 <sup>th</sup> Oct  | 20 Oct           | 10 Nov       | 11 Nov           | 12 Nov                                | 15 Nov<br><i>Note:</i> By time service is terminated for non-payment, another month's consumption has occurred. The City cuts off service 2-3 business days after the date the late fee has been applied, but not on a Friday or Monday. |
| 10 <sup>th</sup> -15 <sup>th</sup> Oct – 10 <sup>th</sup> -15 <sup>th</sup> Nov  | 10 <sup>th</sup> -15 <sup>th</sup> Nov  | 20 Nov           | 10 Dec       | 11 Dec           |                                       |  |
| <b>Recommended Policy</b>  |   |                  |              |                  |                                       |  |
| <b>Period in Which Service Was Rendered</b>                                      | <b>Meter Reading &amp; Billing</b>      | <b>Bill Date</b> | <b>Due</b>   | <b>Grace Day</b> | <b>\$12 Past Due Late Fee Applied</b> | <b>Cut Off Day \$40 Reconnection Fee Applied if Current Bill Not Paid by 5 pm on the 11<sup>th</sup></b>   |
| 10 <sup>th</sup> -15 <sup>th</sup> Aug – 10 <sup>th</sup> -15 <sup>th</sup> Sept | 10 <sup>th</sup> -15 <sup>th</sup> Sept | 20 Sept          | Upon Receipt | 11 Oct           | 12 Oct                                | 18 Oct<br><i>Note:</i> By time service is terminated for non-payment, another month's consumption has occurred. The City cuts off service 2-3 business days after the date the late fee has been applied, but not on a Friday or Monday. |
| 10 <sup>th</sup> -15 <sup>th</sup> Sept – 10 <sup>th</sup> -15 <sup>th</sup> Oct | 10 <sup>th</sup> -15 <sup>th</sup> Oct  | 20 Oct           | Upon Receipt | 11 Nov           |                                       |  |

20 July 2011

The recommended changes in billing and collections help achieve the following goals:

1. The monthly utility bill is clarified to help customers better understand:
  - a. The bill is due upon receipt and that customers have approximately 20 days in which to pay their utility bill without penalty; *and*
  - b. The bill is past due on a date-certain and a \$12 penalty will be applied if not paid by 5 p.m. on the date prior to the cut-off date; *and*
  - c. The utility service will be placed on the cut-off list if the bill is not paid by the close of business on the past due date, and a \$40 reconnection fee will be applied to the account's balance.
2. Discontinuing the practice of allowing customers to pay one bill and keep one bill on the books will help achieve the following goals:
  - a. The problem of having numerous utility customers' accounts in perpetual arrears will be resolved, for the most part, resolved. Customers will be expected to keep their utility accounts current with each monthly billing cycle; and
  - b. Once implemented, the City's delinquent accounts will be reduced, thus improving the City's collection rate and having more cash in the bank to finance day-to-day expenses of water, sewer and sanitation operations; and
  - c. The City's utility billing and collections cycle will be brought more into line with standard utility business practices.

The process City Administration would use to help transition the customer base to this new system would be as follows:

1. Customers would be notified that bills are expected to be paid in full on a monthly basis; *and*
2. Customers that need assistance in transitioning to an account in good standing would be expected to pay the current month's bill and work out an agreement with the City to pay the arrears while keeping each month's billing paid by the past due date. Customers that work with the City in honoring the agreement's payment schedule would have no fear of having service terminated. Customers that do not live up to the agreement's payment schedule would be terminated and service not reconnected until the amount in arrears is paid in full.

## Security Deposits

The City currently does not require security deposits for any customer. Even if a customer's service is terminated for non-payment, a security deposit is not required for service restoration. This, combined with the long-term practice of allowing customers to accrue two months past due bills before terminating service as previously discussed, ensures the City's losses on bad accounts are larger than they realistically should be. Additionally, no security deposits are required for the household sanitation containers. 258 carts were stolen between 1 August 2010 and 12 April 2011.

It is a usual and customary practice to waive security deposits for customers with a good pay history and/or receipt of an original reference letter from their most previous utility suppliers for new customers. Additionally, it is good practice to levy a security deposit for customers that cannot provide such good pay/credit reference or that have allowed their accounts to become delinquent, or in other words, an account that has become *not in good standing*.

Each year the City writes off uncollected/uncollectable utility and sanitation fee debt. While this is less than previous years, it is still too high. Changes in billing and payment schedule as previously discussed with further help mitigate this problem. The balance of the problem can be further mitigated with implementation of a security deposit system.

The City used to require security deposits; however, that practice was discontinued years ago. It is recommended that security deposits be reinstituted, effective 1 October 2011 as follows:

1. All new customers opening a utility account for the first time must pay a security deposit or provide an original letter of reference from his/her most recent water/sewer utility provider that demonstrates a good pay history for at least the most recent 12 to 15 month period of time. Medium and large commercial/industrial customers that cannot provide a letter of reference may utilize a Letter of Credit acceptable to the City in lieu of a cash deposit.
2. An existing customer will not be required to pay a security deposit unless his/her account ceases to be *an account in good standing*.
  - a. *An account in good standing* is defined as one in which the customer pays his/her bills on-time and has not been disconnected for non-payment within a rolling 12-month period.
  - b. An account ceases to be *an account in good standing* when the customer has been terminated for non-payment once during a rolling 12-month cycle.
3. If a customer has had to pay a security deposit, his/her security deposit will be kept for a minimum twelve month billing cycle. Once the account has met the definition of being an account in good standing, the security deposit will be refunded. North Carolina does not require public utility systems to pay interest on security deposits.

4. If a customer has *an account in good standing* and his/her sanitation container is lost or stolen, he/she shall be responsible for the cost of replacing said container. The cost for same, estimated to be \$75.00 will be added to the current month's bill.

Security deposits should be structured to cover the cost of service rendered in order to hold the City harmless should a customer default on his/her bill. The following security deposit table is recommended for approval:

| <b>Security Deposit Matrix</b><br><i>Effective 1 October 2011</i> |  |   |
|---|--|---|
| <i>21 July 11</i>   | <b>Type of Service</b>   | <b>Security Deposit</b>                       |
| <b><i>Residential Service</i></b>                                 |  |   |
| Inside City   | Water, Sewer & Sanitation  | \$200   |
|   | Water & Sewer only (for those living in apartment complexes that provide commercial green boxes)                       | \$150   |
|   | Water or Sewer, and Sanitation   | \$100   |
| Outside City  | Water & Sewer  | \$200   |
|   | Water only   | \$75  |
|   | Sewer only   | \$100   |
| <b><i>Commercial/Non-Profit/Industrial Service</i></b>            |  |   |
| <b><i>Small User: 0 to 5,000 cf</i></b>                           |  |   |
| Inside City   | Water, Sewer & Sanitation (for those businesses in the downtown area that do not utilize commercial green box service) | \$150 plus \$50 for each sanitation container |
| Inside City   | Water and Sewer  | \$200   |
| Outside City  | Water and Sewer  | \$350   |
| Outside City  | Water Only   | \$110   |
| <b><i>Medium User: 5,001 – 20,000 cf</i></b>                      |  |   |
| Inside City   | Water and Sewer  | \$400   |
| Outside City  | Water and Sewer  | \$750   |
| Outside City  | Water Only   | \$500   |
| <b><i>Large User: &gt;20,000 cf</i></b>                           |  |   |
| Inside City   | Water and Sewer  | \$1,000                                       |
| Outside City  | Water and Sewer  | \$2,000                                       |
| Outside City  | Water Only   | \$800   |

## **Miscellaneous Adjustments to City Code**

There are areas in the Chapter 15 that reference costs for service that are no longer valid. Most fees and charges for service are reviewed and set by City Council during the annual budget review and adoption process. These references would be changed to refer to the Fee Schedule rather than citing a specific fee or charge amount. In short, this is a long over-due housekeeping matter in cleaning up this part of the City Code.

## **Ordinance 11—08**

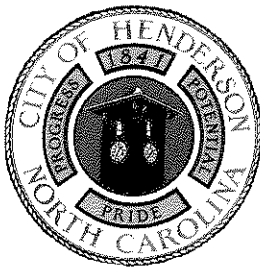
In order to accomplish these recommendations, an ordinance approved by City Council will be necessary. No such ordinance has been developed at this time; however, based on Council's consensus at Work Session, an appropriate ordinance will be prepared by the City Attorney and brought back to City Council for final review and action.

## **Enclosures:**

1. None (*Ordinance 11-08 will be prepared once Council reaches a consensus on this matter*)

## City Council Action Form

Office of City Manager  
P. O. Box 1434  
Henderson, NC 27536  
252.430.5701



Agenda Item: \_\_\_\_\_

Council Meeting 25 July 2011 Work Session

---

21 July 2011

**TO:** The Honorable Mayor James D. O'Geary and Members of City Council

**FR:** A. Ray Griffin, Jr., City Manager

**RE:** CAF: 11—105

**Consideration of Approval of Resolution 11—78, Approving Letter of Agreement with Robert S. Segal**

**Ladies and Gentlemen:**

### **Council Retreat Goals Addressed By This Item:**

- KSO 8: Provide Financial Resourcing – To Provide Sufficient Funds for Municipal Operations and Capital Outlay Necessary to Meet the Needs of Citizens, Customers and Mandates of Regulatory Authorities.

### **Recommendation:**

- Approval of Resolution 11—78, Approving Letter of Agreement with Robert S. Segal

### **Executive Summary**

City Administration has been in discussion with Mr. Robert S. Segal regarding his services on helping the City find revenue opportunities. His fee would be based on any documented savings, refunding of funds or additional revenues accrued to the City's benefit as a result of his work. This fee, based on 50% of the savings mentioned above, would payable for a 24 month period after the benefit begins to accrue to the City. In short, the City has the opportunity to gain revenue and utilize a portion of it to pay the consulting fee.

### **Enclosures:**

1. Resolution 11—78
2. Segal Information

## RESOLUTION 11—78

### A RESOLUTION AUTHORIZING A LETTER OF AGREEMENT WITH ROBERT S. SEGAL FOR PROFESSIONAL SERVICES

**WHEREAS**, the Henderson City Council (Council) conducted its Annual Planning Retreat in January 2010, and during said Retreat identified eight Key Strategic Objectives (KSO) and Goals; *and*

**WHEREAS**, this Resolution addresses one of the Key Strategic Objectives as follows: **KSO 8:** To Provide Sufficient Funds for Municipal Operations and Capital Outlay Necessary to Meet the Needs of Citizens, Customers and Mandates of Regulatory Authorities; *and*

**WHEREAS**, City Administration wishes to utilize all possible resources to identify and find new revenue sources and/or savings that would accrue to the benefit of the City's budgetary position; *and*

**WHEREAS**, it is felt the services of Robert S. Segal, CPA, may assist the City in its endeavor to find additional revenue sources.

**NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT:** it does hereby approve a Letter of Agreement with Robert S. Segal, said Agreement being more fully articulated in *Attachment A* to this Resolution, and authorizes the Mayor to sign said Agreement on behalf of the City.

---

James D. O'Geary, Mayor

**ATTEST:**

---

Esther J. McCrackin, City Clerk

Approved to Legal Form:

---

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 42, p. \*\*.*



**Resolution 11—78**  
**Attachment A**

**LETTER OF AGREEMENT**

Robert S. Segal, CPA, PA (SEGAL) and City of Henderson (CLIENT) hereby enter into this Letter of Agreement whereby SEGAL shall serve as a consultant to CLIENT to examine and analyze the following listed expenses/revenues of CLIENT and to make recommendations to achieve savings, credits, refunds or additional revenues, hereafter referred to as funds, in these areas:

**Any and all revenues and expenses**

SEGAL will furnish CLIENT with a written report as to specific and analytical recommendations that may be made in the above areas. CLIENT will then determine which (if any) of these recommendations CLIENT wishes to implement. SEGAL will then assist in the implementation of these recommendations to achieve the funds. Future savings and revenues are computed on a per unit basis.

CLIENT agrees to pay SEGAL on each recommendation for funds which is implemented, a fee equal to fifty (50) cents of every dollar saved, credited, refunded or additional revenues during the 24 month period immediately following the CLIENT'S approval of each recommendation. If any recommendation is not implemented within 24 months, the recommendation is null and void and therefore not subject to any compensation. This fee will be paid quarterly following the date of full implementation of the particular recommendation.

The City and SEGAL will consult with the areas to be researched prior to any work being performed and subject to fee payable to SEGAL. SEGAL may only work on areas approved by the City.

**SEGAL AGREES TO MAINTAIN IN STRICT CONFIDENCE ALL INFORMATION RECEIVED FROM CLIENT CONCERNING ITS EXPENSES AND METHODS OF DOING BUSINESS. FURTHERMORE, SEGAL ACTS AS A CONSULTANT ONLY AND DOES NOT RECEIVE ANY COMMISSIONS OR REMUNERATION OF ANY KIND FROM ANY VENDORS OR SERVICE PROVIDERS.**

The persons signing below are authorized to do so on behalf of their respective organizations.

This Letter of Agreement shall be binding upon the parties hereto, their heirs, successors and assigns. This Letter of Agreement is entered into effective as of \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CLIENT: City of Henderson

Robert S. Segal, CPA PA

By: \_\_\_\_\_

By: \_\_\_\_\_

Robert S. Segal

Title: \_\_\_\_\_

Title: President

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act as amended.

Date: \_\_\_\_\_ Finance Officer



## **ROBERT S. SEGAL, CPA PA**

EXPENSE REDUCTION & REVENUE ENHANCEMENT

1912 EASTCHESTER DRIVE  
SUITE 206  
HIGH POINT, NC 27265  
336-886-2100  
FAX 336-886-2101  
[www.segalcpa.com](http://www.segalcpa.com)

Thank you for allowing me to introduce Robert S. Segal, CPA PA, ("SEGAL"). Established in 1995, Robert S. Segal, CPA PA is the only CPA firm in North Carolina devoted exclusively to non-personal expense reduction and revenue enhancement consulting with a performance based success fee. We have worked successfully with 71 of the 100 North Carolina counties, 32 of the 115 school districts and numerous municipalities, authorities and agencies to improve their operations and cash flow.

Most public organizations are experiencing difficult times balancing their budgets. Demand for services is increasing while no one wants to increase property taxes or fees. SEGAL has helped many organizations to improve their cash flow by making specific recommendations. Typically we review paid invoices comparing the unit prices to our database and finding opportunities to obtain the same goods and services at lower prices while maintaining the same quality and level of service. Over 70% of the time, our recommendation is to continue with the present vendor at a lower price. Over 95% of our recommendations have been approved and implemented.

While we have made recommendations for over 50 revenues and expenses, the following areas had the best results:

- Banking services
- Cellular phones
- Copy services
- Debt set off
- Electricity
- Food services
- Franchise fees and taxes
- Gasoline & diesel
- Jail expenses
- NC Department of Correction
- NC sales and use tax refunds
- Privilege license revenues
- Telecommunication services
- Universal service fund/e-rate discounts
- Water treatment chemicals
- Water leak detection

Robert S. Segal, CPA PA is paid based on performance with no risk to our clients. Our fees are charged only if we reduce business costs or increase revenues. We receive a percentage of the actual savings, refunds, or credits for a period of time based upon quarterly audits after the recommendation is fully implemented. As professional analysts, we work unobtrusively while performing most of our work from our premises and using our own resources, not our clients.

Robert S. Segal, CPA PA consists of three CPAs with each one having over 20 years of accounting and business experience. We are highly motivated people with excellent analytical, business negotiation and interpersonal skills. We are committed to applying our in-depth knowledge and relevant experience to improve client operations. We are also dedicated to implementing high value purchasing solutions that strengthen our client's financial position and contribute toward long-term competitive advantages.

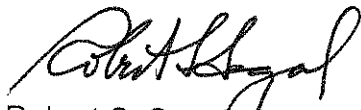
Attached are bibliographies for Robert S. Segal and the primary associates of Robert S. Segal, CPA PA. A list of references is attached. SEGAL has a variety of clients including:

- City of Asheboro
- Town of Aberdeen
- Town of Clinton
- Town of Edenton
- Town of Fletcher
- Town of Morehead City
- Town of Newport
- Town of Smithfield
- Town of Wadesboro
- Town of Wendell

We have been a longtime exhibitor at meetings of the North Carolina City County Managers Association and North Carolina League of Municipalities. We also attend meetings of the North Carolina Government Finance Officers Association.

ROBERT S. SEGAL, CPA PA agrees to maintain in strict confidence all information received from the Town of Henderson concerning its operations. Robert S. Segal, CPA PA also provides these services to organizations funded by the Town of Henderson. Thank you for the opportunity to provide this proposal. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Segal", written in a cursive style.

Robert S. Segal, CPA  
President



**ROBERT S. SEGAL, CPA PA**

EXPENSE REDUCTION & REVENUE ENHANCEMENT

1912 EASTCHESTER DRIVE  
SUITE 206  
HIGH POINT, NC 27265  
336-886-2100  
FAX 336-886-2101  
[www.segalcpa.com](http://www.segalcpa.com)

## References

Eric Williams  
Town Manager  
Town of Smithfield  
919-592-1961  
[Eric.Williams@ci.smithfield.nc.us](mailto:Eric.Williams@ci.smithfield.nc.us)

John Connet  
Town Manager  
Town of Clinton  
910-592-1961  
[jconnet@cityofclintonnc.us](mailto:jconnet@cityofclintonnc.us)

Justin Merritt  
Finance Officer  
Town of Smithfield  
919-934-2116  
[Justin.merritt@ci.smithfield.nc.us](mailto:Justin.merritt@ci.smithfield.nc.us)

Anne-Marie Knighton  
Town Manager  
Town of Edenton  
252-482-7352  
[anne-marie.knighton@ncmail.net](mailto:anne-marie.knighton@ncmail.net)

Bill Zell  
Town Manager  
Town of Aberdeen  
910-944-1115  
[zell1115@alltel.net](mailto:zell1115@alltel.net)

Charles Archer  
Associate Director for Operations and Federal Relations  
North Carolina League of Municipalities  
919-715-3918  
[carcher@ncml.org](mailto:carcher@ncml.org)



## ROBERT S. SEGAL, CPA PA

EXPENSE REDUCTION & REVENUE ENHANCEMENT

1912 EASTCHESTER DRIVE  
SUITE 206  
HIGH POINT, NC 27265  
336-886-2100  
FAX 336-886-2101  
www.segalcpa.com

### Sample Recommendations for Savings

#### First Year Savings:

|           |                                |
|-----------|--------------------------------|
| \$330,000 | Telecommunications savings     |
| \$145,000 | Peak shaving program/generator |
| \$124,000 | Copying services               |
| \$100,000 | Copying services               |
| \$ 88,000 | Telecommunication services     |
| \$ 64,000 | Copying services               |
| \$ 60,000 | Telecommunication service      |
| \$ 60,000 | Fuel                           |
| \$ 58,000 | Banking services               |
| \$ 51,000 | Water leak detection services  |
| \$ 39,000 | Cellular phone services        |
| \$ 36,000 | Copying services               |
| \$ 30,000 | Utility rate changes           |
| \$ 25,000 | Waste disposal services        |
| \$ 22,000 | Fuel                           |
| \$ 21,000 | Banking services               |
| \$ 21,000 | Electricity rate changes       |

*fee*  
*50% to*  
*Segal*

#### One Time Refunds, Credits or Rebates:

|           |                                |
|-----------|--------------------------------|
| \$744,000 | Sales tax reallocation         |
| \$625,000 | Sales tax reallocation         |
| \$500,000 | Additional NC sales tax refund |
| \$440,000 | SCAAP grant                    |
| \$395,000 | Inmate reimbursements          |
| \$380,000 | Additional NC sales tax refund |
| \$ 25,000 | Utility billing error          |
| \$ 24,000 | Utility billing error          |
| \$ 17,000 | Cable TV franchise fee         |
| \$ 15,000 | Utility billing error          |

*> inside vs outside rates*



## **ROBERT S. SEGAL, CPA PA**

EXPENSE REDUCTION & REVENUE ENHANCEMENT

1912 EASTCHESTER DRIVE  
SUITE 206  
HIGH POINT, NC 27265  
336-886-2100  
FAX 336-886-2101  
[www.segalcpa.com](http://www.segalcpa.com)

## **Robert S. Segal, CPA**

Bob is the President of Robert S. Segal, CPA PA, the only North Carolina CPA firm dedicated exclusively to non-personnel expense reduction and revenue enhancement consulting on a contingent fee basis. Since founding the practice in May 1994, he has worked with a variety of organizations including city and county governments, public school systems, housing authorities, and area mental health programs. These clients have realized millions of dollars of savings based upon lower future costs and refunds, rebates or credits provided by current vendors. He has reviewed over 50 different expenses which are commonly paid by all organizations including banking services, electricity, freight, maintenance contracts, merchant discounts, overnight express mail, phone services (long distance, 800 and local), sales tax and waste disposal.

Prior to founding Robert S. Segal, CPA PA, Bob worked as Chief Financial Officer for several financial institutions and in public accounting. He has over 25 years of accounting and business experiences.

### **Education:**

B.S. in Business from Kent State University, majoring in accounting and management science

### **Professional:**

Member, North Carolina Association of Certified Public Accountants  
Member, American Institute of Certified Public Accountants  
Affiliate Member, North Carolina Association of Government Finance Officers  
Affiliate Member, National Sheriffs Association



## *Office of the City Manager*

*134 Rose Avenue, P. O. Box 1434, Henderson, NC 27536*

*Phone 252.430.5701 : Fax 252.492.7935 : E-mail [rgriffin@ci.henderson.nc.us](mailto:rgriffin@ci.henderson.nc.us)*

[www.ci.henderson.nc.us](http://www.ci.henderson.nc.us)

---

21 July 2011

TO: Mayor O'Geary and Members of City Council  
City Attorney Zollicoffer

FR: Ray Griffin, City Manager

RE: Bennett Perry House

Ladies and Gentlemen:

At a previous meeting, City Attorney Zollicoffer advised Council of the provisions in Mr. Bennett Perry's Will providing for the donation of his home and lot located at the corner of Church and Chestnut streets to the City. The Will provides that the City will operate it as a museum if the City Council accepts the donation. At this writing, most Council Members have toured the house.

The purpose of this item being on the Work Session is to discuss Council's thoughts about the donation, the house and its condition and a draft path forward should Council wish to accept the donation.

Development of the house into a museum will take time, financial and volunteer resources. While there may be many and varying paths forward, I offer the following as a suggested "straw proposal" to help facilitate discussion on this matter.

1. Council accepts donation
2. Several concurrent paths forward:
  - a. Formation of a diverse Board to assist the City in developing an overall plan of action for the house and its operation as a museum. The Board should consist of individuals interested in historic preservation and developing the City's cultural resources, and representatives from the legal profession, architectural/contractual profession and tourism.
  - b. Obtain an opinion and estimates on things that need to be done to the house to stabilize it and allow it to remain in good condition.