



AGENDA

Henderson City Council Special Meeting

Wednesday 26 October 2011, 12:00 P.M.

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

134 Rose Avenue

Henderson, North Carolina

Mayor and City Council Members

Mayor James D. O'Geary, Presiding

Councilmember James C. Kearney, Sr.

Councilmember Sara M. Coffey

Councilmember Michael C. Inscoe

Councilmember D. Michael Rainey

Councilmember Brenda G. Peace—Jenkins

Councilmember Garry D. Daeke

Councilmember Lonnie Davis, Jr.

Councilmember George M. Daye

City Officials

A. Ray Griffin, Jr., City Manager

John H. Zollicoffer, Jr., City Attorney

Esther J. McCrackin, City Clerk

I. CALL TO ORDER

II. ROLL CALL

III. NEW BUSINESS

- a)** Consideration of Resolution 11—A—70, A Resolution Amending the Implementation Timetable for Amending the Current Practice of Turning Off Water Service for Delinquent Utility Accounts as Articulated in Resolution 11—70. *(CAF 11—B—16)[See Notebook Tab # 1]*

- Resolution 11—A—70

- b)** Consideration of Approval of Ordinance 11—65, FY Budget Amendment #19, Authorizing an Adjustment to the Weed & Seed 2010 Budget. *(CAF 11—139) [See Notebook Tab #2]*

- Ordinance 11—65

- c)** Consideration of Approval of Ordinance 11—69, FY 12 Budget Amendment #21, Closing Out the 2009 Weed & Seed Grant. *(CAF 11—142) [See Notebook Tab # 3]*

- Ordinance 11—69

d) Consideration of Approval of Ordinance 11-67, Budget Ordinance 11—67, FY 12 Budget Amendment #20 to Close Out the 2008 Weed & Seed Grant. *(CAF 11—140) [See Notebook Tab #4]*

- Ordinance 11—67

e) Consideration of Resolution 11—103, Approving an Exemption to the Mini Brooks Act Relative to Engineering Services Needed in Conjunction with Improvements at the Henderson Water Reclamation Facility. *(CAF 11—A—134) [See Notebook Tab #5]*

- Resolution 11—103

IV. ADJOURNMENT

City Council Action Form

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



Agenda Item: _____

Council Meeting 26 Oct 2011 Special Meeting

11 October 2011

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

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

RE: **CAF: 11—B—16**

Consideration of Approval of Resolution 11—A—70, A Resolution Amending the Implementation Timetable for Amending the Current Practice of Turning Off Water Service for Delinquent Utility Accounts as Articulated in Resolution 11—70.

Ladies and Gentlemen:

Council Retreat Goals/Core Values Addressed By This Item:

Core Value: CV3: Fairness— *We value equity and will be fair in how we work with citizens and customers and how we implement City policies, regulations and ordinances.*

Recommendation:

- Approve Resolution 11—A—70, A Resolution Amending the Implementation Timetable for Amending the Current Practice of Turning Off Water Service for Delinquent Utility Accounts as Articulated in Resolution 11—70.

Executive Summary

City Council, during its 10 October 11 regular meeting, discussed the recently approved policies concerning implementation of security deposits, reducing the reconnection fee and requiring customers to pay accounts in full at the end of each billing period rather than allow them to maintain an account in arrears.

During the meeting, Council Members expressed strong support for the policy changes; however, questions concerning potential negative impacts on customers during the holiday season were expressed as it relates to ending the pay one/leave one policy to a traditional pay total bill each month. It is felt it will be easier for customers if the implementation date would be extended to 1 February 2012 given income tax refunds that might be received during the first several months of the New Year. Customers whose service is terminated for nonpayment of account for two months bill will be subject to the security deposit requirement, effective 1 November 2011.

A consensus of Council Members was achieved as follows: 1) the security deposit requirement and reduction of the reconnection fee from \$40 to \$25 would continue to be effective on 1 November 2011; and 2) the implementation date for requiring customers to pay account balances in full at the end of each billing cycle as articulated in Resolution 10—70 would be extended from 1 November 2011 to 1 February 2012.

The wording provided in Ordinance 11—08 (Security Deposits) and Ordinance 11—53 (Amendments to Fee Schedule re: security deposits and reconnection fee) is sufficient and does not need to be amended to effect Council's consensus. Resolution 11—A—70 has the effect of extending the effective date from 1 November 2011 to 1 February 2012 as articulated in Council's consensus described in the preceding paragraph.

Enclosures:

1. Resolution 11—A—70

RESOLUTION 11—A—70

A RESOLUTION AMENDING THE IMPLEMENTATION TIMETABLE FOR AMENDING THE CURRENT PRACTICE OF TURNING OFF WATER SERVICE FOR DELINQUENT UTILITY ACCOUNTS AS ARTICULATED IN RESOLUTION 11—70

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*

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

WHEREAS, the Council unanimously enacted Resolution 11—70 at its 8 August 2011 meeting, said Resolution providing a change in service discontinuation policy that has allowed customers to pay one bill and carry one bill, or constantly remain in arrears, said policy change to be effective on 1 November 2011; *and*

WHEREAS, the Council also unanimously enacted Ordinance 11—08 which provides for the re-establishment of Security Deposits, said Ordinance to be effective 1 November 2011; *and*

WHEREAS, the Council also approved Ordinance 11—53 which provides for the reduction of the Reconnection Fee from \$40 to \$25, said Ordinance to be effective 1 November 2011; *and*

WHEREAS, the Council is concerned about the timeframe of implementing Resolution 11—70 on 1 November 2011 because of potential negative impacts on customers during the upcoming holiday season, and believes it would be more fair to customers and thus appropriate to move the effective date from 1 November 2011 to 1 February 2012; *and*

WHEREAS, it is felt it is in the best interest of the City and its utility customers to amend its current policy implementation date, as articulated in Resolution 11—70, from 1 November 2011 to 1 February 2012.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY AFFIRM its policy positions as articulated in Resolution 11—70 (with the exception of the implementation date of 1 November 2011); Ordinance 11—08 and Ordinance 11—53, said Resolution and Ordinances having been approved by the City Council during its 8 August 2011 meeting; *and*

BE IT FURTHER RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE an amendment to the implementation schedule of the City's water termination (cut-off) policy as articulated in Resolution 11—70 as follows:

1. Customers are expected to pay their monthly utility bills in a timely manner during the period of time in which it is due and payable as articulated on the monthly utility bill, effective immediately; *and*
2. A customer's account will be subject to termination should his/her bill not be paid prior to the cut-off date as articulated on the monthly utility bill. Customers will no longer be allowed to carry one month's bill in arrears, effective for bills rendered on or about ~~1 November 2011~~ 1 February 2012 and all bills thereafter; *and*
3. Customers needing one-time assistance to catch up their bills in arrears may request a Special Agreement be provided to assist them in paying off the amount of their account that is in arrears while keeping the current monthly bill paid in full, effective for bills rendered on and after ~~1 November 2011~~ 1 February 2012; *and*
4. City Administration shall provide appropriate notice to all customers of this policy change by placing notice in the monthly utility bills, on the City's website and printed notice placed in a conspicuous place in the utility payment lobby at City Hall, effective immediately.

The foregoing Resolution 11—A—70, 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 26th day of October 2011: YES: . NO: None. ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 42, pp. 244, ** and **.*
*Resolution 11-70, Resolution Book 2, pp. **.*
*Ordinances 11—08 and 11-53; Ordinance Book 8, pp. ** and **.*
CAF: 11—16; 11—A—16 and 11—B—16
CM: 11—18

City Council Action Form

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



Agenda Item: _____

Council Meeting: 26 Oct 11 Special Called Mtg.

12 October 2011

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

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

RE: **CAF: 11—139**

**Consideration of Approval of Ordinance 11—65, FY Budget Amendment #19,
Authorizing an Adjustment to the Weed & Seed 2010 Budget.**

Ladies and Gentlemen:

Recommendation:

- Approval of Ordinance 11—65, FY Budget Amendment #19, Authorizing an Adjustment to the Weed & Seed 2010 Budget.

Executive Summary

Budget Amendment #19 reduces the Departmental Supplies account by \$2,055.00 and transfers the funds to Salaries and Benefits Part-time in order to cover the costs incurred by the part-time assistant through September 30, 2011. This budget amendment was approved by the Weed & Seed Steering Committee at its 18 August 2011 meeting and approved by the Department of Justice on 15 September 2011.

Enclosures:

1. Ordinance 11—65
2. Weed & Seed Steering Committee Minutes
3. DOJ Approval

ORDINANCE 11—65

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

**FY 2011-2012
AN AMENDMENT TO THE WEED & SEED 2010 GRANT
BUDGET AMENDMENT #19**

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

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

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

**WEED & SEED 2010 FUND
REVENUES**

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

**WEED & SEED 2010 FUND
EXPENDITURES**

Account Number	Expenditure Line Item	Current Budget	Amended Amount	Total Revised Budget
95-926-5002-00	Salaries & Wages	39,552		\$39,552
95-926-5003-00	Salaries & Wage PT	10,000	1,910	11,910
95-926-5005-00	FICA	5,413	798	6,211
95-926-5005-01	Medicare	653	(653)	0
95-926-5006-00	Group Insurance	5,610		5,610
95-926-5007-00	Retirement	2,536		2,536
95-926-5008-00	Overtime	36,700		36,700
95-926-5011-00	Telephone	1,620		1,620
95-926-5014-00	Travel & Schools	1,139		1,139
95-926-5026-00	Advertising	2,998		2,998
95-926-5033-00	Department Supplies	6,013	(2,055)	3,958
95-926-5045-00	Contracted Services	37,000		37,000
95-926-5054-00	Insurance	1,766		1,766
95-926-5074-00	Capital Outlay	6,000		6,000
Total		\$157,000	\$0	\$157,000

The foregoing Ordinance 11—65, 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 14th day of November 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 **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—65 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

Ordinance 11—65
FY 11-12
Budget Ordinance Amendment #19
CAF #11-139

Weed & Seed 2010

Amendment #19 reduces the Departmental Supplies account by \$2,055.00 and transfers the funds to Salaries and Benefits Part-time in order to cover the costs incurred by the part-time assistant through 30 September 30 2011. This budget amendment was approved by the Weed & Seed Steering Committee and the Department of Justice.

Prepared by: _____ Date: _____
Sandra Wilkerson, Finance Director

Reviewed by: _____ Date: _____
Frank Frazier, Asst. City Manager

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

Approved by: City Council Date: _____

**Henderson/Vance Weed & Seed
Steering Committee
Meeting Minutes
August 18, 2011**

Call to order

Chair Juanita Somerville called the meeting of the Henderson/Vance Weed and Seed Steering Committee on August 18, 2011 at Lift Every Voice Institute, Cotton Memorial Presbyterian Church. Invocation was given by Juanita Somerville.

Roll Call

Chair Somerville conducted roll call. Absentee List was read. A quorum was established by the list of absentees that submitted their proxy by email to the Site Coordinator.

The following Steering Committee Members were on the excused list (*)
means they submitted their proxy vote and they are voting members

Ray Griffin	Chief Sidwell(*)	Capt. Marcus Barrow(*)
Donald Hansen	Phil Lakernick(*)	Vernon Brown(*)
Sandra Wilkerson	Donna Stearns(*)	Rick Seekins(*)
Donald Connelly(*)	Alan Gill(*)	Terri Hedrick
Off. Jessica West(*)		

The following Steering Committee Members were present: () voting members**

Lt. Irvin Robinson(**)	Geraldine Champion(**)
Juanita Somerville(**)	Diane Macklin(**)
Hattie Alexander	Chevon Davis

The following guests were present:

Kim Warren (PFC)	Mrs. Carr (EFC)	Na'Kiyja Terry
Marinda Tunstall	Jacques Hawkins	Jenina B. Kearney
Keondi Haywood		

Approval of minutes from last meeting

Committee took a vote based on members present. Irvin Robinson made motion to accept minutes as written and Diane Macklin 2nd. Motion was approved by members present.

Items of Discussion

❖ Financial Report-Rick Seekins

- o Grant No. 2010-WS-QX-0108 FY 2010 (10/01/2010 – 12/31/2011)
–July 2011 Financial Expenditures Report

- In-Kind Match for July 2011 is \$10,660.00
- June 2011 Draw Down request in the amount of \$7,472.44
- Total Revenue to-date is \$83,661.27
- Budget Transfer/ budget Adjustment was approved by City Council on Monday July 25, 2011 and has been approved by DOJ

Finance Committee did not meet due to absences. Irvin Robinson made a motion to accept the Financial Report according to items/documents presented. Motion was second by Geraldine Champion and approved by members present.

Site Coordinator explained to committee that a budget adjustment/line item transfer needs to take place for Part Time Site Monitor due to extensive hours worked and to carry through the end of September. Irvin Robinson made a motion for a line item transfer for the Part Time Site Monitor through the end of September. Second by Geraldine Champion and approved by members present.

❖ US Attorney's Office-Absent due to attending the Jacksonville Site

❖ Safe Haven Reports

- ✓ Kim Warren- Progressive Faith Church – Summer Enrichment Program end third week of August will start back up when school starts through September 30, 2011
- ✓ Juanita Somerville- Gateway CDC – Program are foregoing through end of September 2011
- ✓ L.E.V.I.- submitted a written report –Summer Enrichment Program ended officially August 19, 2011
- ✓ Group Sports– Summer Programs ended July 30, 2011
- ✓ Mrs. Carr- Equipping Faith Church - Summer Enrichment Program ended July 29th will start back up in Sept – September 30, 2011

❖ Police Report- Capt. Marcus Barrow

-In the absent of Capt. Barrow, Lt. Robinson talked about back to school events taken place in the Weed and Seed area.

❖ Site Coordinator's Report- Hattie Alexander

-Back to School Event for September 2011

Motion was made by Geraldine Champion to have a back to school dropout prevention drive in the Month of September. Second by Irvin Robinson and approved by members present.

❖ **Steering Committee Chair's Report**

NEXT MEETING

Thursday, September 15, 2011 @ 5:30pm; Host by Equipping Faith Church, 549 South Williams Street, Henderson, NC 27536

Adjournment

Meeting was dismissed by Steering Committee Chair Juanita Somerville

Minutes submitted by Hattie Alexander, Secretary



US DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

GRANT ADJUSTMENT NOTICE

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

Budget Modification			
* All editable Budget fields must contain a numeric value.			
Categories	Approved Budget	Requested Changes to Budget	Revised Budget
A. Personnel	\$111532	\$1910	\$113442
B. Fringe Benefits	\$15978	\$145	\$16123
C. Travel	\$1139	\$0	\$1139
D. Equipment	\$6000	\$0	\$6000
E. Supplies	\$10763	\$-2055	\$8708
F. Construction	\$0	\$0	\$0
G. Contractual	\$58596	\$0	\$58596
H. Other	\$5618	\$0	\$5618
TOTAL DIRECT COST	\$209626	\$0	\$209626
Total Direct Costs = (Sum of lines A-H)			
INDIRECT COST	\$0	\$0	\$0
TOTAL PROJECT COST	\$209626	\$0	\$209626
Total Project Costs = Total Direct Costs + Indirect Cost			

Total Project Costs = Federal Funds Approved + Non-Federal Funds + Program Income			
FEDERAL FUNDS APPROVED	\$157000		\$157000
NON-FEDERAL FUNDS APPROVED	\$52626	\$0	\$52626
PROGRAM INCOME	\$0	\$0	\$0

***Required Justification for Budget Modification**

A Grant Adjustment Notice is and will not be required for the approval of this adjustment because the requested modifications are equal to less than (10) percent of the total award; no funds are being reallocated to a zero budget

Attachments:

Filename:	User:	Timestamp:
Bud_Mod 2010 Budget Adj for SM Sal.doc	halexander	09/12/2011 12:21 PM
REVISED(2) H-V W&S 2010 Budget Detail and Narrative Attmt 1 Incr Budgt Mod.doc	halexander	09/12/2011 12:23 PM
WS SC Minutes 08-18-11.doc	halexander	09/12/2011 12:23 PM
2010-WS-QX-0108_(Henderson-Vance) Henderson, NC W&S_Bud Mod_20110915.pdf	randolpc	09/15/2011 4:43 PM

Print

Audit Trail:

Description:	Role:	User:	Timestamp:
Denied	PO - Grant Manager	randolpc	09/15/2011 4:44 PM
Submitted	PO - Grant Manager	halexander	09/12/2011 12:25 PM
Draft	EXTERNAL - External User	halexander	09/12/2011 12:24 PM

City Council Action Form

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



Agenda Item: _____

Council Meeting: 26 Oct. 11 Special Called Mtg.

19 October 2011

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

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

RE: CAF: 11—142

**Consideration of Approval of Ordinance 11—69, FY 12 Budget Amendment #21,
Closing Out the 2009 Weed & Seed Grant.**

Ladies and Gentlemen:

Recommendation:

- Approval of Ordinance 11—69, FY 12 Budget Amendment #21, Closing Out the 2009 Weed & Seed Grant.

Executive Summary

In order to close out the 2009 Weed & Seed Grant budget, the approval of Ordinance 11—69, FY12 Budget Amendment #21 is recommended. The 2009 Weed & Seed Grant closes out at a total cost of \$133,343.42, leaving \$8,656.58 of the allotted \$142,000 as unexpended funds.

Enclosures:

1. Ordinance 11—69

ORDINANCE 11—69

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

**FY 2011-2012
AN AMENDMENT TO THE WEED & SEED 2009 BUDGET
BUDGET AMENDMENT #21**

WHEREAS, the City Council of the City of Henderson on September 28, 2009 adopted the Weed & Seed 2009 Budget; *and*

WHEREAS, it is necessary to amend the various revenue and expense accounts of the Weed & Seed 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:

WEED & SEED 2009
REVENUES - Adjustments

Account Number	Revenue Line Item	Current Budget	Amended Amount	Total Revised Budget
99-921-4582-18	Weed & Seed Grant	\$142,000.00	(\$8,656.58)	\$133,343.42
Total		\$142,000.00	(\$8,656.58)	\$133,343.42

WEED & SEED 2009
EXPENDITURES: Adjustments

Account Number	Expenditure Line Item	Current Budget	Amended Amount	Total Revised Budget
99-926-5002-00	Salaries & Wages	\$32,136.00	\$223.61	\$32,359.61
99-926-5003-00	Salaries – Part-time	10,000.00	(70.00)	9,930.00
99-926-5005-00	FICA	4,811.00	253.16	5,064.16
99-926-5005-01	MEDICARE	615.00	91.32	706.32
99-926-5006-00	Group Insurance	4,860.00	(25.82)	4,834.18
99-926-5007-00	Retirement	1,590.00	158.34	1,748.34
99-926-5008-00	Overtime Pay	35,500.00	0	35,500.00
99-926-5011-00	Telephone	1,810.00	27.53	1,837.53
99-926-5014-00	Travel & Schools	7,500.00	(4,044.81)	3,455.19
99-926-5026-00	Advertising	400.00	(51.00)	349.00
99-926-5033-00	Departmental Supplies	6,437.00	(4,916.33)	1,520.67
99-926-5045-00	Contracted Services	26,859.00	(600.00)	26,259.00
99-926-5054-00	Insurance	1,282.00	371.08	1,653.08
99-926-5074-00	Capital Outlay	8,200.00	(73.66)	8,126.34
Total		\$142,000.00	(\$8,656.58)	\$133,343.42

REVENUES

Account Number	Expenditure Line Item	Current Budget	Amended Amount	Total Revised Budget
99-921-4582-18	Weed & Seed Grant	\$133,343.42	(\$133,343.42)	\$0
Total		\$133,343.42	(\$133,343.42)	\$0

EXPENDITURES

Account Number	Expenditure Line Item	Current Budget	Amended Amount	Total Revised Budget
99-926-5002-00	Salaries & Wages	\$32,359.61	(\$32,359.61)	\$0
99-926-5003-00	Salaries – Part-time	9,930.00	(9,930.00)	0
99-926-5005-00	FICA	5,064.16	(5,064.16)	0
99-926-5005-01	MEDICARE	706.32	(706.32)	0
99-926-5006-00	Group Insurance	4,834.18	(4,834.18)	0
99-926-5007-00	Retirement	1,748.34	(1,748.34)	0
99-926-5008-00	Overtime Pay	35,500.00	(35,500.00)	0
99-926-5011-00	Telephone	1,837.53	(1,837.53)	0
99-926-5014-00	Travel & Schools	3,455.19	(3,455.19)	0
99-926-5026-00	Advertising	349.00	(349.00)	0
99-926-5033-00	Departmental Supplies	1,520.67	(1,520.67)	0
99-926-5045-00	Contracted Services	26,259.00	(26,259.00)	0
99-926-5054-00	Insurance	1,653.08	(1,653.08)	0
99-926-5074-00	Capital Outlay	8,126.34	(8,126.34)	0
		\$133,343.42	(\$133,343.42)	\$0

The foregoing Ordinance 11—69, 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

Reference: Minute Book **, 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—69 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 #21
CAF #11-142**

Weed & Seed 2009 Close Out

Amendment #21 closes out the Weed & Seed 2009 Grant at a total cost of \$133,343.42 with an amount of \$8,656.58 of approved grant funding being unspent.

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 Oct 11 Special Called Mtg.

18 October 2011

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

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

RE: CAF: 11—140

Consideration of Approval of Budget Ordinance 11—67, FY 12 Budget Amendment #20 to Close Out the 2008 Weed & Seed Grant.

Ladies and Gentlemen:

Recommendation:

- Approval of Budget Ordinance 11—67, FY 12 Budget Amendment #20 to Close Out the 2008 Weed & Seed Grant.

Executive Summary

In order to close out the 2008 Weed & Seed Grant budget, the approval of Ordinance 11—67, FY12 Budget Amendment #20 is recommended. The 2008 Weed & Seed Grant closes out at a total cost of \$121,515.99, leaving \$28,429.01 of the allotted \$149,945 as unexpended funds.

Enclosures:

1. Ordinance 11—67

ORDINANCE 11—67

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

**FY 2011-2012
AN AMENDMENT TO THE WEED & SEED 2008 BUDGET
BUDGET AMENDMENT #20**

WHEREAS, the City Council of the City of Henderson on September 22, 2008 adopted the Weed & Seed 2008 Budget; *and*

WHEREAS, it is necessary to amend the various revenue and expense accounts of the Weed & Seed 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:

WEED & SEED 2008
REVENUES - Adjustments

Account Number	Revenue Line Item	Current Budget	Amended Amount	Total Revised Budget
92-920-4582-08	Weed & Seed Grant	\$149,945.00	(\$28,429.01)	\$121,515.99
Total		\$149,945.00	(\$28,429.01)	\$121,515.99

WEED & SEED 2008
EXPENDITURES: Adjustments

Account Number	Expenditure Line Item	Current Budget	Amended Amount	Total Revised Budget
92-925-5002-00	Salaries & Wages	\$32,136.00	(\$131.74)	\$32,004.26
92-925-5003-00	Salaries – Part-time	8,000.00	(2,477.50)	5,522.50
92-925-5005-00	FICA	3,829.00	(479.04)	3,349.96
92-925-5005-01	MEDICARE	843.00	30.24	873.24
92-925-5006-00	Group Insurance	4,394.00	58.13	4,452.13
92-925-5007-00	Retirement	1,870.00	0	1,870.00
92-925-5008-00	Overtime Pay	21,620.00	0	21,620.00
92-925-5011-00	Telephone	1,560.00	(982.48)	577.52
92-925-5014-00	Travel & Schools	7,500.00	(4,428.68)	3,071.32
92-925-5026-00	Advertising	1,751.00	(367.43)	1,383.57
92-925-5033-00	Departmental Supplies	10,445.00	(5,966.48)	4,478.52
92-925-5045-00	Contracted Services	55,500.00	(13,750.00)	41,750.00
92-925-5054-00	Insurance	497.00	65.97	562.97
Total		\$149,945.00	(\$28,429.01)	\$121,515.99

REVENUES

Account Number	Expenditure Line Item	Current Budget	Amended Amount	Total Revised Budget
92-920-4582-08	Weed & Seed Grant	\$121,515.99	(\$121,515.99)	\$0
Total		\$121,515.99	(\$121,515.99)	\$0

EXPENDITURES

Account Number	Expenditure Line Item	Current Budget	Amended Amount	Total Revised Budget
92-925-5002-00	Salaries & Wages	\$32,004.26	(\$32,004.26)	\$0
92-925-5003-00	Salaries – Part-time	5,522.50	(5,522.50)	0
92-925-5005-00	FICA	3,349.96	(3,349.96)	0
92-925-5005-01	MEDICARE	873.24	(873.24)	0
92-925-5006-00	Group Insurance	4,452.13	(4,452.13)	0
92-925-5007-00	Retirement	1,870.00	(1,870.00)	0
92-925-5008-00	Overtime Pay	21,620.00	(21,620.00)	0
92-925-5011-00	Telephone	577.52	(577.52)	0
92-925-5014-00	Travel & Schools	3,071.32	(3,071.32)	0
92-925-5026-00	Advertising	1,383.57	(1,383.57)	0
92-925-5033-00	Departmental Supplies	4,478.52	(4,478.52)	0
92-925-5045-00	Contracted Services	41,750.00	(41,750.00)	0
92-925-5054-00	Insurance	562.97	(562.97)	0
Total		\$121,515.99	(\$121,515.99)	\$0

The foregoing Ordinance 11—67, 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

*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—67 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

ORDINANCE 11—67
FY 2011-2012
Budget Ordinance Amendment #20
CAF #11-140

Weed & Seed 2008 Close Out

Amendment #20 closes out the Weed & Seed 2008 Grant at a total expense of \$121,515.99. Of the \$149,945.00 grant, \$28,429.01 was not used.

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 October 11 Special Meeting

29 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-134

Consideration of Approval of Resolution 11—103, Approving an Exemption to the Mini Brooks Act Relative to Engineering Services Needed in Conjunction with Improvements at the Henderson Water Reclamation Facility.

Ladies and Gentlemen:

Council Retreat 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—103, Approving an Exemption to the Mini Brooks Act Relative to Engineering Services Needed in Conjunction with Improvements at the Henderson Water Reclamation Facility.

Executive Summary

The City Council approved Resolution 11—12 on 14 February 2011 authorizing submission of an application for State Revolving Fund (SRF) Grant/Loan Funding for improvements of the Henderson Water Reclamation Facility (HWRF). On 1 April 2011 the City received notice from the North Carolina Department of Environment and Natural Resources (DENR) that the City was eligible to receive a low interest loan of \$16,615,000 with \$1,000,000 of the total amount in the form of principal forgiveness. The Engineering report was submitted and is currently under review by the State.

All funding is contingent on meeting various milestones. In order to meet the next milestone, which is submittal of plans and specs, it is necessary to secure engineering services for the project. This is a large project and requires approximately eight to nine months to complete the surveying and design.

Due to the timing in meeting these qualifying deadlines, through construction grants and loans, the City has determined that the selection process outlined in G.S. §143-64.31, the Mini Brooks Act, would unnecessarily add cost and delay to the project. Therefore, the City recommends that this project be exempted from the Mini Brooks Act and McGill Associates be approved as the engineer on the project and authorization be given by the City Council to the City Manager to negotiate a fee for these services and be brought back to the City Council for final approval.

The estimated fees for this phase of the project include \$30,000 for surveying, \$950,000 for design and \$50,000 for permitting. It is also anticipated there will be approximately \$30,000 in geotechnical work needed. These costs are eligible to be reimbursed through the loan proceeds; however, a short term bank loan is recommended to cover these funds until closing the construction grants and loan funding. Existing funds can be used to handle some of the minor costs of the design fee, but it is recommended that the City Council pass a Resolution authorizing the reimbursement of these funds into the full cost of the loan.

This Resolution was brought before Council at the 10 October 2011 Council Meeting and it is now recommended that it be considered for approval. The proposed contract and other funding considerations will be distributed to Council for review prior to the regular agenda distribution, and brought before Council at the 14 November 2011 Council Meeting.

Enclosures:

1. Resolution 11—103
2. NCDENR Notice of Intent to Fund
3. Resolution 11—12
4. Project Budget

RESOLUTION 11—103

A RESOLUTION APPROVING AN EXEMPTION TO THE MINI BROOKS ACT RELATIVE TO ENGINEERING SERVICES NEEDED IN CONJUNCTION WITH IMPROVEMENTS AT THE HENDERSON WATER RECLAMATION FACILITY

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 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 KSO 5: To Provide Reliable, Dependable and Environmental Compliant Infrastructure Systems; *and*

WHEREAS, the City has accomplished a Preliminary Engineering Report and Capital Improvements Plan indicating the Henderson Water Reclamation Facility is now in need of major upgrades; *and*

WHEREAS, the City desires to enter into one or more contracts for professional consulting services for work on the Henderson Water Reclamation Facility; *and*

WHEREAS, the selection process of such professional consulting services by a municipality is governed by G.S. §143-64.31, the Mini Brooks Act, being more fully articulated in **Attachment A**; *and*

WHEREAS, G.S. §143-64.31 allows municipalities to exempt projects from the Mini Brooks Act in cases of special emergencies involving the health and safety of the people; *and*

WHEREAS, the City deems that time is of the essence for the accomplishment of these necessary system repairs and facility upgrades to maintain regulatory compliance and to continue to meet qualifying deadlines for project funding through the North Carolina Construction Grants and Loans section, and that a special emergency exists relative thereto involving the health and safety of the people and that the selection process in Mini Brooks Act would unnecessarily add delay to the project.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Henderson, North Carolina that it does hereby authorize the exemption of the above described projects from the provisions of G.S. §143-64.31, The Mini Brooks Act, for the reason stated above.

The foregoing Resolution 11—103 upon motion of Council Member _____ and second by Council Member _____, and having been submitted to a roll call vote received the following votes and was _____ on this the ____ day of ____ 2011: YES: ____ . NO ____ . ABSTAIN: ____ . ABSENT: ____ .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved as to Legal Form:

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

Mini Brooks Act

Procurement of Architectural, Engineering, and Surveying Services

Declaration of public policy

GS 143 – 64.31 Article 3D (a) It is the public policy of this State and all public subdivisions and Local Governmental Units thereof, except in cases of special emergency involving the health and safety of the people or their property, to announce all requirements for architectural, engineering, surveying and construction management at risk services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm. Selection of a firm under this Article shall include the use of good faith efforts by the public entity to notify minority firms of the opportunity to submit qualifications for consideration by the public entity.

(b) Public entities that contract with a construction manager at risk under this section shall report to the Secretary of Administration the following information on all projects where a construction manager at risk is utilized:

- (1) A detailed explanation of the reason why the particular construction manager at risk was selected.
- (2) The terms of the contract with the construction manager at risk.
- (3) A list of all other firms considered but not selected as the construction manager at risk and the amount of their proposed fees for services.
- (4) A report on the form of bidding utilized by the construction manager at risk on the project.

The Secretary of Administration shall adopt rules to implement the provisions of this subsection including the format and frequency of reporting. (1987, c. 102, s. 1; 1989, c. 230, s. 2; 2001-496, s. 1.)

§ 143-64.32. Written exemption of particular contracts

Units of local government or the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of this Article in the case of:

- (a) Proposed projects where an estimated professional fee is in an amount less than thirty thousand dollars (\$30,000), or
- (b) Other particular projects exempted in the sole discretion of the Department of Transportation or the unit of local government, stating the reasons therefore and the circumstances attendant thereto. (1987, c. 102, s. 2.)

§ 143-64.33. Advice in selecting consultants or negotiating consultant contracts

On architectural, engineering, or surveying contracts, the Department of Transportation or the Department of Administration may provide, upon request by a county, city, town or other subdivision of the State, advice in the process of selecting consultants or in negotiating consultant contracts with architects, engineers, or surveyors or any or all. (1987, c. 102, s. 3; 1989, c. 230, s. 3, c. 770, s. 44.)

§ 143-64.34. (Effective until December 31, 2006) Exemption of certain projects

- (a) State Capital Improvement Projects under the jurisdiction of the State Building Commission where the estimated expenditure of public money is less than one hundred thousand dollars (\$100,000) are exempt from the provisions of this article.
- (b) A capital improvement project of The University of North Carolina under G.S. 116-31.11 where the estimated expenditure of public money is less than three hundred thousand dollars(\$300,000) is exempt from this Article if:
 - (1) The architectural, engineering, or surveying services to be rendered are under an open-end design agreement;
 - (2) The open-end design agreement has been publicly announced and
 - (3) The open-end design agreement complies with procedures adopted by the University and approved by the State Building Commission under G.S. 116-31.11(a) (3). (1987, c. 102, s. 3.1; c. 830, s. 78(a); 1997-314, s. 1; 1997-412, s. 5; 2001-496, ss. 8(b), 8(c).)

§ 143-64.34. (Effective December 31, 2006) Exemption of certain State Capital Improvement Projects

(a) State Capital Improvement Projects under the jurisdiction of the State Building Commission where the estimated expenditure of public money is less than one hundred thousand dollars (\$100,000) are exempt from the provisions of this Article.

- (c) Repealed by Session Laws 1997-412, s. 5.1, as amended by Session Laws 2001-496, s. 8(b), effective December 31, 2006.(1987, c. 102, s. 3.1; c. 830, s. 78(a); 1997-314, s. 1; 1997-412, ss. 5, 5.1; 2001-496, ss. 8(b), 8(c).)

§ 143-64.35 through 143-64.49. Reserved for future codification purposes.



CAF 11-134
Attachment 2

North Carolina Department of Environment and Natural Resources

Division of Water Quality

Beverly Eaves Perdue
Governor

Coleen H. Sullins
Director

Dee Freeman
Secretary

April 1, 2011

The Honorable James D. O'Geary, Mayor
City of Henderson
Post Office Box 1434
Henderson, North Carolina 27536

SUBJECT: Clean Water State Revolving Fund
Notice of Intent to Fund
Nutbush Creek Water Reclamation Improvements
March 1st, 2011 Application Cycle

Dear Mayor O'Geary:

Congratulations! Your application for a Clean Water State Revolving Fund loan has been reviewed and your proposed project found eligible to receive a low interest SRF loan. The total loan amount will be \$16,615,000. Of the total amount, \$1,000,000 will be in the form of principal forgiveness, with the balance at the prevailing SRF interest rate at the time of approval by the Local Government Commission (LGC).

Please note that this intent to fund is contingent on approval of the loan through the Local Government Commission. This intent to fund is also contingent on meeting all milestones outlined in our 2009/2010 Intended Use Plan (IUP) as shown below.

<u>Milestone</u>	<u>Date</u>
Engineering Report Submittal	July 1, 2011
Engineering Report Approval	Dec. 1, 2011
Plans & Specifications Submittal	June 1, 2012
Plans & Specifications/Permit Approval	Sept. 4, 2012
Advertise Project, Receive Bids, Submit Bid Information, and Receive CG&L's Authority To Award	Dec. 3, 2012
Execute Construction Contract(s)	Jan. 2, 2013

The next milestone is the submittal of an Engineering Report by close of business on July 1, 2011. The Engineering Report must be developed using the guidance found on our website. Reports not received in this office on or before July 1, 2011 will be returned and CWSRF funding for the proposed project will be forfeited.

Failure to meet this or any other IUP milestone will result in the forfeit of CWSRF funding for your proposed project, and a new application must be submitted for consideration during a future application cycle.

1633 Mail Service Center, Raleigh, North Carolina 27699-1633
Location: 2728 Capital Blvd. Raleigh, North Carolina 27604
Phone: 919-733-6900 \ FAX: 919-715-6229 \ Customer Service: 1-877-623-6748
Internet: www.ncwaterquality.org
An Equal Opportunity \ Affirmative Action Employer

One
North Carolina
Naturally

RESOLUTION 11—12

A RESOLUTION OF THE HENDERSON CITY COUNCIL APPROVING THE SUBMISSION OF AN APPLICATION FOR STATE REVOLVING FUND (SRF) GRANT/LOAN FUNDING

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

WHEREAS, this Resolution addresses two of the Key Strategic Objectives as follows: **KSO 8:** To Provide Sufficient Funds for Municipal Operations and Capital Outlay Necessary to Meet the Needs of Citizens, Customers and Mandates of Regulatory Authorities; and **KSO 5:** To Provide Reliable, Dependable and Environmental Compliant Infrastructure Systems; *and*

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCDG 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction or replacement of wastewater collection systems; *and*

WHEREAS, the City of Henderson received a Planning Grant from the Rural Center and one project identified is the need for improvements at the Henderson Water Reclamation facility to improve efficiency and simplification of the treatment process at the existing plant; *and*

WHEREAS, the City of Henderson intends to request state loans and or/grant assistance for the project through the State Revolving Fund, Clean Water Management Trust Funds and other loan/grant opportunities.

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

That McGill Associates has identified various phases of improvements at the Henderson Water Reclamation Facility which will simplify treatment processes as well as reduce operational costs.

That in order for the City to receive future funding it must apply for and become eligible for State Revolving Loan/Grant funds for future improvements.

That the governing body does hereby understand that the application of these funds does not commit to final approval of the borrowing of such funds until all grants/loans have been secured and approval is given to proceed with engineering and construction of the project.

That James D. O'Geary, Mayor, 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 and/ or grant to aid in the construction of the project described above.

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.

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—12, upon motion of Council Member Peace-Jenkins and second by Council Member Coffey, and having been submitted to a roll call vote received the following votes and was APPROVED on this the 14th day of February 2011: YES: Davis, Daye, Coffey, Inscoe, Rainey, Peace-Jenkins, and Daeke. NO: None. ABSTAIN: None. ABSENT: None.

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. 38.

North Carolina Water/Wastewater Common Application Form

PROJECT BUDGET

For use by ARC, CWMTF, DENR, DOC, and Rural Center applicants.

Complete the project budget addressing the categories provided in the table below (insert rows/columns as needed).
NOTE: Engineering costs shall be held to the USDA or EPA fee curve, depending on the funding partner.

Cost Description	ARC	CWMTF	DENR	DOC	RC	Local	Other	Total Cost Amount
Headworks Facility			\$ 1,400,000					\$1,400,000
Influent Pump Station			\$ 1,200,000					\$1,200,000
Oxidation Ditches and Anoxic Basins			\$ 4,500,000					\$4,500,000
Site Piping			\$ 550,000					\$550,000
Clarifier Improvements			\$ 600,000					\$600,000
RAS/WAS Pump Imp.			\$ 550,000					\$550,000
Exist. Pump/Controls Imp.			\$ 400,000					\$400,000
Pump Replacements / Demo			\$ 400,000					\$400,000
SCADA and Controls			\$ 300,000					\$300,000
New Buildings / Building Imp.			\$ 1,750,000					\$1,750,000
Sludge Thickening Imp.			\$ 1,200,000					\$1,200,000
Convert Sludge Tank to Aerobic Digester			\$ 600,000					\$600,000
Construction Sub-Total	\$0	\$0	\$13,450,000	\$0	\$0	\$0	\$0	\$13,450,000
Contingency			\$ 1,345,000					\$1,345,000
Engineering Design			\$ 950,000					\$950,000
Permitting			\$ 50,000					\$50,000
Land Surveying Costs			\$ 30,000					\$30,000
Easement Preparation								\$0
Closing Fee (if applicable)						\$ 332,300		\$332,300
Construction Admin/Observation			\$ 650,000					\$650,000
Grant and/or Loan Admin			\$ 25,000					\$25,000
Legal Costs			\$ 15,000					\$15,000
Other (geotech, materials testing)			\$ 100,000					\$100,000
Administration Sub-Total	\$0	\$0	\$3,165,000	\$0	\$0	\$332,300	\$0	\$3,497,300
TOTAL PROJECT COST	\$0	\$0	\$16,615,000	\$0	\$0	\$332,300	\$0	\$16,947,300