



## **AGENDA**

**Henderson City Council Regular Short Meeting  
Monday, 26 September 2011, 6:00 p.m.  
R. G. (Chick) Young, Jr. Council Chambers, Municipal Building  
134 Rose Avenue  
Henderson, North Carolina**

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### **Mayor and City Council Members**

Mayor James D. O'Geary, Presiding  
Councilmember James C. Kearney, 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.

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<sup>1</sup> **Core Value 4: Ethical Behavior:** We value the public trust and will perform our duties and responsibilities with the highest levels of integrity, honesty, trustworthiness and professionalism.

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

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

## **VI. APPROVAL OF MINUTES**

- a) 12 September 2011 Regular Meeting *[See Notebook Tab #1]*

## **VII. PRESENTATIONS AND RECOGNITIONS**

- a) Muscular Dystrophy Association Presentation *[See Notebook Tab #2]*  
b) International Walk to School Day

## **VIII. PUBLIC HEARING**

- a) Consideration of Approval of Resolution 11—91, Requesting an Amendment to the Carey Chapel Crossing CDBG Grant 04-C-1304. *(CAF 11—121) [See Notebook Tab #3]*

- Public Hearing
- Resolution 11—91

Citizens may only speak on public hearing items at this time. Citizens do not need to sign-up in order to speak at a public hearing. When recognized by the Mayor, come forward to the podium, *clearly* 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>

## **IX. 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>

## **X. OLD BUSINESS**

- a) Consideration of Approval of Ordinance 11—47, Approving an Ordinance Amending the City Charter to Provide for Redistricting of the City Electoral Districts in Accordance with the 2010 Census. *(CAF 11—C—101) [See Notebook Tab #4]*
- Ordinance 11—47

## **XI. NEW BUSINESS**

- a) Consideration of Approval Resolution 11—101, Authorizing Modification of 2010 Main Street Round II Grant with Amendment #1. *(CAF 11—131) [See Notebook Tab #5]*
- Resolution 11—101

- b)* Consideration of Approval of Resolution 11—88, Authorizing Approval of Grant/Loan Applications to NC Drinking Water State Revolving Fund for Various Water System Improvements. (CAF 11—118) [See Notebook Tab #6]
  - Resolution 11—88
- c)* Consideration of Approval of Resolution 11—93, Mayor Pro Tem (CAF 11—125) [See Notebook Tab #7]
  - Resolution 11—93
- d)* Consideration of Approval of Resolution 11—94, Amending Personnel System 1) Section 2.07, Responsibility of Department Heads to Include Employee Inventory list; and 2) Adding Section 2.08, Responsibility of Employee; and 3) Amending Section 4.13, Terminal Pay Policy; and 4) Amending Section 6.07, Cell Phone Policy; and 5) Section 8.09-D Medicare Supplement. (CAF 11—126) [See Notebook Tab #8]
  - Resolution 11—94

## **XII. CONSENT AGENDA**

All matters listed under the Consent Agenda have either been previously discussed by City Council during a previous meeting and/or are considered in the ordinary course of business by the City Council and will be enacted-on by one motion and a roll call vote in the form listed. If discussion is desired by either the Council or the Audience, the item in question will be removed from the Consent Agenda and considered separately after the revised consent agenda has been approved.

- a)* Consideration of Resolution 11—99, A Resolution of the Henderson City Council Ratifying and Approving the Mayor's Signature on the North Carolina Rural Economic Development Center Contract 2008-349-40101-12, Amendment No. 3. (CAF 11—129) [See Notebook Tab #9]
  - Resolution 11—99
- b)* Consideration of Approval of Resolution 11—90, Accepting the 2011 BJA Grant in the Amount of \$30,818; and Ordinance 11—58, FY 12 Budget Amendment #13, Establishing the 2011 BJA Grant Project Budget. (CAF 11—120) [See Notebook Tab #10]
  - Resolution 11—90
- c)* Consideration of Approval of Resolution 11—42, Thanking Senator Richard Burr, Former Congressman Bob Etheridge and HUD's Deputy Assistant Secretary for Multifamily Housing Janet Golrick for their Assistance in Resolving the Beacon Light—Baxter Goodwill Apartment Blight Issue. (CAF 11—69) [See Notebook Tab #11]
  - Resolution 11—42

### **XIII. 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>

### **XIV. REPORTS**

- a)** Mayor/Mayor Pro-Tem
- b)** City Manager
- c)** City Attorney
- d)** City Clerk
  - i. Calendar Notes and Schedule Update *[See Notebook Tab #12]*
  - ii. Proclamation for Constitution Week
  - iii. Certificate of Appreciation for Henrietta C. Clark
  - iv. Certificate of Appreciation for Celester Clark

### **XVI. ADJOURNMENT**

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#### **<sup>3</sup> Citizen Comment Guidelines**

The Mayor and City Council welcome and encourage citizens to attend City Council meetings and to offer comments on matters of concern to them. Citizens are requested to review the following public comment guidelines prior to addressing the City Council.

- 1)** Citizens are requested to limit their comments to five minutes; however, the Mayor, at his discretion, may limit comments to three minutes should there appear to be a large number of people wishing to address the Council;
- 2)** Comments should be presented in a civil manner and be non-personal in nature, fact-based and issue oriented. Except for the public hearing comment period, citizens must speak for themselves during the public comment periods;
- 3)** Citizens may not yield their time to another person;
- 4)** Topics requiring further investigation will be referred to the appropriate city official, Council Committee or agency and may, if in order, be scheduled for a future meeting agenda;
- 5)** Individual personnel issues are confidential by law and will not be discussed. Complaints relative to specific individuals are to be directed to the City Manager;
- 6)** Comments involving matters related to an on-going police investigative matter and/or the court system will not be permitted; and
- 7)** Citizens should not expect specific Council action, deliberation and/or comment on subject matter brought up during the public comment section unless and until it has been scheduled as a business item on a future meeting agenda.

# City Council Minutes

## Regular Meeting - DRAFT

### 12 September 2011

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#### **PRESENT**

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

#### **ABSENT**

Council Members Lonnie Davis, Jr. And D. Michael Rainey

#### **STAFF PRESENT**

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther McCrackin, Assistant City Manager Frank Frazier, Police Chief Keith Sidwell, Assistant Fire Chief Steve Cordell, 911 Director Brian Short, City Engineer Peter Sokalski and Planning Director Erris Dunston.

#### **CALL TO ORDER**

The 12 September 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 and stated how pleased he was to have citizens attending this meeting. The Mayor said Council Member Kearney was delayed due to a speaking engagement but would be joining the meeting shortly and he told everyone that Council Member Davis is still hospitalized but is doing much better and expects to be home in another few days. Mr. Davis asked the Mayor to extend a hello.

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

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin stated there would be a section added before the Public Hearing for three proclamations (see **Proclamations and Recognitions** below). She also explained that although Ordinance 11—57 was included in the agenda packet for the Public Hearing, no action would be taken at this evenings meeting. City Attorney John Zollicoffer stated he would like three items considered in the Closed Session: one item under G.S. §143-318.11(a)(4), Economic Development Matter and

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two items under G.S. §143-318.11(a)(3), Attorney-Client Privilege Matter. With those changes, Council Member Inscoe moved to accept the agenda. Motion seconded by Council Member Peace-Jenkins and unanimously approved.

## **APPROVAL OF MINUTES**

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Peace-Jenkins moved the approval of the following minutes: 22 August Short Regular Meeting and 22 August Work Session. Motion seconded by Council Member Daye and unanimously approved.

## **PROCLAMATIONS AND RECOGNITIONS**

**Joining the National Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>.** (Reference: Resolution 11—96)

Mayor O'Geary read this Resolution and stated 11 September 2001 should never be forgotten.

Council Member Peace-Jenkins moved approval of Resolution 11—96, *Joining the National Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>*. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Peace-Jenkins, Daeke and Daye. NO: None. ABSENT: Davis and Rainey. (See Resolution Book 2, p 193)

(Clerk's Note: Council Member Kearney arrived at 7:08 pm.)

**Recognizing the City of Henderson Public Services Department Personnel.** (Reference: Resolution 11—97)

Mayor O'Geary read this Resolution. The Mayor then presented Assistant City Manager Frank Frazier a copy which Mr. Frazier stated he would share with the entire department during a gathering on 13 September 2011.

Council Member Coffey moved approval of Resolution 11—97, *Recognizing the City of Henderson Public Services Department Personnel*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Coffey, Inscoe, Peace-Jenkins, Daeke, Daye and Kearney... NO: None. ABSENT: Davis and Rainey. (See Resolution Book 2, p 195).

**Recognizing the 911 Personnel, City of Henderson Police Department Personnel, Fire Department Personnel, and Public Services Personnel for Efforts During and After Hurricane Irene.** (Reference: Resolution 11—98)

After reading this Resolution, Mayor O'Geary presented a copy to each department and thanked them for their hard work from preparation until after Hurricane Irene left the area.

Council Member Daeke moved approval of Resolution 11—98, *Recognizing 911 Personnel, City of Henderson Police Department Personnel, Fire Department Personnel and Public Services*  
*Minutes Book 41*

*Personnel for Efforts During and After Hurricane Irene.* Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Inscoe, Peace-Jenkins, Daeke, Daye, Kearney, and Coffey. NO: None. ABSENT: Davis and Rainey. (See Resolution Book 2, p 197)

## PUBLIC HEARING

**Amending Voting Ward Boundary Maps and Descriptions Pursuant to 2010 Federal Decennial Census Redistricting Requirements.** (Reference: CAF 11—B—101; Ordinance 11—47)

City Manager Ray Griffin asked Planning Director to update Council. Ms. Dunston informed that maps were prepared showing the current Wards, proposed Wards and changes within each Ward. She stated these maps have been on display in City Hall and on the web page since 20 July 2011 and said no questions or comments had been received by either herself, the City Clerk or City Manager.

Then City Attorney John Zollicoffer reviewed the basics for everyone present. Attorney Zollicoffer stated when the 2010 census was received it indicated a decrease in population for the City of Henderson and also a population shift. After reviewing the information, Attorney Zollicoffer stated Ward 4 was 16% short of the obligatory population norm, which is approximately 3,842 individuals in each Ward. Therefore, to bring the Wards into compliance sections of Ward 2 were moved into Ward 1 and Ward 3. Then a portion of Ward 3 was moved to Ward 4. The result brought each Ward within 1% of the needed norm. Below are two (2) charts: one showing the Existing Ward Populations, and one showing the Proposed Ward Populations. These proposed changes created no major changes in racial balance.

Existing Ward Populations								
	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)
Ward 2	2,493	59.146	1,513	35.896	209	4.958	4,215	9.708
Ward 3	1,314	30.558	2,624	61.023	362	8.419	4,300	11.921
Ward 4	365	11.350	2,630	81.779	221	6.872	3,216	(16.294)
Total	4,611		9,842		915		15,368	

Proposed Ward Populations								
	White	% of Ward	Black	% of Ward	Other	% of Ward	Total Population	% Variance to Norm
Ward 1	485	12.716	3,174	83.220	155	4.064	3,814	(0.729)
Ward 2	2,364	61.756	1,275	33.307	189	4.937	3,828	(0.364)
Ward 3	1,141	29.644	2,475	64.302	233	6.054	3,849	0.182
Ward 4	621	16.018	2,918	75.264	338	8.718	3,877	0.911
Total	4,611		9,842		915		15,368	

Attorney Zollicoffer went on to say that after this Public Hearing, the Ordinance amending the Ward Boundaries will be brought before Council at the 26 September meeting and if approved, Attorney Zollicoffer will then submit the changes to the Department of Justice (DOJ). The anticipated receipt of approval from the DOJ is early January 2012. That will give time for the filing period for the May Primary/Municipal elections which is in February with the Primary elections in May and if needed, a runoff election in June, with the newly elected Mayor and Council seated in July.

There was no discussion.

Mayor O'Geary then opened the Public Hearing by asking anyone who wished to speak in favor of the proposed redistricting to come forward.

No one came forward to speak.

Mayor O'Geary then asked for those who wished to speak in opposition to the proposed redistricting.

No one came forward to speak.

Mayor O'Geary then closed the Public Hearing and asked if Council has any questions. No questions were raised.

City Manager Ray Griffin then stated Ordinance 11—47 will be brought forward to the 26 September Short Meeting for consideration.

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

No one wished to address Council on agenda items.

#### **NEW BUSINESS**

**Award of Audit Contract with William L. Stark for FY Ending 30 June 2011.** (*Reference: CAF 11—13, Resolution 11—06*)

City Manager Griffin reminded Council that last year was the first year the City bifurcated the audit process on the recommendation of Phillips, Dorsey, Thomas, Waters and Brafford, P.A., who performed the basic audit with the firm of William L. Stark and Company helping to finalize the audit. The system worked well and it is recommended that the same system be used for the 30 Jun 2011 audit. At a previous meeting, Council approved Phillips, Dorsey, Thomas, Waters and Brafford, P.A., and this Resolution awards William L. Stark and Company's portion of the audit.

Mayor O'Geary asked if Council had any questions. No questions were raised and Mayor O'Geary asked for the pleasure of Council.



Council Member Kearney moved approval of Resolution 11—06, *Award of Audit Contract with William L. Stark for FY Ending 30 June 2011*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Daye, Kearney, Coffey and Inscoe. NO: None. ABSENT: Davis and Rainey. (See Resolution Book 2, p 11)

**Amending Section 10-49 of the City Code Clarifying the Carrying of Concealed Weapons on City Properties in Accordance with N.C.G.S. §14-415.23** (Reference: CAF 11-123; Ordinance 11-57)

City Manager Griffin stated this is a housekeeping item to update the City Code to keep in alignment with recent Legislative changes and asked City Attorney Zollicoffer to update Council.

Attorney Zollicoffer stated the North Carolina General Assembly approved House Bill 650 and then amended the Bill so that localities are required to “post” properties with recreation facilities on which they wish to prohibit concealed weapons. As all of Henderson’s parks include recreation facilities, minor changes are required to City Code 10-49 and signs need to be posted at all parks.

Mayor O’Geary thanked Attorney Zollicoffer for his work and asked if there were any questions.

There was no discussion and the Mayor asked for Council’s pleasure.

Council Member Inscoe moved the approval of *Amending Section 10-49 of the City Code Clarifying the Carrying of Concealed Weapons on City Properties in Accordance with N.C.G.S. §14-415.23*. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Daye, Kearney, Coffey and Inscoe. NO: None. ABSENT: Davis and Rainey. (See Ordinance Book 8, p. 317)

**Award Bid of Spring Street Sewer Main Project.** (Reference: CAF 11—115; Resolution 11-87; Ordinance 11—55)

City Manager asked City Engineer Peter Sokalski to present this item to Council.

Mr. Sokalski explained the final information for this bid arrived just prior to this meeting and reminded Council that the sewer system along Spring Street has several problems needing repair: 1) the ductile iron pipe has corroded to the point of near failure under the existing railroad crossing; 2) the manhole near the intersection of Spring and Garnett streets needs to be rehabilitated as a steel plate has been placed over the existing manhole for added support for more than a year; and 3) the manhole at the intersection of Garnett and Spring streets needs rehabilitation as the sewer connection within the manhole has failed.

Based on these issues Mr. Sokalski requested informal bids from three (3) companies and received two bids. It is recommended that the Harris Equipment Company bid of \$108,350 be accepted. The other bidder was HG Reynolds who submitted a bid of \$150,000.

Council Member Kearney asked how this amount related to the account balance. As the Finance Director was not present, Assistant City Manager Frazier stated the account balance is believed to be approximately \$1.2m. Mr. Kearney also inquired about the credibility of the Harris Equipment Company. Mr. Sokalski stated they have a long history in good standing and are considered a reputable local company.

Council Member Coffey asked how long the project should take. Mr. Sokalski stated less than a month.

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

Council Member Inscoe moved the approval of *Award Bid of Spring Street Sewer Main Project*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Daeke, Daye, Kearney, Coffey, Inscoe and Peace-Jenkins. NO: None. ABSENT: Davis and Rainey. (*See Resolution Book 2, p Ordinance Book 8, p 313*)

**Appointing Bennett Perry Museum Committee.** (*Reference: CAF 11—124; Resolution 11—92*)

City Manager Griffin stated the Boards and Commissions Committee met last week to establish the structure for overseeing the conversion of the Bennett Perry House to a museum. This Resolution allows for the establishment of this committee.

Council Member Daeke, Chairman of the Boards and Commissions Committee, suggested that this Resolution be tabled. He felt the proverbial “cart before the horse” issue existed and suggested that a process needed to be established first to restore the house. He mentioned that at a prior meeting Council Member Inscoe had prepared a list of needed repairs and costs which needed to be considered. Mr. Daeke suggested a type of blue ribbon fund raising group be formed from the community to address these issues first.

There was no further discussion and Mayor O'Geary asked if Council Member Daeke was willing to make his suggestion into a motion.

Mr. Daeke made the motion to form a Blue Ribbon Fund Raising Committee under the Mayor's auspice to address the process of rehabilitation of the Bennett Perry House and that Resolution 11—92 be tabled until it is time to establish the operating committee. Motion was seconded by Council Member Inscoe and APPROVED by the following vote: YES: Daye, Kearney, Coffey, Inscoe, Peace-Jenkins and Daeke. NO: None. ABSENT: Davis and Rainey. (*See Resolution Book 2, p 185*)

City Attorney Zollicoffer stated Mr. Kittrell, Executor of the Estate, requested time to remove the belongings from the Perry house. He also stated that the purchase agreement is being drawn up which will allow the City twenty-one (21) years to create the museum.

## CONSENT AGENDA

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

- a. **Authorizing FY 12 Budget Amendment #10 to Close Out the City Hall Renovation Project Budget.** This matter was discussed during the August Work Session and based on the unanimous consensus of Council Members was placed on this agenda. (*Reference: CAF 11—09; Ordinance 11—03*) (*See Ordinance Book 8, p 209*)
- b. **Retirement of K-9 Officer Jax and Transfer of Ownership to Police Officer Jeremy Pearce.** Police Chief Sidwell requested the retirement and transfer of ownership of Officer K-9 Jax to Police Officer Jeremy Pearce as Officer Pearce has resigned. K-9 Jax has had four (4) different canine handlers and is now of age where the cost to retrain K-9 Officer Jax exceeds his remaining service expectancy. (*Reference: CAF 11—127; Resolution 11—95*) (*See Resolution Book 2, p 191*)
- c. **Ratification of Appointments to Fill Mary Emma Evans Unexpired Terms on City of Henderson Committees.** This action formalizes the Mayor's appointments to fill the unexpired terms of Mary Emma Evans, deceased. (*Reference: CAF 11—117*)

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

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

## PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

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

**C. J. Dale, (a non-City resident and pastor of church located within city limits) 117 North Garnett Street.** Rev. Dale first expressed his agreement that September 11<sup>th</sup> should never be forgotten. He went on to state the controversy over how prayers are said in public should not cause anyone to compromise their belief. Rev. Dale encouraged Council Members to pray as they felt comfortable and said if "we" need to take a stand against the ACLU, then let's do it.

Mayor O'Geary thanked Rev. Dale for his statement.

## REPORTS

Mayor/Mayor Pro Tem - No Report

#### City Manager Report:

Mr. Griffin thanked Council for their recognition of the City's workforce. He stated the City has wonderful people working each and every day who respond promptly to emergencies when required. Mr. Griffin stated he and the Mayor would be meeting in the near future with individual groups to personally pass on thanks.

Mr. Griffin also shared his appreciation of the *Daily Dispatch* for their recent article entitled: *Now You See It: Now You Don't*, which included front page photos of the Beacon Light complex before and after demolition. Mr. Griffin complimented Code Compliance Director Corey Williams for doing the lion's share of the work in completing this project which has been ongoing since October 2008. He also thanked Council for all the work they did to see this project to fruition.

Mr. Griffin asked Council for their consensus to bring a resolution to the next Council meeting thanking Senator Burr and Hagen, along with Congressman Ethridge and HUD representative Janet Golrick for their efforts to see this project through to such a wonderful conclusion. Council confirmed this request.

#### City Attorney Report:

Attorney Zollicoffer reiterated Mr. Griffin's comments and stated he was especially pleased to see the elected officials in Washington work together. He also complimented the HUD attorney who, for a bureaucratic agency kept this moving quickly.

Attorney Zollicoffer also mentioned a recent problem with reaching a quorum during a Board of Adjustment meeting. It is believed that at this time the Board needs one more Alternate member.

City Manager Griffin stated this was discussed during the last Boards and Commissions Committee meeting and several issues were reviewed including how to fill positions for all committees. Council Member Daeke mentioned that Mayor O'Geary had distributed a memo with applications attached for Council Members to encourage citizens to apply for vacant seats on various committees.

City Clerk - No Report

Mayor O'Geary encouraged Council Members to let the City Clerk know whether they plan to attend the Crime Stoppers banquet in October so a headcount can be submitted.

#### **CLOSED SESSION**

Council Member Inscoe moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(4) Economic Development Matter and G.S. §143-318.11(a)(3) Attorney-Client Privilege Matter. Motion seconded by Council Member Daye and unanimously approved. (*Council convened in closed session at 7:53 p.m.*)

Council Member Coffey moved for Council to convene in open session. Motion seconded by Council Member Inscoe and unanimously approved. (*Council convened in open session at 8:42 p.m.*)

Mayor O'Geary advised there was no report from the Executive (Closed) Session.

#### **ADJOURNMENT**

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Coffey and unanimously approved. The meeting adjourned at 8:43 p.m.

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James D. O'Geary  
Mayor

***ATTEST:***

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Esther J. McCrackin  
City Clerk



***PROCLAMATION***  
**Muscular Dystrophy Month**  
**October 2011**



**WHEREAS**, fighting fires is one of the most hazardous professions, requiring physical strength, stamina, extensive training, courage, selfless concern for the welfare of our citizens; and

**WHEREAS**, in addition to their daily service to communities, firefighters throughout the state and across the nation have joined the Muscular Dystrophy Association (MDA) for more than fifty years in the fight against neuromuscular diseases; and

**WHEREAS**, the Muscular Dystrophy Association is extremely grateful to the firefighters of Henderson whose 2011 “Fill the Boot” campaign will assist MDA in providing medical services at local clinics, summer camp, research grants, support groups and public education seminars at no cost to local children and families; and

**WHEREAS**, in honor of the efforts of the firefighters of Henderson, MDA is sponsoring Henderson Firefighter Appreciation Month for the month of October, 2011; and

**WHEREAS**, it is appropriate for all Henderson citizens to join the Muscular Dystrophy Association in this tribute to our firefighters.

***NOW THEREFORE, I, JAMES D. O’GEARY***, Mayor of the City of Henderson, North Carolina, do hereby proclaim the month of October as Henderson Firefighter Appreciation Month and commend the Henderson firefighters for their service to this community and for volunteering their time to support the Muscular Dystrophy Association

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James D. O’Geary, Mayor

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Henderson in the State of North Carolina this 26<sup>st</sup> day of September 2011.

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Esther J. McCrackin City Clerk



***PROCLAMATION***  
**International Walk to School Day**  
**October 5, 2011**  
❧

**WHEREAS**, despite ongoing efforts to better protect child pedestrians, child pedestrian injury remains the second leading cause of unintentional injury-related death among children ages 5 to 14 in the United States; *and*

**WHEREAS**, in 2009, there were 244 fatalities and 13,000 injuries to child pedestrians; *and*

**WHEREAS**, most child pedestrian fatalities are the result of an incident with a motor vehicle; *and*

**WHEREAS**, children are more likely to get hit by cars in areas with high traffic volume, a higher number of parked cars on the street, higher posted speed limits, the absence of a divided highway, few pedestrian control devices, and few alternative play areas, such as parks; *and*

**WHEREAS**, children are particularly vulnerable to pedestrian injuries because they are exposed to traffic threats that exceed their cognitive, developmental, behavioral, physical, and sensory abilities; *and*

**WHEREAS**, environmental modifications, when made in conjunction with enforcement of traffic laws and increased penalties for traffic violations, are proven to reduce traffic-related pedestrian death and injury; *and*

**WHEREAS**, in recognition of International Walk to School Day 2011, children, parents, educators, community leaders, Safe Kids coalitions and FedEx volunteers are joining together nationwide to walk to school and evaluate pedestrian safety in their community; *and*

**WHEREAS**, Safe Kids Henderson-Vance has planned pedestrian safety activities and school-based events for International Walk to School Day 2011 in an effort to educate children and families about the importance of pedestrian safety.

**NOW, THEREFORE**, I, James D. O'Geary, Mayor of the City of Henderson do hereby proclaim October 5, 2011 as INTERNATIONAL WALK TO SCHOOL DAY and call upon all the residents of this City to join with me in supporting the efforts and activities of Safe Kids Henderson-Vance to prevent pedestrian injuries and deaths to our children.

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James D. O'Geary, Mayor

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Henderson in the State of North Carolina this 26<sup>th</sup> day of September 2011.

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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: 26 Sept 11 Short Reg. Meeting

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9 September 2011

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

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

**RE:** **CAF: 11-121**

**Consideration of Approval of Resolution 11—91, Requesting an Amendment to the Carey Chapel Crossing CDBG Grant 04-C-1304**

**Ladies and Gentlemen:**

**Council Goals Addressed By This Item:**

- **KSO 4.3** *Implement Home Ownership Programs*

**Recommendation:**

- Approval of Resolution 11—91, Requesting an Amendment to the Carey Chapel Crossing CDBG Grant 04-C-1304

### **Executive Summary**

In 2004, the City of Henderson was awarded a Housing Development Grant for the Carey Chapel Crossing Subdivision. This grant, in the amount of \$216,000, was to be used to install infrastructure for the first 12 lots of this subdivision. The infrastructure included water, streets, sidewalks and sewer. The requirement of the grant was for the developer to have 12 housing units occupied by low to moderate-income families.

Carey Chapel Crossing was designed for home ownership. It is located adjacent to Aycock Recreation Center and Aycock Elementary School. This subdivision has been annexed into the City.

The developer, Dennis Tharrington, along with Franklin Vance Warren Opportunities, has worked diligently to meet the required benefit of 12 housing units; however, the economic recession and the decline in the housing market has made meeting this requirement a significant challenge to accomplish. Currently there have been 8 houses constructed. As this grant has far exceeded its 36-month construction time limit, we are now asking the Department of Commerce Division of Community Investments to be understanding of the circumstances and amend the grant requirement from 12 to eight homes.

**Enclosures:**

1. Resolution 11—91



# RESOLUTION 11—91

## A RESOLUTION REQUESTING THE NC DEPARTMENT OF COMMERCE, DIVISION OF COMMUNITY INVESTMENT TO AMEND THE BENEFIT REQUIREMENT FOR THE CAREY CHAPEL CROSSING GRANT 04-C-1340

**WHEREAS**, City of Henderson (City) was awarded a Housing Development Grant in 2004 in the amount of \$216,000; *and*

**WHEREAS**, this grant was for the installation of infrastructure which includes water, streets, and sewer for the first 12 lots in the Carey Chapel Crossing subdivision; *and*

**WHEREAS**, this grant initially required a benefit of 12 occupied homes for low to moderate-income families; *and*

**WHEREAS**, to date there has been eight homes completed and occupied; *and*

**WHEREAS**, the City is requesting to the State Department of Commerce Division of Community Investment to amend the benefit requirement from 12 occupied homes to eight occupied homes; *and*

**WHEREAS**, the City conducted a Public Hearing on the proposed grant amendment on Monday, 26 September 2011.

**NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL** that it has considered this matter and public comment received on it and does now hereby request the NC Department of Commerce Division of Community Investments to amend the Housing Development Grant 04-C-1340 to reduce the benefit requirement from 12 to eight housing units; *and*

**BE IT FURTHER RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY AUTHORIZE** the Mayor to sign all documents to effect said amendment.

The foregoing Resolution 11—91, 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: . ABSENT: . ABSTAIN: .

\_\_\_\_\_  
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. \*\*.*

## City Council Action Form

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



Agenda Item: \_\_\_\_\_  
Council Meeting: 26 September 2011

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26 August 2011

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

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

**RE:** **CAF: 11—C—101**

**Consideration of Approval of Ordinance 11—47 Approving an Ordinance Amending the City Charter to Provide for Redistricting of the City Electoral Districts in Accordance with the 2010 Census.**

**Ladies and Gentlemen:**

### **Recommendation:**

- Approval of Ordinance 11—47 Approving an Ordinance Amending the City Charter to Provide for Redistricting of the City Electoral Districts in Accordance with the 2010 Census.

### **Executive Summary:**

The City Council conducted a Public Hearing during its 12 September 2011 regular meeting. No citizens appeared to speak for or against the proposed redistricting plan. The proposed plan had been available for public inspection in City Hall and was posted on the City's website. No comments were received from the public during the inspection period.

In light of the absence of public comments made on the proposed redistricting plan and the need to provide sufficient time for the USDOJ Civil Rights Division to review the proposed plan, it is recommended Council approve Ordinance 11-47.

### **Enclosures:**

1. Ordinance 11—47

## ORDINANCE 11—47

Council Member \_\_\_\_\_ introduced the following Ordinance which was seconded by Council Member \_\_\_\_\_ and read:

### **AN ORDINANCE AMENDING THE CITY CHARTER TO PROVIDE FOR REDISTRICTING OF THE CITY ELECTORAL DISTRICTS IN ACCORDANCE WITH THE 2010 CENSUS**

**WHEREAS**, Section 4 of the Charter of the City of Henderson provides that the elected officers of the City shall consist of a Mayor (to be elected every four years by the qualified voters of the whole City), and two councilpersons from each Ward (a “Ward Seat” and an “At Large Seat”) whose terms of office shall be staggered four year terms; *and*

**WHEREAS**, the 2010 Census indicated a shift in the City’s population so that the existing four Wards are presently out of balance population wise; *and*

**WHEREAS**, General Statute §160A-101(6)d and Section 4 of the City Charter provides that the City may be divided into electoral districts equal in number to one-half the number of Council seats; the Council seats shall be equally divided into “Ward Seats” and “At Large Seats”, one each of which shall be apportioned to each district, so that each Council Member represents the same number of persons as nearly as possible; the qualified voters of each district shall nominate and elect candidates to the “Ward Seats”; candidates for the “At Large Seats” shall reside in and represent the districts according to the apportionment plan adopted, but all candidates for “At Large Seats” shall be nominated and elected by all the qualified voters of the City; *and*

**WHEREAS**, General Statute §160A-23.1 provides for special rules for redistricting after each United States Census by the City Council, and General Statute §160A-102 provides the procedure for so amending the City Charter to implement said redistricting; *and*

**WHEREAS**, the City Council of the City of Henderson desires to redistrict its four Wards (or electoral districts) to comply with the 2010 United States Census; *and*

**WHEREAS**, a map has been prepared showing the existing Wards of the City of Henderson, with a second map showing proposed new Wards of the City of Henderson pursuant to a redistricting plan to comply with the General Statutes in accordance with the figures provided in the 2010 United States Census; *and*

**WHEREAS**, General Statute Section 160A-102 provides that the City Council shall first adopt a Resolution of Intent to consider the appropriate Ordinance amending the Charter, and setting a public hearing on the proposed Charter Amendment, a notice of which is to be advertised not more than 45 days after adopting the Resolution; the Notice shall be published at least once not less than 10 days prior to the date set for the public hearing, and following the public hearing the City Council may adopt an Ordinance amending the Charter; *and*

**WHEREAS**, on August 8, 2011, the City Council adopted Resolution 11-74 a “Resolution of Intent Pursuant to NCGS §160A-102 Amending the City Charter to Provide for Redistricting of the City Electoral Districts in Accordance with the 2010 Census and Setting a Public Hearing on the Same” to be held on September 12, 2011 at the regular scheduled City Council Meeting; *and*

**WHEREAS**, the notice of the Public Hearing was published in The Daily Dispatch on August 30, 2011; *and*

**WHEREAS**, the Public Hearing on said redistricting was duly held at the official meeting of the City Council on September 12, 2011 at which time the City Council heard no objections to the proposed redistricting; *and*

**WHEREAS**, at the next regular City Council meeting, the Council may now adopt the Ordinance set forth herein to implement the amendments proposed in the Resolution of Intent; *and*

**WHEREAS**, the Resolution of Intent set forth the three areas to be transferred:

- (a) The first area to be transferred from Ward 2 to Ward 1,
- (b) The second area to be transferred from Ward 2 to Ward 3, and
- (c) The third area to be transferred from Ward 3 to Ward 4.

**WHEREAS**, following said transfers, the four electoral wards of the City of Henderson will be described as hereinafter set forth in the amendment to Section 3 of the Charter of the City of Henderson.

**NOW THEREFORE**, the City Council of the City of Henderson doth hereby ordain:

Section 1. That Section 3 of the City Charter of the City of Henderson be amended to read as follows:

“Section 3. Ward Boundaries. The City shall be divided into four wards, bounded as follows:

Ward No. 1 Beginning at a point where US Highway 1-158 Business (sometimes referred to as Norlina Road and Garnett Street) intersects the northeastern City Limits line of the City of Henderson and run thence along said US Highway 1-158 Business in a general southeasterly direction to the intersection of US Highway 1-158 with Granite Street; run thence along Granite Street in a general northwesterly direction to Parham Street; run thence along Parham Street in a general westerly direction to Arrow Street; run thence along Arrow Street in a general northerly direction to Stanley Street; run thence along Stanley Street in a general northwesterly direction to Roanoke Avenue; run thence along Roanoke Avenue in a general northeasterly direction to Beckford Drive; run thence along Beckford Drive in a general easterly direction 1,500 feet to a point; run thence in a northerly direction to a point on Interstate I-85 located 1,035 feet west of

where the western right of way of Parrish Mill Road (if extended would intersect I-85); run thence along I-85 in a general westerly direction 1,305 feet, more or less, to a creek; run thence along said creek in a northeasterly direction to North Street (extended as though it were going toward Ross Mill Road); run thence along said North Street extended in a general northwesterly direction to the existing City Limits line; run thence along the existing City Limits line in a general easterly direction to the place of beginning.

Ward No. 2. Begin at a point located at the western City Limits of the City of Henderson where US 158 Business (Oxford Road) intersects said City Limits; run thence along US 158 Business (Oxford Road) in a general easterly direction to its intersection with Dabney Drive; run thence in a general northwesterly direction along Dabney Drive to its intersection with Bane Avenue; run thence along Bane Avenue in a general northeasterly direction to its intersection with Second Avenue; run thence in a general northwesterly direction along Second Avenue to its intersection with Berry Avenue; run thence along Berry Avenue in a general northerly direction to its intersection with Parham Street; run thence along Parham Street in a general westerly direction to its intersection with Arrow Street; run thence along Arrow Street in a general northerly direction to its intersection with Stanley Street; run thence along Stanley Street in a general northwesterly direction to Roanoke Avenue; run thence along Roanoke Avenue in a general northeasterly direction to Beckford Drive; run thence along Beckford Drive in a general easterly direction 1,500 feet to a point; run thence in a northerly direction to a point on Interstate I-85 located 1,035 feet west of where the western right of way of Parrish Mill Road (if extended would intersect I-85); run thence along I-85 in a general westerly direction 1,305 feet, more or less, to a creek; run thence along said creek in a northeasterly direction to North Street (extended as though it were going toward Ross Mill Road); run thence along said North Street extended in a general northwesterly direction to the existing City Limits line; run thence along the existing City Limits line in a general southwesterly direction to the place of beginning.

Also included within Ward 2 is the satellite area annexed in 2001 adjoining Ruin Creek Road and Woodlawn Road.

Ward No. 3. Begin at a point located at the western City Limits of the City of Henderson where US 158 Business (Oxford Road) intersects said City Limits; run thence along US 158 Business (Oxford Road) in a general easterly direction to its intersection with Dabney Drive; run thence in a general northwesterly direction along Dabney Drive to its intersection with Bane Avenue; run thence along Bane Avenue in a general northeasterly direction to its intersection with Second Avenue; run thence in a general northwesterly direction along Second Avenue to its intersection with Berry Avenue; run thence along Berry Avenue in a general northerly direction to its intersection with Parham Street; run thence along Parham Street in a general easterly direction to its intersection with Granite Street; run thence along Granite Street in a general southerly direction to its intersection with Garnett Street (US 1-158 Business); run thence in a general northeasterly direction along Garnett Street to its intersection with Winder Street; run thence in a southerly direction along Winder Street to its intersection with County Home Road; run thence in

an easterly direction along County Home Road to its intersection with Montgomery Street; continue thence in a easterly direction along Montgomery Street to its intersection with Swain Street; run thence along a creek from the corner of Montgomery and Swain Streets in a southeasterly direction to the intersection of Montgomery Street and Bullock Street; run thence in a southeasterly direction along Montgomery Street to its intersection with Willow Lane; run thence in a southwesterly direction along Willow Lane to its intersection with Walnut Street; continue thence along Walnut Street (and an extension of the same) to US Highway 1 Bypass; run thence in a general southerly direction along US Highway 1 Bypass approximately 900 feet to Sandy Creek; run thence along Sandy Creek and as it meanders in a general westerly direction to its intersection with Alexander Avenue; run thence along Alexander Avenue in a general westerly direction approximately 285 feet to its intersection with Pinkston Street; run thence along Pinkston Street in a general southerly direction to its intersection with South Carolina Avenue; run thence along South Carolina Avenue in a general westerly direction to its intersection with Reservoir Street; run thence in a general southerly direction along Reservoir Street to its intersection with Berry Street; run thence along Berry Street in a general southwesterly direction to its intersection with Old Epsom Road; run thence along the Old Epsom Road in a general southeasterly direction to the existing City Limits line; run thence along the existing City Limits line in a general westerly direction to the point and place of beginning.

Ward No. 4. Begin at the intersection of US Highway 1-158 Business (sometimes referred to as Norlina Road and Garnett Street) with the northeastern City Limits line; run thence in a general southwesterly direction along US Highway 1-158 (Norlina Road/Garnett Street) to its intersection with Winder Street; run thence along Winder Street in a general southerly direction to its intersection with County Home Road; run thence in an easterly direction along County Home Road to its intersection with Montgomery Street; continue thence in a easterly direction along Montgomery Street to its intersection with Swain Street; run thence along a creek from the corner of Montgomery and Swain Streets in a southeasterly direction to the intersection of Montgomery Street and Bullock Street; run thence in a southeasterly direction along Montgomery Street to its intersection with Willow Lane; run thence in a southwesterly direction along Willow Lane to its intersection with Walnut Street; continue thence along Walnut Street (and an extension of the same) to US Highway 1 Bypass; run thence in a general southerly direction along US Highway 1 Bypass approximately 900 feet to Sandy Creek; run thence along Sandy Creek and as it meanders in a general westerly direction to its intersection with Alexander Avenue; run thence along Alexander Avenue in a general westerly direction approximately 285 feet to its intersection with Pinkston Street; run thence along Pinkston Street in a general southerly direction to its intersection with South Carolina Avenue; run thence along South Carolina Avenue in a general westerly direction to its intersection with Reservoir Street; run thence in a general southerly direction along Reservoir Street to its intersection with Berry Street; run thence along Berry Street in a general southwesterly direction to its intersection with Old Epsom Road; run thence along the Old Epsom Road in a general southeasterly direction to the existing City Limits line; run thence along the existing City Limits line in a general northerly direction to the place of beginning.

Also included with Ward 4 is the 19.03 acre tract known as Carey Chapel Crossing Subdivision which was satellite annexed by the City of Henderson on January 1, 2011.”

Section 2. The foregoing Ordinance shall be in full force and effect from and after the first day of January, 2012, subject to submission under Section 5 of the Voting Rights Act to the Voting Section of the Civil Rights Division of the Department of Justice.

Following the effective date of this Ordinance, the Council shall publish a Notice stating that the Ordinance amending the Charter has been adopted and summarizing its contents in effect and a copy of this Ordinance shall be further sent to the Vance County Board of Elections.

The foregoing Ordinance 11—47, upon motion of Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, and having been submitted to a roll call vote and received the following votes and was **APPROVED/DISAPPROVED** on this the 26<sup>th</sup> day of September 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, 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 foregoing Ordinance is a true and exact copy of *Ordinance 11—47, An Ordinance Amending The City Charter To Provide For Redistricting Of The City Electoral Districts In Accordance With The 2010 Census*, adopted by the Henderson, City Council in Regular Session on 26 September 2011 (*See Minute Book 42, p. \*\*.*). This Ordinance is recorded in *Ordinance Book # 8, pp. \*\*.*

Witness my hand and corporate seal of the City, this \*\* day of \*\*\* 2011.

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

## City Council Action Form

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



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

**Council Meeting:** 26 Sept 11 Short Reg. Meeting

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22 September 2011

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

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

**RE:** CAF: 11—131

**Consideration of Approval of Resolution 11—101, Authorizing Modification of 2010 Main Street Round II Grant with Amendment #2.**

**Ladies and Gentlemen:**

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

- KSO 5 – Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems.
- KSO 8 – 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—101 authorizing Modification of 2010 Main Street Round II Grant with Amendment #2.

### **Executive Summary**

The City Council approved funding for the City Hall roof replacement in the 2010 fiscal year utilizing the 2010 Main Street Round II Grant funding, which was a 50% match for the existing City Hall Roof replacement. The project was awarded to Triangle Roofing Services, Inc., which completed the roof replacement in June 2011. After the project was completed, the City realized a cost savings in the project of \$9,511.20, which left \$4,755.60 remaining in the grant match. Per discussions with the State Energy Office (SEO), the City was able to develop another small project that qualified for the grant. The SEO submitted the attached Amendment #2 to be signed and returned in order to process the request to utilize the funds for the additional small project at City Hall.

The small project consists of replacing the existing condenser and air handler that provides air conditioning for the large conference room and the Mayor's office. The existing HVAC unit was operational at the time of the existing building renovation to City Hall and was not replaced. The



age of the unit is unknown as no markings besides the name of the unit ("YORK") are available. Based on discussions with our HVAC service provider, the unit is estimated to be approximately 20 years old. The unit required 3 service calls during the summer and has served beyond its useful life. The City Staff obtained a quote to replace the HVAC unit in its entirety for \$3,390 from Larry's Service Company. Thus, the City's cost will be half of this amount, or \$1,695.

Based on the remaining grant match funds, there will still be remaining money not utilized and will be returned to the State (\$3,060.60). No other ideas generated energy savings projects that qualified within the City Hall building envelope.

It is the City Staff's recommendation to approve Resolution 11—101, which authorizes Amendment #2 to the original contract for the 2010 Main Street Round II Grant to replace the existing HVAC system.

**Enclosures:**

1. Resolution 11—101
2. Copy of Proposal for Services by Larry Service Company

**A RESOLUTION AUTHORIZING  
MODIFICATION OF 2010 MAIN STREET ROUND II GRANT  
WITH AMENDMENT #2**

**AMENDMENT #2**

The contract signed on by and between City of Henderson (hereinafter called the "Grantee") and the North Carolina Department of Commerce, Energy Office (hereinafter called the "Agency"), is hereby amended as follows:

Scope of Work: The project scope of work is hereby changed as shown on Attachment A. Budget:

The project budget is appended as shown on Attachment B. All other terms and conditions of the agreement remain unchanged.

IN WITNESS WHEREOF, the parties hereto have caused this modification to be duly signed and executed with the intention of becoming legally bound and thereby effective as of the date and year first above written.

**Grantee**

Printed Name Date

Signature Mayor James O'Geary

**North Carolina  
Department of  
Commerce**

Printed Name Date

Signature

## **Attachment A**

### **Scope of Work Amendment**

**Removal and installation of existing HVAC system at City Hall, 134 Rose Avenue, Henderson, NC including:**

**Removal of old Condenser and Air Handling Units.  
Purchase and installation of new Condenser and Air  
Handling Units.**

## Attachment B Budget Amendment

Budget Items	Current Budget	Increase	Decrease	Proposed Budget
<b>SEO Fund</b>				
2010 Main Street Round II -Roof Replacement	31,570.00 \$	\$ -	\$ 4,756.00	26,814.00 \$
2010 Main Street Round II -HVAC Replacement	-\$	\$ 1,695.00	\$ -	1,695.00 \$
	-\$	\$ -	\$ -	-\$
	-\$	\$ -	\$ -	-\$
	-\$	\$ -	\$ -	-\$
	-\$	\$ -	\$ -	-\$
	-\$	\$ -	\$ -	-\$
	-\$	\$ -	\$ -	-\$
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	-\$	\$ -	\$ -	-\$
	-\$	\$ -	\$ -	-\$
	-\$	\$ -	\$ -	-\$
	-\$	\$ -	\$ -	-\$
<b>SEO Total Fund</b>	<b>31,570.00 \$</b>	<b>\$ 1,695.00</b>	<b>\$ 4,756.00</b>	<b>28,509.00 \$</b>
<b>Match/Leverage Fund</b>				
City of Henderson Grant Match	31,570.00 \$	\$ -	\$ 4,756.00	26,814.00 \$
Additional Funds/Match	-\$	\$ 1,695.00	\$ -	1,695.00 \$
	-\$	\$ -	\$ -	-\$
	-\$	\$ -	\$ -	-\$
	-\$	\$ -	\$ -	-\$
	-\$	\$ -	\$ -	-\$
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<b>Match/Leverage Total Fund</b>	<b>31,570.00 \$</b>	<b>\$ 1,695.00</b>	<b>\$ 4,756.00</b>	<b>28,509.00 \$</b>
<b>GRAND TOTAL</b>	<b>63,140.00 \$</b>	<b>\$ 3,390.00</b>	<b>\$ 9,512.00</b>	<b>57,018.00 \$</b>



**LARRY'S  
SERVICE CO.**  
P.O. Box 1697  
924 S. William Street  
HENDERSON, NC 27536

(252) 438-8955 Fax (252) 438-7468

Heating & Air Conditioning  
Contractors License  
Number 9358 H3  
Refrigeration License  
Number 1962

Page No. 1 of 1 Pages.

# PROPOSAL

TO CITY OF HENDERSON  
P O BOX 1434  
HENDERSON NC 27536

PHONE

DATE

8/24/2011

JOB NAME / LOCATION

MAYOR OFFICE

JOB NUMBER

JOB PHONE

We hereby submit specifications and estimates for:

I PROPOSE TO FURNISH AND INSTALL A NEW HIGH EFFICIENT CARRIER HEAT PUMP

MODEL 25HBC324A00 2 TON CONDENSER 24,000 BTU  
FB4CNF024 2 TON AIR HANDLER  
10 KW HEATER

PRICE INCLUDES:

REMOVE OLD UNIT

NECESSARY DUCT WORK TO CONNECT TO OLD SYSTEM

ELECTRICAL WIRING

PIPING

STARUP AND CHECKOUT

PERMIT

12 MONTHS WARRANTY ON SERVICE

10 YEARS WARRANTY ON ALL PARTS

10 YEARS WARRANTY ON COMPRESSOR

IF THIS PROPOSAL IS ACCEPTED SIGN AND RETURN YELLOW COPY TO ABOVE ADDRESS

We Propose hereby to furnish material and labor — complete in accordance with the above specifications, for the sum of:  
Three Thousand Three Hundred Ninety and 00/100 Dollars dollars (\$) 3,390.00

Payment to be made as follows:

IN FULL UPON COMPLETION OF THE JOB

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Authorized  
Signature

Note: This proposal may be  
withdrawn by us if not accepted within

30 days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Date of Acceptance: \_\_\_\_\_

## City Council Action Form

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



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

Council Meeting: 26 Sept 11 Short Reg. Meeting

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22 September 2011

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

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

**RE:** **CAF: 11—118**

**Consideration of Approval of Resolution 11—88, Authorizing Approval of Grant/Loan Applications to NC Drinking Water State Revolving Fund for Various Water System Improvements.**

**Ladies and Gentlemen:**

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

- KSO 5 – Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems.
- KSO 8 – Provide Sufficient Funding for Municipal Services.

### **Recommendation:**

- Approval of Resolution 11—88, authorizing Approval of Grant/Loan Applications to NC Drinking Water State Revolving Fund for Various Water System Improvements.

### **Executive Summary**

The City of Henderson has been notified by the NC Department of Environment and Natural Resources (DENR) of a grant/loan opportunity that is available for all water systems in North Carolina to obtain funds to help with maintenance, expansions, and replacements of parts, lines, and equipment for local water systems. Overall, \$24,305,000 is allotted for North Carolina with funding for various categories of projects. This matter was brought to the attention of the Council at its 22 August 11 Work Session and the need to apply for the loan/grant money on various projects as described below:

1. *2" Galvanized Watermain Replacement:* The City has been working diligently on modifying, replacing, and updating the various 2" galvanized watermain throughout the City. Based on review by City Staff, over 13,000 LF 2" galvanized watermain are proposed to be replaced and approximately 200 service connections to be updated and moved from existing 2" watermain to existing larger sized lines already in service.

2. *Watermeter Purchase and Replacement:* The City Council has approved and budgeted \$100,000 for FY 12 and has allotted funds in the past to continually update and replace old meters within the City. The City currently has over 8,000 connections and slightly over 2,000 newer meters installed (radio read type meters). Additional funding will allow the City to make a large purchase of new water meters to be installed with current staff through several years.
3. *High Speed Pump Replacement:* Kerr Lake Regional Water Plant needs to replace its high speed pump within the plant.

All three grant categories will be filed with the State via separate applications which are in the process of being completed. The estimated cost for all projects is approximately \$3.0 million.

It is anticipated that an award that might be received would be in the form of a combination grant and loan. Consequently, at this time, it is not known what the budgetary impacts will be. Once award decisions are announced by DENR, City Administration will analyze impacts and report to Council with recommendations.

Approval of Resolution 11—88 authorizes the filing of applications for grant/loan funding. Once grant/loan announcements are made, Council will have the opportunity to consider accepting the grants/loans.

Due to the time constraints and the amount of information needed to submit for the application, McGill & Associates was approached and are currently working with the City Staff to prepare and submit the applications to the State, upon Council's approval. The estimated budget for the firms services is up to and not to exceed \$6,000. Funding was available in the current year's budget.

The City Administration recommends approval of the Resolution authorizing the submission of applications to the State for the various water system improvements.

**Enclosures:**

1. Resolution 11—88
2. 22 Aug 11 Work Session Minutes



## RESOLUTION 11—88

### APPROVAL OF GRANT/LOAN APPLICATION TO THE NC DRINKING WATER STATE REVOLVING FUND FOR VARIOUS WATER SYSTEM IMPROVEMENTS

**WHEREAS**, the Henderson City Council (Council) identified eight Key Strategic Objectives (KSO) at its 2011 Strategic Planning Retreat; *and*

**WHEREAS**, two of the Key Strategic Objectives are addressed by this request as follows: **KSO 5: To Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems; and 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**, the Federal Safe Drinking Water Act Amendments of 1996 and the NC Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water system improvements, *and*

**WHEREAS**, the City of Henderson intends to construct drinking water system projects generally including water lines, service lines, and related appurtenances to replace aged and undersized water lines to provide a more reliable source of drinking water and improved operating pressures, the replacement of aged water meters for improved efficiencies, and the installation of a finished water pump, controls, valves, and piping for redundancy and improved reliability and efficiency, *and*

**WHEREAS**, the City of Henderson intends to request State loan or grant assistance for the project, *and*

**WHEREAS**, the amount of the loan/grant funding applications are \$3.0 Million; *and*

**WHEREAS**, the finished water pump, controls, valves and piping for redundancy would be for funding at the Kerr Lake Regional Water Plant.

#### **NOW THEREFORE BE IT RESOLVED, BY THE HENDERSON CITY COUNCIL:**

1. That the City of Henderson (Applicant) will arrange financing for all remaining costs of the project, if approved for a State loan or grant award.
2. That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. That the City Council (governing body) of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the

City of Henderson to make scheduled repayment of the loan, to withhold from the City of Henderson any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

4. That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.
5. That Mayor James D. O'Geary, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan or grant to aid in the construction of the project described above.
6. That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

The foregoing Resolution 11—88 introduced by Council Member \*\* and seconded by Council Member \*\* on this the 26th day of September 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:

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

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**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 foregoing is a true and exact copy of *Resolution 11—88*, adopted by the Henderson, City Council in Regular Session on 26 September 2011 (*See Minute Book 42, p. \*\**). This Resolution is recorded in *Resolution Book # 2*, pp. \*\*.

Witness my hand and corporate seal of the City, this \*\* day of \*\*\* 2011.

---

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

## **ADD ON ITEMS**

### **Water Grant 2" Line and Radio Read Meters**

City Manager Griffin asked Assistant City Manager Frank Frazier and Engineering Director Peter Sokalski to again come forward to brief Council.

Assistant City Manager Frazier and Mr. Sokalski stated a loan program recently came to their attention from the North Carolina Department of Environment and Natural Resources (NCDENR) which the City could possibly benefit from. Because the filing deadline is September 30, it is being brought before Council to provide a little information and more details will be provided at future Council meetings. A list was distributed to Council Members of City streets with 2" galvanized watermain and Mr. Frazier stated part of the process would be to prioritize the needs for replacement of these watermain. Mr. Sokalski stated after talking with State representatives it was doubtful that the City's application would qualify for the Disadvantaged portion and that the Green projects section would be with no associated loan forgiveness. A copy of the qualifications and application requirements were also distributed.

Council Member Inscoe commented this is a good beginning as there are many improvements needed in the coming years. He asked that one column be added to the Watermain List to show the estimated costs per foot so Council would have a general idea of the total cost. Mr. Frazier stated that could be done as the project moves forward. Council Member Coffey asked if the costs would reflect today's costs. Mr. Frazier stated yes. He also stated the project would be bid out with design specifications at the appropriate time and that the distributed list needs to be updated.

Assistant City Manager Frazier also stated that if Council concurs, application needs to be made in a timely manner.

Council Member Rainey asked who on staff looks for grants. City Manager Griffin stated the Special Projects Coordinator position has been frozen for some time and without that position, each Department Head understands the importance of grants and does a very good job of finding desirable grants. Council Member Coffey asked how grants are found and if there was anything Council could do to help find grants. Mr. Griffin stated notifications come from agencies, via mail and emails from state and federal agencies and that internet is also a good source.

Mr. Frazier stated this is a good project and if the application is accepted the City will make the best use of the loan dollars.

It was the consensus to bring a proposal to the next meeting.

## City Council Action Form

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



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

**Council Meeting:** 26 Sept 11 Short Meeting

---

2 September 2011

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

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

**RE:** **CAF: 11—125, Consideration of Approval of Resolution 11—93, Appointing a Chairman Pro Tempore.**

**Ladies and Gentlemen:**

### **Recommendation:**

- Approval of Resolution 11—93, Appointing a Chairman Pro Tempore.

### **Executive Summary**

From time-to-time Mayor James O'Geary may be unavailable to sign documents and/or perform the duties of Mayor. Mayor Pro Tempore Lonnie Davis is presently ill which may prevent him for a period of time from performing as Mayor Pro Tem. In the event both the Mayor and Mayor Pro Tempore are unavailable, it is advisable that Council appoint another Council Member to become Chairman, or interim, Pro Tempore.

### **Enclosures:**

1. Resolution 11—93

**RESOLUTION  
11—93**

**RESOLUTION APPOINTING A CHAIRMAN PRO TEMPORE**

**WHEREAS**, the Mayor of the City of Henderson, James D. O’Geary, may be unavailable at times to sign documents and/or to perform the offices of Mayor; *and*

**WHEREAS**, the Mayor Pro Tempore, Lonnie Davis, is presently ill and may be incapacitated from performing the duties of Mayor Pro Tempore for a period of time; *and*

**WHEREAS**, the City Council deems it advisable to appoint someone to act in the Mayor’s office in the event the Mayor and the Mayor Pro Tempore should both become unavailable to act; *and*

**WHEREAS**, Section 16 of the City Code of the City of Henderson provides that in the absence of both the Mayor and the Mayor Pro Tempore, a Chairman Pro Tempore can be chosen to perform the acts of the Mayor.

**NOW THEREFORE**, be it resolved by the City Council of the City of Henderson:

That \_\_\_\_\_ is hereby appointed as Chairman Pro Tempore to serve as interim Mayor Pro Tempore to act for the office of Mayor when needed in the event both the Mayor and the Mayor Pro Tempore may be unavailable.

This Resolution shall be in full force and effect from and after the date of its passage.

The foregoing Resolution, introduced by Council Member \*\*\*, and seconded by Council Member \*\*\* on this the \*\*day of September 2011, and having been submitted to a roll call vote, was approved by the following votes: YES: . NO: None. 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 \*\*\*.*

## City Council Action Form

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



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

**Council Meeting:** 26 Sept 11 Short Reg Meeting

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16 September 2011

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

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

**RE:** **CAF: 11—129**

**Consideration of Approval of Resolution 11—99, A Resolution of the Henderson City Council Ratifying and Approving the Mayor's Signature on the North Carolina Rural Economic Development Center Contract 2008-349-40101-112, Amendment No. 3.**

**Ladies and Gentlemen:**

KSO's Addressed by this Item:

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

### **Recommendation:**

- Approval of Resolution 11—99, A Resolution of the Henderson City Council ratifying and approving the Mayor's signature on the North Carolina Rural Economic Development Center Contract 2008-349-40101-112, Amendment No. 3.

### **Executive Summary**

The UV Disinfection System Project is well underway; however, to align the final work vis-à-vis the grant completion, an amendment is necessary. The grant amendment has the effect of extending the completion deadline to 31 December 2011 for the submission of the final report. The Mayor executed the amendment on 13 September 2011 in order to expedite the grant revision process. The attached resolution has the effect of ratifying his signature on the document.

### **Enclosures:**

1. Resolution 11—99

## **R E S O L U T I O N   11—99**

### **A RESOLUTION OF THE HENDERSON CITY COUNCIL RATIFYING AND APPROVING THE MAYOR'S SIGNATURE ON THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER CONTRACT 2008-349-40101-112, AMENDMENT NO. 3**

**WHEREAS**, the Henderson City Council (Council) conducted its Annual Planning Retreat in January 2011, and during said retreat identified eight Key Strategic Objectives (KSO) and Goals and 12 Core Values; *and*

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

**WHEREAS**, additional time is needed in order to complete and close out this project; *and*

**WHEREAS**, the Rural Center has approved an extension of 31 December 2011 to complete the project and submit the final report; *and*

**WHEREAS**, in order to facilitate the grant amendment process, the Mayor executed the Amendment on 13 September 2011.

**NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY RATIFY AND APPROVE** the Mayor's signature on NC Rural Economic Development Center Contract #2008-349-40101-112, Amendment No. 3, said amendment being more fully articulated in **Attachment A** to this Resolution.

The foregoing Resolution, introduced by Council Member \*\* and seconded by Council Member \*\* on this the 26<sup>th</sup> day of September 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:**

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Esther J. McCrackin, City Clerk

Approved to Legal Form:

---

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





Valeria L. Lee  
Chair

Billy Ray Hall  
President

September 9, 2011

The Honorable James O'Geary  
City of Henderson  
PO Box 1434  
134 Rose Ave  
Henderson, NC 27536-1434

**Re: Contract 2008-349-40101-112**  
**Amendment No. 3**

Dear Mayor O'Geary:

In order to complete the activities associated with the above referenced contract for "Sanitary Sewer Rehabilitation and Replacement of UV Disinfection System at the Henderson Water Reclamation Plant", the current agreement must be amended.

It is understood and agreed by the undersigned that this letter amends the Agreement (the "Original Agreement") dated 6/18/2008 between City of Henderson ("Grantee") and the Rural Economic Development Center, Inc. ("Center").

**PARAGRAPH 3. Term of Agreement** is amended as specified below:

**DELETE:** "terminate on 9/30/2011."  
**ADD:** "terminate on 12/31/2011."

**EXHIBIT C - Reporting Schedule** is amended with additional reporting dates:

<u>Due Date</u>	<u>Report Due</u>	<u>Reporting Period</u>
01/31/2012	Final Report	10/1/11 to 12/31/11

If you agree with the amendment as proposed, please sign the original and the enclosed copy. You should retain the copy for your files and return the original to the attention of the contract manager at the Rural Center.

North Carolina

Rural Economic

Development Center, Inc.

4021 Cary Drive

Raleigh, NC 27610

Phone: (919) 250-4314

FAX: (919) 250-4325

**ACCEPTED:**  
City of Henderson

By: James D. O'Geary

Title: Mayor

**ACCEPTED:**  
Rural Economic Development  
Center, Inc.

By: Susan Edmunds

Title: Vice President, Finance & Administration

DATE: Sept. 13, 2011

DATE: 9/9/11

## City Council Action Form

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



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

Council Meetings: 26 Sept 11 Short Reg Meeting

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12 September 2011

**TO:** The Honorable Mayor Pete O'Geary and Members of City Council

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

**RE:** **CAF: 11—120**

**Consideration of Approval of Resolution 11—90, Accepting the 2011 BJA Grant in the amount of \$30,818; and Ordinance 11-58, FY12 Budget Amendment #13 Establishing the 2011 BJA Grant Project Budget.**

### Ladies and Gentlemen:

#### Council Goals Addressed By This Item:

- *KSO2: Reduce Crime:* To Reduce Crime and Provide for a Safe Community; *and 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:

- Approve Resolution 11—90, Accepting the 2011 BJA Grant in the amount of \$30,818; *and* Ordinance 11—58, FY12 Budget Amendment #13 Establishing the Grant Project Budget.

#### Executive Summary

City Council authorized the submission of an application to the US Department of Justice for the 2011 BJA Grant in the amount of \$30,818 via Resolution 11—63. This grant is an annual submission that shares funding between the City and County in the amounts of \$20,211 and \$10,607; respectively. Notice has been received of grant award in the amount requested; therefore, it is appropriate for Council to accept the grant by approving Resolution 11—90 and establishing the grant project budget by approving Ordinance 11—58.

The County will use its share of the funds to purchase nine (9) new computers, nine (9) new printers to replace old units and to provide computer access to Deputy and staff offices that do not currently have access, fourteen (14) “ballistic” helmets and nine (9) “ballistic” shields for Patrol Deputies.

The City will use its funding to pay officer's premium overtime to continue to work projects related to the Community Revitalization Initiative as outlined in the CRI grant program.

#### Enclosures:

1. Resolution 11—90
2. Ordinance 11—58
3. Resolution 11—63

# RESOLUTION 11—90

## A RESOLUTION ACCEPTING THE 2011 BJA JUSTICE ASSISTANCE GRANT FOR THE CITY OF HENDERSON POLICE DEPARTMENT AND THE COUNTY OF VANCE SHERIFF DEPARTMENT

**WHEREAS**, the Henderson City Council (Council) identified eight Key Strategic Objectives (KSO) at its 2011 Strategic Planning Retreat; *and*

**WHEREAS**, two of the Key Strategic Objectives are addressed by this request as follows: **KSO 2:** *To Reduce Crime and Provide for a Safe Community*; and **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.*

**WHEREAS**, the Council authorized the submission of a grant application for 2011 BJA funding that would be shared between the City of Henderson and the County of Vance via *Resolution 11—63* at the Council's 27 June 2011 meeting, said grant application being in the amount of \$30,818, with \$10,607 being designated for the Vance County Sheriff's Department and \$20,211 being designated for the City's Police Department; *and*

**WHEREAS**, the City has received notice of grant award in the amount of \$30,818, said grant funds to be distributed to the City's Police Department and the County's Sheriff Department as noted in the preceding paragraph and it is now appropriate to accept the grant.

**NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT** it does hereby accept the 2011 BJA Grant in the amount of \$30,818, and said funds to be disbursed in accordance with grant requirements to the Henderson Police Department in the amount of \$20,211 and the Vance County Sheriff Department in the amount of \$10,607; *and*

**BE IT FURTHER RESOLVED THAT** the Mayor and City Manager are authorized to sign all documents necessary to accept and execute grant with the US Department of Justice, said grant agreement being more fully articulated in **Attachment A** of this Resolution.

The foregoing Resolution 11—90 was presented for consideration on 26 September 2011, and upon a motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ was \_\_\_\_\_ by the following vote: 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. \*\*\*.*

 Department of Justice Office of Justice Programs <b>Bureau of Justice Assistance</b>		<b>Grant</b>		PAGE 1 OF 6	
1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Henderson P.O. Box 1434 134 Rose Avenue Henderson, NC 27536-4142		4. AWARD NUMBER: 2011-DJ-BX-2333 5. PROJECT PERIOD: FROM 10/01/2010 TO 09/30/2014 BUDGET PERIOD: FROM 10/01/2010 TO 09/30/2014			
1A. GRANTEE IRS/VENDOR NO. 566001245		6. AWARD DATE 08/30/2011		7. ACTION Initial	
		8. SUPPLEMENT NUMBER 00			
		9. PREVIOUS AWARD AMOUNT \$ 0			
3. PROJECT TITLE FY 2011 Justice Assistance Grant Program		10. AMOUNT OF THIS AWARD \$ 30,818			
		11. TOTAL AWARD \$ 30,818			
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).					
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY11(BJA - JAG) 42 USC 3750, et seq.					
15. METHOD OF PAYMENT GPRS					
AGENCY APPROVAL			GRANTEE ACCEPTANCE		
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director			18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Ray Griffin City Manager		
17. SIGNATURE OF APPROVING OFFICIAL 			19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL		19A. DATE
AGENCY USE ONLY					
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B DJ 80 00 00 30818			21. KDJUGT1211		

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 2 OF 6

PROJECT NUMBER 2011-DJ-BX-2333

AWARD DATE 08/30/2011

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, and similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

INITIALS



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET**  
**Grant**

PAGE 3 OF 6

PROJECT NUMBER 2011-DJ-BX-2333

AWARD DATE 08/30/2011

*SPECIAL CONDITIONS*

8. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
9. The recipient agrees to comply with applicable requirements regarding Central Contractor Registration (CCR) and applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ccr.htm> (Award condition: Central Contractor Registration and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
10. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
11. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Federal Financial Report (SF-425).
12. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
13. To support public safety and justice information sharing, OJP requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this special condition, visit <http://www.niem.gov/implementationguide.php>.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 4 OF 6

PROJECT NUMBER 2011-DJ-BX-2333

AWARD DATE 08/30/2011

**SPECIAL CONDITIONS**

14. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

15. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
16. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.





Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 5 OF 6

PROJECT NUMBER 2011-DJ-BX-2333

AWARD DATE 08/30/2011

*SPECIAL CONDITIONS*

17. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See [http://www.ojp.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.gov/about/ocr/equal_fbo.htm).
18. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
19. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
20. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
21. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
22. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website ([www.bjaperformancetools.org](http://www.bjaperformancetools.org)). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
23. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
24. Award recipients must verify Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 6 OF 6

PROJECT NUMBER 2011-DJ-BX-2333

AWARD DATE 08/30/2011

*SPECIAL CONDITIONS*

25. The grantee agrees that within 120 days of award acceptance, each member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)). All current and new task force members are required to complete this training once during the life of the award, or once every four years if multiple awards include this requirement. This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).



Department of Justice  
Office of Justice Programs  
*Bureau of Justice Assistance*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Orbin Terry, NEPA Coordinator

**Subject:** Incorporates NEPA Compliance in Further Developmental Stages for City of Henderson


The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.

	Department of Justice Office of Justice Programs Bureau of Justice Assistance		<b>GRANT MANAGER'S MEMORANDUM, PT. I:          PROJECT SUMMARY</b>  <b>Grant</b>	
	PROJECT NUMBER 2011-DJ-BX-2333	PAGE 1 OF 1		
This project is supported under FY11(BJA - JAG) 42 USC 3750, et seq.				
1. STAFF CONTACT (Name & telephone number)  Karen A. Johnson (202) 616-3251		2. PROJECT DIRECTOR (Name, address & telephone number)  Marcus Barrow Captain 200 Breckenridge Street Henderson, NC 27536-4212 (252) 432-6057		
3a. TITLE OF THE PROGRAM FY 2011 Justice Assistance Grant Program			3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)	
4. TITLE OF PROJECT FY 2011 Justice Assistance Grant Program				
5. NAME & ADDRESS OF GRANTEE  City of Henderson P.O. Box 1434 134 Rose Avenue Henderson, NC 27536-4142		6. NAME & ADDRESS OF SUBGRANTEE		
7. PROGRAM PERIOD FROM: 10/01/2010 TO: 09/30/2014		8. BUDGET PERIOD FROM: 10/01/2010 TO: 09/30/2014		
9. AMOUNT OF AWARD \$ 30,818		10. DATE OF AWARD 08/30/2011		
11. SECOND YEAR'S BUDGET		12. SECOND YEAR'S BUDGET AMOUNT		
13. THIRD YEAR'S BUDGET PERIOD		14. THIRD YEAR'S BUDGET AMOUNT		
15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)  The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation).  The disparate jurisdictions will use the grant to support law enforcement initiatives. The Henderson Police Department will utilize the funding to support their Community Revitalization Initiative (CRI). CRI is a comprehensive plan of dealing with the high crime rates through specific training, analysis, and investigation				

strategies for law enforcement. It is also a comprehensive collaboration between law enforcement, the affected communities (through citizen's groups) and rental property managers, private businesses, utility providers, local media and other governmental agencies to help promote both prevention and intervention efforts. Efforts include targeting larcenies and burglaries with saturated patrols, directed traffic enforcement and surveillance. Officers work and are paid premium overtime in assignments directed at addressing some of the environmental problems that affect areas in which such property crimes are the heaviest. The Vance County Sheriff's Office will utilize funding to purchase desktop computers and desktop printers to replace old, obsolete equipment. Funds will also be used to purchase new riot helmets and tactical shields for use by the patrol deputies during emergency situations.

NCA/NCF

# ORDINANCE 11—58

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

## **FY 11-12 BUDGET—AMENDMENT # 13 PROJECT BUDGET ORDINANCE – BUREAU OF JUSTICE 2011 BJA GRANT**

Be it ordained by the City Council of the City of Henderson that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

**Section 1.** The project authorized is the BJA 2011 Grant described in the work statement contained in the grant agreement between this unit and the Bureau of Justice.

**Section 2.** The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Bureau of Justice and the budget contained herein.

**Section 3.** The following revenues are anticipated to be available to complete this project:

Bureau of Justice Grant	\$30,818
<b>Total</b>	<b><u>\$30,818</u></b>

**Section 4.** The following expenditure amounts are appropriated for the project:

Overtime	\$ 17,154
FICA/Medicare	1,328
Retirement	861
401 K	868
VC Sheriff Share	10,607
<b>Total</b>	<b><u>\$ 30,818</u></b>

**Section 5.** The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and federal and state regulations.

**Section 6.** The Finance Officer is directed to report monthly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

**Section 7.** The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this board.

**Section 8.** Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

The foregoing Ordinance 11—58, 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 26th day of September 2011: YES: . NO: . ABSTAIN: . ABSENT:

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James D. O'Geary, Mayor

***ATTEST:***

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Esther J. McCrackin, City Clerk

Approved to Legal Form:

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John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 41, p. \*\*\*.*

**FY 11-12 – AMENDMENT # 13**  
**CAF 11-120**  
**Ordinance 11—58**

**Bureau of Justice – BJA 2011 Grant**

**City Council Meeting – 26 September 2011**

FY 12 Budget Amendment #13 establishes a grant project in the amount of \$30,818. The 2011 BJA Grant application was approved by City Council on 27 June 2011 via Resolution 11—63. The grant was awarded on 30 August 2011. The City's portion (\$20,211) of this grant will be used to pay Police Officer's premium overtime to continue to work projects related to the Community Revitalization Initiative as outlined in the CRI Grant Program. Vance County's portion (\$10,607) of this grant will be used to purchase equipment.

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

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Frank Frazier, Assistant City Manager

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

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



## **RESOLUTION 11—63**

### **A RESOLUTION AUTHORIZING THE CITY MANAGER SUBMIT A 2011 BJA JUSTICE ASSISTANCE GRANT APPLICATION AND APPROVE AN INTER-LOCAL AGREEMENT WITH VANCE COUNTY REGARDING THE DISTRIBUTION OF FUNDING**

**WHEREAS**, the Henderson City Council (Council) identified eight Key Strategic Objectives (KSO) at its 2011 Strategic Planning Retreat; *and*

**WHEREAS**, two of the Key Strategic Objectives are addressed by this Resolution as follows:  
**KSO 2:** To Reduce Crime and Provide for a Safe Community *and* **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**, the City of Henderson (City) and the County of Vance (County) have traditionally shared in BJA Justice Assistance Grants; *and*

**WHEREAS**, the City and County have shared funding basis with the City serving as the lead applicant; *and*

**WHEREAS**, the City and County have received notice of the availability of \$30,818 in funding for 2011 providing \$20,211 and \$10,607 to each respectively; *and*

**WHEREAS**, in order to receive the aforereferenced funding, it is necessary and appropriate for the City to submit an application and enter into an Inter-Local Agreement (Agreement) with Vance County; *and*

**WHEREAS**, the Police Chief has prepared said application and the Agreement is prepared based upon prior years' Agreements with the County; *and*

**WHEREAS**, in order to submit the application, it is necessary and appropriate for the City Council to receive public comment on the grant prior to its submission.

**NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL** that it does hereby approve authorization of the application for BJA Justice Assistance Grant 2011 Funding in the amount of \$30,818, with \$20,211 and \$10,607 being designated for the City Police Department and the County Sheriff Department; respectively; *and*

**BE IT FURTHER RESOLVED** that the City Manager is authorized to sign the necessary documents to file the grant application; *and*

**BE IT FURTHER RESOLVED** that Mayor and City Manager are authorized to sign the Inter-local Agreement with Vance County, said Inter-Local Agreement being more fully articulated in **Attachment "A"** to this Resolution.

The foregoing Resolution 11—63 introduced by Council Member Coffey and seconded by Council Member Kearney on this the 27<sup>th</sup> day of June 2011, and having been submitted to a roll call vote, was APPROVED by the following votes: YES: Rainey, Peace-Jenkins, Daeke, Davis, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: Inscoe.

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James D. O'Geary, Mayor

***ATTEST:***

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Esther J. McCrackin, City Clerk

Approved to Legal Form:

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John H. Zollicoffer, Jr., City Attorney

*(Reference: Minute Book 42, p. 208)*

**The State of North Carolina**

**County of Vance**

**KNOW BY ALL THESE PRESENT**

**INTER-LOCAL AGREEMENT BETWEEN THE CITY OF HENDERSON, NORTH  
CAROLINA AND THE COUNTY OF VANCE, NORTH CAROLINA**

**REGARDING GMS APPLICATION NUMBER 2011-H3161-NC-DJ BJA FY 2011  
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM: LOCAL  
SOLICITATION FORMULA PROGRAM AWARD**

**THIS AGREEMENT** is made and entered into this the \_\_\_\_ day \_\_\_\_\_, 2011 by and between the County of Vance, acting by and through its governing body, the Board of Commissioners, hereinafter referred to as COUNTY, and the City of Henderson, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Vance County, State of North Carolina, witnesseth:

**WHEREAS**, this agreement is made under the authority of the City of Henderson and Vance County to enter into cooperative agreements; and

**WHEREAS**, each governing body, in performing the governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

**WHEREAS**, each governing body finds that the performance of this Agreement is in the best interest of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement; and

**WHEREAS**, the CITY agrees to provide the COUNTY \$10,607 from JAG award total of \$30,818 for the Vance County Sheriff's Office, and

**WHEREAS**, the CITY and COUNTY believe it to be in their best interests to reallocate the JAG funds.

**NOW THEREFORE, the CITY AND COUNTY AGREE AS FOLLOWS:**

**SECTION 1:** CITY agrees to pay COUNTY a total of \$10,607 of JAG funds.

**SECTION 2:** COUNTY agrees to use \$10,607 for the Vance County Sheriff's Office until September 30, 2014 or until such funds are expended.

**SECTION 3:** Nothing in the performance of this Agreement shall impose any Liability for claims against COUNTY other than claims for which the Tort Laws of the State of North Carolina may impose liability.

**SECTION 4:** Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which the Tort Laws of the State of North Carolina may impose liability.

**SECTION 5:** Each party to the agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any city liability that may arise from the furnishing of the services by the other party.

**SECTION 6:** The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

**SECTION 7:** By entering into this Agreement, the parties do not intent to create any obligations express or implied other than those set out herein, further, this Agreement shall not create any rights in any party not a signatory hereto.

**CITY OF HENDERSON, North Carolina**

**COUNTY OF VANCE, North Carolina**

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

\_\_\_\_\_  
Eddie L. Wright, Chairman

\_\_\_\_\_  
A. Ray Griffin, Jr., City Manager

\_\_\_\_\_  
Jerry L. Ayscue, County Manager

ATTEST:

ATTEST:

\_\_\_\_\_  
Esther McCracken, City Clerk

\_\_\_\_\_  
Kelly H. Grissom, County Clerk

Approved as to Legal Form:

Approved as to Legal Form:

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

\_\_\_\_\_  
County Attorney

## City Council Action Form

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



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

**Council Meeting:** 26 Sept 11 Short Reg. Mtg

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20 September 2011

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

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

**RE:** **CAF: 11—69**

**Consideration of Approval of Resolution 11—42 Thanking Senator Richard Burr, Former Congressman Bob Etheridge and HUD's Deputy Assistant Secretary for Multifamily Housing Janet Golrick for Their Assistance in Resolving the Beacon Light-Baxter Goodwill Apartment Blight Issue.**

**Ladies and Gentlemen:**

### **Recommendation:**

- Approve Resolution 11—42 thanking Senator Richard Burr, Former Congressman Bob Etheridge and HUD's Deputy Assistant Secretary for Multifamily Housing Janet Golrick for their assistance in resolving the Beacon Light-Baxter Goodwill Apartment blight issue.

### **Executive Summary:**

The multi-year effort to resolve the blight issue at the Beacon Light apartment complex site has been resolved. As reported to you at the last Council Meeting, the property has been cleared and the reimbursement check for the demolition in the amount of \$399,000 has been received by the Finance Director.

Bringing this matter to a successful conclusion would not have been possible had it not been for the assistance of Senator Burr, Former Congressman Etheridge and HUD's Ms. Golrick agreeing to work with the City. Even though the process was long, the outcome has been successful and the project has been completed. The blight has been completely eliminated.

It is appropriate to officially thank Senator Burr, Former Congressman Etheridge and Ms. Golrick and their staff for their assistance in helping the City resolve the Beacon Light issue. The attached Resolution is recommended for adoption and would serve as the Council's official "Thank You" to these individuals.

### **Enclosures:**

1. Resolution 11—42

## **RESOLUTION 11—42**

### **A RESOLUTION THANKING SENATOR RICHARD BURR, FORMER CONGRESSMAN BOB ETHERIDGE AND HUD'S DEPUTY ASSISTANT SECRETARY FOR MULTIFAMILY HOUSING JANET GOLRICK FOR THEIR ASSISTANCE IN RESOLVING THE BEACON LIGHT—BAXTER GOODWILL APARTMENT BLIGHT ISSUE**

**WHEREAS**, The Henderson City Council (Council) identified eight (8) Key Strategic Objectives (KSO) at its 2009—2011 Strategic Planning retreats; *and*

**WHEREAS**, KSO 4 addressed the need To Improve the Condition of and Expansion of the Housing Stock; Action Plan 4-1: To actively enforce City Codes that result in the rehabilitation and/or demolition of substandard, dilapidated or deteriorated housing in order to remove blight; *and*

**WHEREAS**, the City's attempts to work with the Beacon Light—Baxter Goodwill Apartment Complex's (Beacon Light) owner to bring the property into compliance with minimum housing codes and convert said property to home ownership pursuant to the Deed of Sale from HUD to him in 2007 were not successful; *and*

**WHEREAS**, the Council approved Ordinance 09—48 condemning the Beacon Light property and Resolution 09—73 on 10 August 2009 setting forth its interest in effecting a successful compliance with the City Codes and Deed Restrictions in a cooperative manner with the US Department of Housing and Urban Development (HUD) as it pertained to the Beacon Light—Goodwill Baxter Apartment Complex; *and*

**WHEREAS**, the Mayor, City Manager and Code Compliance Director established a working relationship with Senator Richard Burr, Former Congressman Bob Etheridge and HUD's Deputy Assistant Secretary for Multifamily Housing, Janet Golrick in an effort to resolve the Beacon Light blight problem by obtaining funding from the property owner's performance bond to finance the costs of demolition; *and*

**WHEREAS**, Senator Burr, Former Congressman Etheridge and Ms. Golrick and their respective staff worked diligently with the City and ultimately a solution was crafted and agreed to by all parties; *and*

**WHEREAS**, the City Council of the City of Henderson by Resolution 10-112 authorized the Mayor to sign a Memorandum of Understanding (MOU) between the City of Henderson and the U.S. Department of Housing and Urban Development relative to the demolition of Beacon Light; said MOU provided that HUD will reimburse the City of Henderson the reasonable costs of demolition upon the City's submission of proof of the demolition and final bill; *and*

**WHEREAS**, the Council awarded a bid to CST Environmental LP for the demolition of Beacon Light on 23 May 2011; *and*

**WHEREAS**, the demolition of Beacon Light was completed on 30 August, 2011 and all conditions of the MOU have been met.

**NOW THEREFORE BE IT RESOLVED** by the Henderson City Council that it wishes to extend its heart-felt thanks and appreciation to Senator Richard Burr, Former Congressman Bob Etheridge and HUD's Deputy Assistant Secretary for Multifamily Housing Janet Golrick for their leadership and cooperative spirit in working with the City of Henderson in finding a workable solution that resulted in the removal of the unacceptable blight at Beacon Light; *and*

**BE IT FURTHER RESOLVED** by the Henderson City Council that it wishes to also thank the members of the staff that worked with each of these individuals during this process, with particular thanks to the following: Betty Jo Shepherd from Senator Burr's office; Carolyn Smith from Former Congressman Etheridge's office, Gary Nemec from the Office of General Counsel and Mr. Courtland Wilson, from Ms. Golrick's office; *and*

**BE IT FURTHER RESOLVED** by the Henderson City Council that the Mayor is requested to present executed copies of this Resolution to Senator Burr, Former Congressman Etheridge and Ms. Golrick.

The foregoing Resolution 11—42, 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 APPROVED on this the 26<sup>th</sup> day of September 2011: YES: . NO: . ABSTAIN: . ABSENT:

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James D. O'Geary, Mayor

**ATTEST:**

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Esther J. McCrackin, City Clerk

Approved to Legal Form:

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John H. Zollicoffer, Jr., City Attorney

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

# *Meetings and Events Calendar*

<b>Date</b>	<b>Time</b>	<b>Event</b>	<b>Location</b>
Oct 3 <sup>rd</sup>	3:30 PM	<b>Henderson Planning Board</b>	City Council Chambers
Oct 4 <sup>th</sup>	3:30 PM	<b>Board of Adjustment</b>	City Council Chambers
Oct 5 <sup>th</sup>	8:00 AM	<b>Clean Up Henderson</b>	City Operations Center
Oct 10 <sup>th</sup>	7:00 PM	<b>Regular City Council Meeting</b>	City Council Chambers
Oct 11 <sup>th</sup>	3:30 PM	<b>Henderson Community Appearance Commission</b>	City Council Chambers
Oct 13 <sup>th</sup>	12:00 PM	<b>Henderson-Vance Recreation &amp; Parks Commission</b>	Aycock Recreation Center
Oct 20 <sup>th</sup>	5:30 PM	<b>Weed &amp; Seed Steering Committee</b>	City Council Chambers
Oct 24 <sup>th</sup>	<b>NCLM Conference</b>	<b>City Council Meeting CANCELLED</b>	<b>NCLM Conference</b>
Nov 1 <sup>st</sup>	3:30 PM	<b>Board of Adjustment</b>	City Council Chambers
Nov 2 <sup>nd</sup>	8:00 AM	<b>Clean up Henderson</b>	City Operations Center
Nov 7 <sup>th</sup>	9:30 AM	<b>KLRWS Advisory Board Meeting</b>	City Hall Large Conference Room
Nov 7 <sup>th</sup>	3:00 PM	<b>Henderson Planning Board</b>	City Council Chambers
Nov 8 <sup>th</sup>	3:00 PM	<b>Henderson Community Appearance Committee</b>	City Council Chambers
Nov 10 <sup>th</sup>	12:00 PM	<b>Henderson-Vance Recreation &amp; Parks Commission</b>	Aycock Recreation Center
Nov 11 <sup>th</sup>		<b>VETERANS DAY CITY HALL CLOSED</b>	
Nov 17 <sup>th</sup>	5:30 PM	<b>Weed &amp; Seed Steering Committee</b>	City Council Chambers
Nov 17 <sup>th</sup>	7:00 PM	<b>Human Relations Commission</b>	City Council Chambers
Nov 24 <sup>th</sup>		<b>CITY HALL CLOSED</b> 	
Nov 25 <sup>th</sup>	<b>CITY HALL CLOSED</b>	<b>CITY HALL CLOSED FOR THANKSGIVING HOLIDAY</b>	<b>CITY HALL CLOSED</b>
Nov 28 <sup>th</sup>	6:00 PM	<b>City Council Meeting Work Session to Follow</b>	City Council Chambers
Dec 5 <sup>th</sup>	3:30 PM	<b>Henderson Planning Board</b>	City Council Chambers
Dec 6 <sup>th</sup>	3:30 PM	<b>Board of Adjustment</b>	City Council Chambers
Dec 7 <sup>th</sup>	8:00 AM	<b>Clean Up Henderson</b>	Operations Center
Dec 12 <sup>th</sup>	7:00 PM	<b>Regular City Council Meeting</b>	City Council Chambers
Dec 13 <sup>th</sup>	3:00 PM	<b>Henderson Community Appearance Committee</b>	City Council Chambers

*Last Updated: 9/23/2011 2:13 PM*



## PROCLAMATION FOR CONSTITUTION WEEK

**WHEREAS:** September 17, 2011, marks the two hundred twenty-fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS:** It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

**WHEREAS:** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

**NOW, THEREFORE I,** James D. "Pete" O'Geary, by virtue of the authority vested in me as Mayor of the City of Henderson do hereby proclaim the week of September 17 through 23 as

## CONSTITUTION WEEK

**AND** ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the Henderson to be affixed this 17th day of September of the year of our Lord two thousand eleven.

Signed



SEAL Attest



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***CERTIFICATE OF APPRECIATION***  
***for***  
***Henrietta C. Clark***  
***❧***

***WHEREAS***, Henrietta C. Clark has served this community well for over fifty (50) years; *and*

***WHEREAS***, Henrietta C. Clark is a retired educator; *and*

***WHEREAS***, she has generously given her time to serve on the Vance-Granville Community College Board of Trustees for over eighteen (18) years; has served on the Vance County ABC Board and belonged to the Daisy Garden Club *and*

***WHEREAS***, Henrietta C. Clark has served for over twenty-five (25) years on the City of Henderson's Appearance Commission; *and*

***WHEREAS***, as an Centenarian, she has earned the admiration and high regard of those she has come in contact with during her many years of service, along with the affection of her fellow public servants.

***NOW THEREFORE***, by virtue of the authority vested in me as Mayor, and on behalf of the entire City Council and all our citizens, I hereby extend this certificate of recognition to Henrietta C. Clark with deep appreciation for her dedication and service to this City.

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James D. O'Geary, Mayor

I have hereunto set my hand and caused to be affixed the Great Seal of the City of Henderson in the State of North Carolina this the 8<sup>th</sup> day of September 2011.

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Esther J. McCrackin, City Clerk



***CERTIFICATE OF APPRECIATION***  
***for***  
***Celester Clark***  
***❧***

***WHEREAS***, Celester Clark has generously given her time to this community for many years;  
*and*

***WHEREAS***, Mrs. Clark retired after more than thirty (30) years working for the Federal government; *and*

***WHEREAS***, she has participated in many projects with the Daisy Garden Club, founded the Calla Lilly Garden Club and is the Youth Director for the North Carolina Federation of Garden Clubs; *and*

***WHEREAS***, Mrs. Clark has been married to James Clark for sixty (60) years; *and*

***WHEREAS***, she is a member of the Haywood Baptist Church where she serves as Deaconess, Hospitality Chairperson, sings in the choir and is a member of the missionary group; *and*

***WHEREAS***, Celester Clark has served for over twenty-five (25) years on the City of Henderson's Appearance Commission: *and*

***WHEREAS***, as an Octogenarian, she has earned the admiration and high regard of those she has come in contact with her many years of service, along with the affection of her fellow public servants.

***NOW THEREFORE***, by virtue of the authority vested in me as Mayor, and on behalf of the entire City Council and all our citizens, I hereby extend this certificate of recognition to Celester Clark with deep appreciation for her dedication and service to this City.

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James D. O'Geary, Mayor

I have hereunto set my hand and caused to be affixed the Great Seal of the City of Henderson in the State of North Carolina this the 13<sup>th</sup> day of September 2011.

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Esther J. McCrackin, City Clerk



## **AGENDA**

**Henderson City Council Work Session**  
**Monday, 26 September 2011 Immediately Following Regular Session**  
**R. G. (Chick) Young, Jr. Council Chambers, Municipal Building**  
**134 Rose Avenue**  
**Henderson, North Carolina**

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### **Mayor and City Council Members**

Mayor James D. O'Geary, Presiding

Councilmember James C. Kearney, 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 Ordinance 11—56, Preventing a House Which has been Cited to be in Violation of the Minimum Housing Code to be Re-Occupied Until Passing an Inspection and After the Water has been Turned on to Service the Premises. *(CAF 11—122) [See Notebook Tab #14]*
  - Ordinance 11—56
- b)* Consideration of Approval of Ordinance 11—45, FY12 Budget Amendment #15, Adjustment and Close Out of 2009 BJA JAG Grant. *(CAF 11—A—100) [See Notebook Tab # 15]*
  - Ordinance 11—45

- c) Consideration of Approval of Ordinance 11—61, FY12 Budget Amendment #16, Adjustment and Close out of 2007 Governor’s Crime Commission Gang Violence Prevention Grant. (CAF 11—132) [See Notebook Tab #16]
- Ordinance 11—61
- d) Consideration of Approval of Resolution 11—100, Accepting Two North Carolina League of Municipalities Safety Grants for Purchase of AWSI II Safety Clothing and Equipment; and Approval of Ordinance 11—60, FY12 Budget Amendment #14, Establishing the NC League of Municipalities Grant Budget for the Above Mentioned Grants. (CAF 11—130) [See Notebook Tab #17]
- Resolution 11—100
  - Ordinance 11—60
- e) Consideration of Resolution 11—89, Transferring Municipal Court Dockets from 7 June 1927 through 30 June 1949 to North Carolina Department of Cultural Affairs. (CAF 11—119) [See Notebook Tab #18]
- Resolution 11—89

## **VI. ADJOURNMENT**



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31 August 2011

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

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

**RE:** CAF: 11—122

**Consideration of Approval of Ordinance 11—56, Preventing a House Which Has Been Cited to be in Violation of the Minimum Housing Code to be Re-Occupied Until Passing an Inspection and After the Water has been Turned on to Service the Premises.**

**Ladies and Gentlemen:**

**Council Goals Addressed By This Item:**

- KSO 4: Improve Condition of the Housing Stock – To improve the condition of and expansion of the Housing Stock.
  - AP 4-1: Code Enforcement – *To actively enforce the City Codes that result in the rehabilitation and/or demolition of substandard, dilapidated or deteriorated housing in order to remove blight.*

**Recommendation**

- Approval of Ordinance 11—56, Preventing a House Which Has Been Cited to be in Violation of the Minimum Housing Code to be Re-Occupied Until Passing an Inspection and After the Water has been Turned on to Service the Premises.

**Executive Summary**

There are several properties that are closed and vacant under enforcement of the Minimum Housing Code and have been re-occupied without notice. This Ordinance will prevent this from occurring in the future. The objective is when properties are closed and vacant under the Minimum Housing Code, a notification will be sent to the Water Collection Office to flag the utility account and stop new service from being activated until housing inspection is completed and the property complies with Minimum Code.

**Enclosures:**

1. Ordinance 11—56
2. Chapter 21 of City Code

## ORDINANCE 11— 56

Council Member \_\_\_\_\_ introduced the following Ordinance which was seconded by Council Member \_\_\_\_\_ and read:

AN ORDINANCE PREVENTING A HOUSE WHICH HAS BEEN CITED TO BE IN VIOLATION OF THE MINIMUM HOUSING CODE TO BE RE-OCCUPIED UNTIL PASSING AN INSPECTION AND AFTER THE WATER HAS BEEN TURNED ON TO SERVICE THE PREMISES

The City Council of the City of Henderson, North Carolina doth ordain:

Section 1. That a new paragraph be added to Section 21-23 of the City Code (following the first existing paragraph therein), which new paragraph shall read as follows:

“After a dwelling unit has been ordered vacated and closed pursuant to this Chapter, it shall be unlawful for any owner to permit the occupancy, and for any person to occupy as a dwelling, any such property until the water has been turned back on to the premises by the City and after the Code Compliance Officer has inspected the premises and verifies that it then complies with all the provisions of the Minimum Housing Code.”

Section 2. The foregoing Ordinance shall be in full force and effect from and after the date of its passage.

The foregoing Ordinance 11—56, upon motion of Council member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, and having been submitted to a roll call vote and received the following votes and was **APPROVED/DISAPPROVED** 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, p. \*\*.*

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**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 foregoing Ordinance is a true and exact copy of *Ordinance 11—56*, An Ordinance Preventing a House Which has Been Cited to be in Violation of the Minimum Housing Code to be Re-Occupied Until Passing an Inspection and After the Water Has Been Turned On to Service the Premises, adopted by the Henderson, City Council in Regular Session on \*\* \*\* 2011 (*See Minute Book 4\**, p. \*\*). This Ordinance is recorded in *Ordinance Book # 8*, pp. \*\*.

Witness my hand and corporate seal of the City, this \*\* day of \*\*\* 2011.

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



## Section 21-1 Definitions

the following definitions shall apply in the interpretation and enforcement of this chapter:

*Basement.* A portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

*Cellar.* A portion of a building located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

*Deteriorated.* That a dwelling is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this chapter, at a cost not in excess of fifty (50) percent of its value, as determined by finding of the inspector.

*Dilapidated.* A dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of fifty (50) percent of its value, as determined by finding of the inspector.

*Dwelling.* Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

*Dwelling unit.* Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

*Extermination.* The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the inspector.

*Garbage.* The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

*Habitable room.* A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.

*Infestation.* The presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or to the public.

*Inspector.* An inspector of the city or any agent of the inspector who is authorized by the inspector. Code compliance inspectors are those persons defined in the job descriptions in the human resources office, or his authorized agent.

*Multiple dwelling.* Any dwelling containing more than two (2) dwelling units.

*Occupant.* Any person living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

*Operator.* Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

*Owner.* Any person who alone, or jointly, or severally with others:

(1)

Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2)

Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adapted pursuant thereto, to the same extent as if he were the owner.

*Plumbing.* All of the following supplied facilities and equipment: Gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinder), waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basin, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas line.

*Public authority.* Any city officer who is in charge of any department or branch of the government of the city or of the county or the state relating to health, fire, building regulations or other activities concerning dwellings in the city.

*Rooming unit.* Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

*Rooming house.* Any dwelling, or that part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to three (3) or more persons who are not husband and wife, son or daughter, mother or father or sister or brother of the owner or operator.

*Rubbish.* Combustible and noncombustible waste materials, except garbage and ashes, and the term shall include, but not be limited, to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

*Supplied.* Paid for, furnished or provided by, or under the control of, the owner or operator.

*Temporary housing.* Any trailer or other structure designed to be used for emergency human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

*Unfit for human habitation.* Those conditions which exist in a dwelling which violate or do not comply with one (1) or more of the minimum standards of fitness or one (1) or more of the requirements established by this chapter.

*Meaning of certain words.* Whenever the words "dwelling, dwelling unit, rooming house, rooming unit, premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

(Ord. of 8-13-07)

## **Sec. 21-2. - Minimum standards of fitness for dwellings and dwelling units.**

The provisions of this chapter shall be enforceable not only within the city limits of the City of Henderson, but also within the extra-territorial jurisdiction area, established and defined by law, surrounding the city.

Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all the

requirements of this chapter. No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of this chapter.

## City Council Action Form

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



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

**Council Meeting:** 26 Sept 11 Work Session

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21 September 2011

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

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

**RE:** CAF: 11—A - 100

**Consideration of Approval of Ordinance 11—45, FY 12 Budget Amendment #15, Adjustment and Close Out of 2009 BJA JAG Grant.**

**Ladies and Gentlemen:**

**Recommendation:**

- **Approval of Ordinance 11—45, FY 12 Budget Amendment #15, Adjustment and Close Out of 2009 BJA JAG Grant.**

### Executive Summary

FY12 Budget Amendment #15 adjusts the 2009 BJA JAG Project Grant to its actual cost and closes out the project. In order to balance and close out the grant, it is necessary to use Federal Asset forfeiture money in the amount of \$12.77. The project closed out at \$37,759.77.

### Enclosures:

1. Ordinance 11—45

## ORDINANCE 11—45

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

**FY 2011-2012  
AN AMENDMENT TO THE 2009 BJA JAG GRANT  
BUDGET AMENDMENT #15**

**WHEREAS**, the City Council of the City of Henderson on 14 September 2009 adopted the 2009 BJA JAG Grant Budget; *and*

**WHEREAS**, it is necessary to amend the various revenue and expense accounts of the 2009 BJA JAG Grant 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:

**2009 BJA JAG GRANT FUND**  
**REVENUES – Adjusting to actuals**

Account Number	Revenue Line Item	Current Budget	Amended Amount	Total Revised Budget
68-509-4582-18	Department of Justice	\$34,497.00	\$0	\$34,497.00
68-509-4610-86	Transfer from General Fund	3,250.00	12.77	3,262.77
<b>Total</b>		<b>\$37,747.00</b>	<b>\$12.77</b>	<b>\$37,759.77</b>

**2009 BJA JAG GRANT FUND**  
**EXPENDITURES – Adjusting to actuals**

Account Number	Expenditure Line Item	Current Budget	Amended Amount	Total Revised Budget
68-510-5074-00	Capital Outlay	\$25,867.00	\$12.77	\$25,879.77
68-510-5090-31	VC Sheriff Share	11,880.00	0	11,880.00
<b>Total</b>		<b>\$37,747.00</b>	<b>\$12.77</b>	<b>\$37,759.77</b>

**2009 BJA JAG GRANT FUND**  
**REVENUES – Close out**

Account Number	Expenditure Line Item	Current Budget	Amended Amount	Total Revised Budget
68-509-4582-18	Department of Justice	\$34,497.00	(\$34,497.00)	\$0
68-509-4610-86	Transfer from General Fund	3,262.77	(\$3,262.77)	\$0
<b>Total</b>		<b>\$37,759.77</b>	<b>(\$37,759.77)</b>	<b>\$0</b>

**2009 BJA JAG GRANT FUND**  
**EXPENDITURES – Close Out**

Account Number	Expenditure Line Item	Current Budget	Amended Amount	Total Revised Budget
68-510-5074-00	Capital Outlay	\$25,879.77	(\$25,879.77)	\$0
68-510-5090-31	VC Sheriff Share	11,880.00	(\$11,880.00)	\$0
<b>Total</b>		<b>\$37,759.77</b>	<b>(\$37,759.77)</b>	<b>\$0</b>

The foregoing Ordinance 11—45, 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 \*\* day of \*\*\*\*\*: YES: . NO: . ABSTAIN: . ABSENT: .

---

James D. O’Geary, Mayor

***ATTEST:***

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Esther J. McCrackin, City Clerk

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

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**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—45 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 #15**  
**CAF #11-A-100**

**2009 BJA JAG Grant**

This amendment adjusts the 2009 BJA JAG Grant to actual costs in order to close out the project. In order to balance and close out the grant, it is necessary to use Federal Asset forfeiture money in the amount of \$12.77. The budget was closed out at a total cost of \$37,759.77.

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:** 26 Sept 11 Short Reg. Meeting

---

21 September 2011

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

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

**RE:** **CAF: 11—132**

**Consideration of Approval of Ordinance 11—61, FY 12 Budget Amendment # 16 Adjustment and Close Out of 2007 Governor's Crime Commission Gang Violence Prevention Grant.**

**Ladies and Gentlemen:**

### **Recommendation:**

- Approval of Ordinance 11—61, FY 12 Budget Amendment #16 Adjustment and Close Out of 2007 Governor's Crime Commission Gang Violence Prevention Grant.

### **Executive Summary**

FY12 Budget Amendment #16 adjusts the 2007 Governor's Crime Commission Gang Violence Prevention Grant to its actual cost and closes out the project. In order to balance and close out the grant, it is necessary to use Asset Forfeiture money in the amount of \$7,261.98. The project closed out at \$49,630.96.

### **Enclosures:**

1. Ordinance 11—61



## ORDINANCE 11—61

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

**FY 2011-12**

**AN AMENDMENT TO THE GOVERNOR'S CRIME COMMISSION  
GANG VIOLENCE PREVENTION GRANT  
BUDGET AMENDMENT #16**

*WHEREAS*, the City Council of the City of Henderson on April 16, 2007 adopted the Governor's Crime Commission Gang Violence Prevention Grant Budget; *and*

*WHEREAS*, it is necessary to amend the various revenue and expense accounts of the Governor's Crime Commission Gang Violence Prevention Grant 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:

**GANG VIOLENCE PREVENTION GRANT FUND**

**REVENUES: Adjusting to actuals**

Account Number	Revenue Line Item	Current Budget	Amended Amount	Total Revised Budget
86-508-4582-17	Governor's Crime Commission	\$42,343.00	(\$14,088.02)	\$28,254.98
86-508-4610-36	Transfer from Federal Asset Forfeiture	\$14,114	7,261.98	21,375.98
<b>Total</b>		<b>\$56,457</b>	<b>(\$6,826.04)</b>	<b>\$49,630.96</b>

**GANG VIOLENCE PREVENTION GRANT FUND**

**EXPENDITURES: Adjusting to actuals**

Account Number	Expenditure Line Item	Current Budget	Amended Amount	Total Revised Budget
86-511-5005-00	FICA	\$2,040	(\$2,040.00)	\$0
86-511-5005-01	Medicare	480	(\$480.00)	0
86-511-5007-00	Retirement	1,617	(\$1,617.00)	0
86-511-5008-00	Overtime	32,870	6,008.92	38,878.92
86-511-5014-00	Travel & Schools	5,000	(4,859.26)	140.74
86-511-5032-00	Hardware/Software	2,000	1,423.27	3,423.27
86-511-5033-00	Departmental Supplies	3,600	(3,600.00)	0
86-511-5074-00	Capital Outlay - Equipment	7,200	(11.97)	7,188.03
86-511-5130-00	401K	1,650	(1,650)	0
<b>Total</b>		<b>\$56,457</b>	<b>(6,826.04)</b>	<b>\$49,630.96</b>

**REVENUES**

Account Number	Expenditure Line Item	Current Budget	Amended Amount	Total Revised Budget
86-508-4582-17	Governor's Crime Commission	\$28,254.98	(\$28,254.98)	\$0
86-508-4610-36	Transfer from Federal Asset Forfeiture	21,375.98	(\$21,375.98)	\$0
<b>Total</b>		<b>\$49,630.96</b>	<b>(\$49,630.96)</b>	<b>\$0</b>

**EXPENDITURES**

Account Number	Expenditure Line Item	Current Budget	Amended Amount	Total Revised Budget
86-511-5005-00	FICA	\$0	\$0	\$0
86-511-5005-01	Medicare	0	0	0
86-511-5007-00	Retirement	0	0	0
86-511-5008-00	Overtime	38,878.92	(38,878.92)	0
86-511-5014-00	Travel & Schools	140.74	(140.74)	0
86-511-5032-00	Hardware/Software	3,423.27	(3,423.27)	0
86-511-5033-00	Departmental Supplies	0	0	0
86-511-5074-00	Capital Outlay - Equipment	7,188.03	(7,188.03)	0
86-511-5130-00	401K	0	0	0
<b>Total</b>		<b>\$49,630.96</b>	<b>(\$49,630.96)</b>	<b>\$0</b>

The foregoing Ordinance 11—62, 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 \*\* day of \*\*\*\*\*: 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 \*\*I, 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—61 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 McCrackin  
City Clerk  
City of Henderson, North Carolina

**FY 2011-2012**  
**Budget Ordinance Amendment #16**  
**CAF #11-131**

**Governor's Crime Commission Gang Violence Prevention Grant**

Amendment #16 adjusts the Gang Violence Prevention Grant to actual costs and closes out the project. \$7,261.98 in additional funding was transferred from Federal Asset forfeiture funds to cover the costs of expenditures that was not reimbursed by the grant. The total cost of the project closes out at \$49,630.96.

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:** 26 Sept 11 Regular Meeting

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19 September 2011

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

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

**RE: CAF: 11—130**

**Consideration of Approval of Resolution 11—100, Accepting Two North Carolina League of Municipalities Safety Grants for Purchase of AWSI II Safety Clothing and Equipment; and Approval of Ordinance 11—60, FY12 Budget Amendment #14, Establishing the NC League of Municipalities Grant Budget for the Above Mentioned Grants.**

**Ladies and Gentlemen:**

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

- KSO 6 – Develop and Maintain a Qualified Municipal Workforce

**Recommendation:**

- Approval of Resolution 11—100, Accepting Two North Carolina League of Municipalities Safety Grants for Purchase of AWSI II Safety Clothing and Equipment; and Approval of Ordinance 11—60, FY12 Budget Amendment #14, Establishing the NC League of Municipalities Grant Budget.

### Executive Summary

On 25 April 2011 City Council approved Resolution 11—31, authorizing the submission of two North Carolina League of Municipalities Safety Grants in the amount of \$1,500 each. It is now appropriate for Council to accept these grants by approving Resolution 11—100, and establish the grant project budget by approving Ordinance 11—60.

**Enclosures:**

1. Resolution 11—100
2. Ordinance 11—60
3. Resolution 11—31

## RESOLUTION 11—100

### A RESOLUTION AUTHORIZING THE ACCEPTANCE OF TWO NORTH CAROLINA LEAGUE OF MUNICIPALITIES SAFETY GRANTS

**WHEREAS**, the Henderson City Council (Council) conducted its Annual Planning Retreat in January 2011, and during said retreat identified eight key strategic objectives (KSO) and twelve core values (CV); *and*

**WHEREAS**, this Resolution addresses one of the eight key strategic objectives, KSO 5 – Develop and Maintain Work Force; *and*

**WHEREAS**, the North Carolina League of Municipalities, AWSI II Safety Grants are reimbursement grants in the amount of \$1,500 each; *and*

**WHEREAS**, there are current funds still available for reimbursement.

**NOW, THEREFORE, BE IT RESOLVED BY THE HENDERSON CITY COUNCIL** that it does hereby approve the acceptance of the \$1,500 NCLM grant for the purpose of purchasing safety clothing, and the \$1,500 NCLM grant for the purchase of work zone equipment and signage for employees within the various city departments.

The foregoing Resolution 11—100, introduced by Council Member \*\*\*\*\* and seconded by Council Member \*\*\*\*\* on this the \_\_\_\_\_ day of \_\_\_\_\_ 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 as to Legal Form:

## ORDINANCE 11—60

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

**FY 2011-2012  
AN AMENDMENT TO THE GENERAL FUND  
BUDGET AMENDMENT #14**

**WHEREAS**, the City Council of the City of Henderson on 13 June 2010 adopted the City Budget; *and*

**WHEREAS**, it is necessary to amend the various revenue and expense accounts of the General 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:

**GENERAL FUND**  
**REVENUES**

Account Number	Revenue Line Item	Current Budget	Amended Amount	Total Revised Budget
10-100-4582-10	NC League of Municipalities Grants	\$0	\$3,000	\$3,000
	All other revenues for Public Works Admin	\$386,810	0	386,810
<b>Total</b>		<b>\$386,810</b>	<b>\$3,000</b>	<b>\$389.810</b>

**GENERAL FUND**  
**EXPENDITURES: Public Works -Admin**

Account Number	Expenditure Line Item	Current Budget	Amended Amount	Total Revised Budget
10-545-5033-00	Departmental Supplies	\$3,750	\$1,500	\$5,250
10-545-5036-00	Uniforms	0	1,500	1,500
	All Other Accounts	383,060	0	383,060
<b>Total</b>		<b>\$386,810</b>	<b>\$3,000</b>	<b>\$389,810</b>

The foregoing Ordinance 11—60, 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 26th day of September 2011: YES: . NO: . ABSTAIN: . ABSENT: .

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James D. O’Geary, Mayor

***ATTEST:***

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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—60 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 \*\*\*\*\*.

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

**ORDINANCE 11—60**

**FY 2011-2012  
Budget Ordinance Amendment #14  
CAF # 11-130**

**Public Works - Admin**

This amendment increases the Public Works-Admin budget by \$3,000 due to receiving two North Carolina League of Municipalities Safety Grant to purchase safety clothing; and work zone equipment and signage.

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: \_\_\_\_\_



## RESOLUTION 11-31

### A RESOLUTION AUTHORIZING SUBMISSION OF TWO NORTH CAROLINA LEAGUE OF MUNICIPALITIES SAFETY GRANTS

*Whereas*, the Henderson City Council (Council) conducted its Annual Planning Retreat in January 2011, and during said retreat identified eight key strategic objectives (KSO) and twelve core values (CV); *and*

*Whereas*, this Resolution addresses one of the eight key strategic objectives, KSO 5 – Develop and Maintain Work Force; *and*

*Whereas*, the Henderson City Council strongly supports safety of its workforce; *and*

*Whereas*, the City recognizes the importance of safety of the motoring public while on city streets; *and*

*Whereas*, the North Carolina League of Municipalities, Risk Management Services is offering grants to purchase safety clothing, work zone equipment and signage, with no local match.

***NOW, THEREFORE, BE IT RESOLVED BY THE HENDERSON CITY COUNCIL*** that it does hereby approve the submission of a grant for the purpose of purchasing safety clothing, work zone equipment and signage for employees within the various city departments; *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—31, introduced by Councilmember Peace-Jenkins and seconded by Councilmember Coffey on this the 25<sup>th</sup> day of April 2011, and having been submitted to a roll call vote, was APPROVED by the following votes: Yes: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis, Daye and Kearney. No: None. Abstain: None. Absent: None.

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James D. O'Geary, Mayor

Attest:

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Esther J. McCrackin, City Clerk

Approved as to Legal Form:

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John Zollicoffer, Jr., City Attorney

*Reference: Minute Book 42, p 106.*

## City Council Action Form

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



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

**Council Meeting:** 26 Sept. Work Session Mtg.

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23 August 2011

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

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

**RE:** CAF: 11—119

**Consideration of Approval of Resolution 11—89, Transferring Municipal Court Dockets from 7 June 1927 through 30 June 1949 to North Carolina Department of Cultural Resources.**

**Ladies and Gentlemen:**

### **Recommendation:**

- **Approval of Resolution 11—89, Transferring Municipal Court Dockets from 7 June 1927 through 30 June 1949 to North Carolina Department of Cultural Resources.**

### **Executive Summary:**

Currently, there are eight (8) Municipal Docket books stored in the Clerk's vault at City Hall. These books document court cases heard by the Mayor of Henderson from 7 June 1927 through 30 June 1949. The North Carolina Department of Cultural Resources is willing to accept transfer of these documents for long-term retention and safekeeping in the State Archives. If approved, this Resolution provides authorization to transfer the documents to the Department of Cultural Resources.

### **Enclosures:**

1. Resolution 11—89

## **RESOLUTION 11—89**

### **A RESOLUTION AUTHORIZING THE TRANSFER OF MUNICIPAL COURT DOCKETS FROM 7 JUNE 1927 THROUGH 30 JUNE 1949 TO NORTH CAROLINA DEPARTMENT OF CULTURAL RESOURCES**

**WHEREAS**, the City of Henderson current retains eight (8) Municipal Court Dockets dating from 7 June 1927 to 30 June 1949; *and*

**WHEREAS**, North Carolina Department of Cultural Resources has the space, resources and ability to store and protect these documents as archives of the State; *and*

**WHEREAS**, the City of Henderson Council is inclined to transfer these documents to the State of North Carolina Department of Cultural Resources for storage and safekeeping within the State Archives.

**NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY** approve the transference of eight (8) Municipal Court Docket books to the North Carolina Department of Cultural Resources.

The foregoing Resolution 11—89, 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: . ABSENT: .

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James D. O'Geary, Mayor

**ATTEST:**

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Esther J. McCrackin, City Clerk

Approved to Legal Form:

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John H. Zollicoffer, Jr., City Attorney

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