



AGENDA

Henderson City Council Regular Meeting

Monday, 13 February 2012, 6:00 p.m.

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

134 Rose Avenue

Henderson, North Carolina

Mayor and City Council Members

Mayor James D. O'Geary, Presiding

Councilmember James C. Kearney, Jr.
Councilmember Sara M. Coffey
Councilmember Michael C. Inscoc
Councilmember D. Michael Rainey

Councilmember Brenda G. Peace—Jenkins
Councilmember Garry D. Daeke
Councilmember Lonnie Davis, Jr.
Councilmember George M. Daye

City Officials

A. Ray Griffin, Jr., City Manager
John H. Zollicoffer, Jr., City Attorney
Esther J. McCrackin, City Clerk

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION AND PLEDGE OF ALLEGIANCE

IV. OPENING REMARKS

In order to provide for the highest standards of ethical behavior and Transparency in Governance as well as provide for good and open government, the City Council has approved Core Values regarding Ethical Behavior¹ and Transparency in Governance². The Mayor now inquires as to whether any Council Member knows of any conflict of interest, or appearance of conflict, with respect to matters before the City Council. If any Council Members knows of a conflict of interest, or appearance of conflict, please state so at this time.

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

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

V. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA

VI. APPROVAL OF MINUTES

- a) 23 January Short Regular Meeting [See Notebook Tab 1]*
- b) 23 January Work Session*
- c) 26 January Annual Strategic Planning Retreat*

VII. PUBLIC HEARING

- a) Consideration of Approval of Resolution 12-13, Requesting the Closeout of the A. L. Harris Estates Grant 06-C-1609. (CAF 12-25) [See Notebook Tab 1-A]*
 - Public Hearing
 - Resolution 12-13

VIII. PUBLIC COMMENT PERIOD ON AGENDA ITEMS

Citizens may only speak on Agenda items at this time. Citizens wishing to address the Council must sign-in on a form provided by the City Clerk prior to the beginning of the meeting. The sign-in form is located on the podium. When recognized by the Mayor, come forward to the podium, state your name, address and if you are a city resident, and identify the Agenda Item about which you wish to speak on the sign up sheet. Please review the Citizen Comment Guidelines that are provided on the last page of this Agenda.³

IX. NEW BUSINESS

- a) Consideration of Resolution 12-04, Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2011. (CAF 12-17)[See Notebook Tab 3]*
 - Resolution 12-04
- b) Consideration of Resolution 12-09, Agreement Setting Forth Mayor, City Council and City Manager Roles, Responsibilities and Expectations. (CAF 12-25)[See Notebook Tab 4]*
 - Resolution 12-09
- c) Consideration of Resolution 12-10, Setting Date for One Day Team Building and Date for 2013 Strategic Planning Retreat. (CAF 12-26)[See Notebook Tab 5]*
 - Resolution12-10
- d) Consideration of Approval of Ordinance 12-11, Creating an Availability Charge for any Habitable Structure in the City for Failure to Connect to Available Water and Sewer. (CAF 12-14) [Notebook Tab 6]*
 - Ordinance 12-11

- e) Consideration of Resolution 12-12, Ratifying Mayor's Endorsement on a Letter of Support Regarding the Joint City-County Fox Pond Park Project. (CAF 12-32)[See Notebook Tab 7]

- Resolution 12-12

X. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may speak on non-Agenda items only 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.³

XI. WORK SESSION - General

- a) Consideration of Ordinance 12-10, Amending City Code 16-37 Relative to Stormwater Runoff Regulations. (CAF 12-13) [See Notebook Tab 8]

- Ordinance 12-10

WORK SESSION – Continued Strategic Planning Retreat Discussions (from 26 January 2012 Meeting (No CAF) [See Notebook Tab 9]

1. Consideration of Community Appearance Discussion Item (Refer to the Strategic Planning Retreat Binder)
2. Consideration of Any Other Items Council Wishes to Discuss Not Covered During the Retreat.

XII. CLOSED SESSION

- a) Pursuant to NCGS §143-318.11 (a)(4), Economic Development Matter.
b) Pursuant to NCGS §143-318-11 (a)(3), Attorney Client Matter.

³ **Citizen Comment Guidelines**

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

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

XIII. REPORTS

- a)** Mayor/Mayor Pro-Tem
- b)** City Manager
- c)** City Attorney
- d)** City Clerk
 - i. Calendar Notes and Schedule Update *[See Notebook Tab 10]*
 - ii. Various Departmental Reports *[See Notebook Tab 11]*
 - Henderson Fire Department
 - Henderson-Vance County 911
 - Henderson Police Department

XIV. ADJOURNMENT

City Council Minutes--*DRAFT*

Regular Short Meeting

23 January 2012

PRESENT

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

ABSENT

Council Member Michael C. Inscoc.

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, Assistant City Manager Frank Frazier, Finance Director Katherine Brafford, Engineering Director Peter Sokalski, Planning & Community Development Director Erris Dunston, and Code Compliance Director Corey Williams.

CALL TO ORDER

The 23 January 2011 Short Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:00 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

Deputy City Clerk Frazier called the roll and advised Mayor O'Geary a quorum was present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Peace-Jenkins led those in attendance in a prayer and the Pledge of Allegiance.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. No requests were made to adjust the Agenda. Mayor O'Geary asked for the pleasure of Council. Council Member Rainey moved to accept the Agenda as presented. Motion seconded by Council Member Kearney 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: 9 January 2012 Regular Meeting. Motion seconded by Council Member Daye and unanimously approved.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

The City Clerk advised the Mayor and Council Members no one had signed up to speak on agenda matters.

NEW BUSINESS

Authorizing the Submission of the 2012 NC Governor's Crime Commission Grant Application for the Community Revitalization Initiative (CRI) for the Police Department. (Reference: CAF: 12-19; Resolution 12-06)

Chief Sidwell advised the City Council this application for funding is the third such grant in as many years that will provide for overtime to address high crime issues as well as for training classes and programs, wireless body microphones for officers. The application is for \$53,666.10 with a local match of \$17,888.70.

There were no questions from Council members and Mayor O'Geary asked for the pleasure of Council.

Council Member Coffey moved the approval of *Authorizing the Submission of the 2012 NC Governor's Crime Commission Grant Application for the Community Revitalization Initiative (CRI) for the Police Department*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Kearney, Coffey, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: None. ABSTAIN: None. ABSENT: Inscoe. (See Resolution Book 2, p.261)

Demolition of 250 Lowry Street. (Reference: CAF: 12-20; Resolution 12-14)

Code Compliance Director Williams advised Council that the proper enforcement procedures have been followed in accordance with Section 21A and NC General Statutes §160A-429, 433 and 445. Approval by Council is needed to move forward with this demolition.

Council Member Kearney asked if funding was available to demolish the unit. Mr. Williams responded no and that it would be next fiscal year unless Council appropriated funding during the remainder of FY12. Council Member Rainey inquired about the costs to demolish. Mr. Williams advised the average cost per residential structure was between \$6,000 and \$8,000. Council Member Daeke asked how many units were on the list for demolition. Mr. Williams advised thirteen (13).

Mayor O'Geary asked for the pleasure of Council.

Council Member Daeke moved the approval of Ordinance 12-14, **Demolition of 250 Lowry Street**. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Coffey, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: None. ABSTAIN: None. ABSENT: Inscoe. (See Ordinance Book 8, p. 379)

Demolition of 913 Lamb Street. (Reference: CAF: 12-21; Resolution 12-15)

Code Compliance Director Williams advised Council that the proper enforcement procedures have been followed in accordance with Section 21A and NC General Statutes §160A-429, 433 and 445. He advised this unit is several houses up from 250 Lowry Street, the unit previously condemned by Council. Approval by Council is needed to move forward with this demolition.

Council Member Daeke inquired if the owner of this property was one that had previously owned several properties condemned by Council. Mr. Williams responded yes. Council Member Coffey asked if there was any way to keep this owner and/or his business from buying houses in the city in the future. Mr. Zollicoffer responded no. Council Member Daeke asked how a future buyer would know if the property was condemned. Mr. Williams advised he records condemnation orders, and thus any title search would reveal the condemnation. Council Member Kearney asked City Attorney Zollicoffer if the City enforces a lien process and if so, could the City pursue a judgment if the lien isn't paid. Mr. Zollicoffer responded the City cannot collect the difference between foreclosure and lien given the manner in which State Statutes are written. Council Member Coffey asked if the properties purchased by this owner had been occupied after they were purchased by him. Mr. Williams responded that they had been occupied.

Subsequent to Council discussion, Mayor O'Geary called for a motion.

Council Member Rainey moved the approval of Ordinance 12-15, **Demolition of 913 Lamb Street**. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Davis, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: Inscoe. (See Ordinance Book 8, p. 381)

Demolition of 705 Jefferson Street. (Reference: CAF: 12-22; Resolution 12-16)

Code Compliance Director Williams advised Council that the proper enforcement procedures have been followed in accordance with Section 21A and NC General Statutes §160A-429, 433 and 445. Approval by Council is needed to move forward with this demolition.

There was no discussion from Council and Mayor O'Geary asked for a motion.

Council Member Peace-Jenkins moved the approval of Ordinance 12-16, **Demolition of 705 Jefferson Street**. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Davis, Daye, Kearney, Coffey and Rainey. NO: None. ABSTAIN: None. ABSENT: Inscoe. (See Ordinance Book 8, p. 383)

Authorizing the Mayor to Sign and Submit an Application to the Clean Water Management Trust Fund (CWMTF) for Future Funding Relative to Improvements at the Henderson Water Reclamation Facility. (Reference: CAF: 12-23; Resolution 12-07)

Assistant City Manager Frazier advised Council on the opportunity to apply for funding for the Water Reclamation Facility's planned improvements. On 14 February 2011, Council approved submission of a State Revolving Fund application for improvements to the Henderson Water Reclamation Facility. The City received notification on 1 April 2011 that a low interest loan of \$16,615,000 was available. Other funds can be pursued with the Clean Water Management Trust Fund, Rural Center and any other grant/loan opportunities and Council is asked to authorize submission of a Clean Water Management Trust Fund application at this time. The maximum potential grant/loan would be \$600,000.

There was no discussion from Council Members and Mayor O'Geary asked for the pleasure of Council regarding this matter.

Council Member Daeke moved the approval of Resolution 12-07, *Authorizing the Mayor to Sign and Submit an Application to the Clean Water Management Trust Fund (CWMTF) for Future Funding Relative to Improvements at the Henderson Water Reclamation Facility*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Daeke, Davis, Daye, Kearney, Coffey, Rainey, and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: Inscoc. (See Resolution Book 2, p. 263)

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Deputy City Clerk Frazier advised no one had signed up to address City Council. Mayor O'Geary advised that someone had come in late that wanted to speak and asked the pleasure of Council. It was the consensus of Council to allow Ms. Ruby Fisher, a county resident, to address the Council.

Ms. Fisher spoke to Council about an incident she had with City Police on the evening of 12 January 2012 in the vicinity of Crossroads Shopping Center and Waffle House on West Andrews Avenue. She alleged improper treatment given her by an officer. Mayor O'Geary thanked Ms. Fisher for her comments and asked City Manager Griffin to look into this matter and advise Council of his findings.

CLOSED SESSION

Mayor O'Geary asked for a motion for Council to go into closed session pursuant to NCGS 143-318.11 (a)(4) Economic Development Matter. Council Member Rainey moved for Council to convene in closed session for the stated purpose. Motion seconded by Council Member Peace-Jenkins and approved unanimously on a voice vote. City Manager Griffin advised there would probably be an announcement after the closed session. (Council convened in closed session at 6:37 p.m.)

Council Member Rainey moved Council come out of closed session. Motion seconded by Council Member Kearney and approved unanimously on a voice vote. (Council reconvened in open session at 7:24 p.m.)

An Authorizing Resolution by the Henderson City Council in Support of a North Carolina Building Restoration and Reuse Grant Program for Economic Development Prospect 12-1.
(Reference: Resolution 12-08 (there was no prepared CAF for this item))

City Manager Griffin advised that Council has been requested by the Economic Development Commission to support a NC Building Restoration and Reuse grant program application for Economic Development Prospect 12-1. The local match would be provided by the County at 75% and City at 25%. The City's match requirement would not exceed \$800. Additionally, Vance County would be the grant administrator for the project since it is a project of the Economic Development Commission.

Mayor O'Geary asked for discussion among Council Members. There being none, he requested a motion.

Council Member Kearney moved the approval of Resolution 12-08, *An Authorizing Resolution by the Henderson City Council in Support of a North Carolina Building Restoration and Reuse Grant Program for Economic Development Prospect 12-1*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Davis, Daye, Kearney, Coffey, Rainey, Peace-Jenkins and Daeke. NO: None. ABSTAIN: None. ABSENT: Inscoe. (See Resolution Book 2, p. 265)

REPORTS

- a) Mayor/Mayor Pro-Tem/Chairman Pro-Tem - Mayor O'Geary expressed his delight at having Council Member Davis back with Council this evening.
- b) City Manager - Mr. Griffin advised Council of Retreat reading material provided to Council and asked they call him should they have questions. He reminded Council the Retreat is scheduled for Thursday, 26 January at 7:30 a.m. at Aycock Recreation Center.
- c) City Attorney (No Report)
- d) City Clerk (No Report)

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Peace-Jenkins and unanimously approved. The meeting adjourned at 7:27 p.m.

James D. O'Geary
Mayor

ATTEST:

A. Ray Griffin, Jr., Deputy City Clerk

City Council Minutes--*DRAFT*

Work Session

23 January 2012

PRESENT

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

ABSENT

Council Member Michael C. Inscoe

STAFF PRESENT

City Manager Ray Griffin, Assistant City Manager Frank Frazier, Finance Director Kathy Brafford, Engineering Director Peter Sokalski, Planning & Community Development Director Erris Dunston and Downtown Development Director Phil Lakernick.

CALL TO ORDER

The 23 January 2011 Work Session of the Henderson City Council was called to order by Mayor James D. O'Geary at 7:28 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

The Deputy City Clerk called the roll and advised Mayor O'Geary a quorum was present.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. No requests were made to adjust the Agenda. Mayor O'Geary asked for the pleasure of Council. It was the consensus of Council to accept the agenda as presented.

WORK SESSION ITEMS

Creating an Availability Charge for any Habitable Structure in the City for Failure to Connect to Available Water and Sewer (*Reference: CAF: 12-14; Ordinance 12-11*)

Assistant City Manager Frazier advised the City Council this matter had been researched and City Attorney Zollicoffer has modified the Ordinance previously presented to Council. The

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change places the responsibility for a minimum payment for not connecting to water and/or sewer services to the property owner. With this change, Council expressed its consensus to carry the Ordinance forward for action at the next meeting.

Amending City Code 16-37 Relative to Storm Water Runoff Regulations. *(Reference: CAF: 12-13; Ordinance 12-10)*

City Engineer Sokalski advised Council the City's current ordinance is in non-compliance with Federal and State standards. While City practices follow new rules, it is appropriate to update the Ordinance. Mr. Sokalski has provided a significant revision to the Ordinance in order to make it compliant with Phase 2 requirements. This is particularly important since the City is divided between two river basins—Roanoke River Basin and Tar-Pamlico Basin. He further advised the storm water requirements are the result of an unfunded Federal mandate passed down to localities via the various states.

Mayor O'Geary asked the consensus of City Council. Council Member Coffey asked if this matter could be delayed until Council Member Inscoe is present. She expressed interest in hearing his opinions since he is a registered engineer. City Manager Griffin suggested this matter could be placed on the February agenda as a work session item at the end of the business agenda. It was the consensus of Council to do as the City Manager suggested.

REEF Project Update. *(Reference: CM 12-02)*

Planning Director Dunston advised Council of this project's current status and introduced several guests present this evening, including Downtown Development Director Phil Lakernick, Mr. Abdul Rashed, and Ms. Evon Smith. Mr. Lakernick articulated the DDC's desire for Council to consider \$50,000 funding in the FY13 Budget, to include the REEF Project as an Action Plan item in the FY13 Strategic Plan and to work with the City's Redevelopment Commission to create a new redevelopment district around the REEF project area. Mayor O'Geary and members of Council expressed appreciation to those present and their desire to see the REEF project successfully implemented.

It was the consensus of Council to discuss further during the Strategic Planning Retreat.

Industry Drive Water Main Extension Update *(Reference: CM 12-03)*

Assistant City Manager Frazier advised Council the extension for the Rural Center grant for the water line would expire at the end of March. He advised there had been no progress in working with the businesses for either an annexation petition or cost-sharing for the line construction not covered by the grant. Council Member Coffey expressed frustration at this matter and the lack of a cooperative spirit on the part of the businesses along Industry Drive.

City Manager Griffin advised this matter would be back on the February work session for final consensus.

Spring Street Sewer Rehabilitation Project
(Reference: No Reference Materials Provided)

Mr. Frazier advised Council that CSX has submitted written approval for the encroachment agreement and that work would begin in the very near future. Members of Council expressed appreciation to both Mr. Sokalski and Mr. Frazier for their efforts in getting this project moving forward.

ADJOURNMENT

Council Member Peace-Jenkins moved for adjournment. Motion seconded by Council Member Kearney and unanimously approved. The meeting adjourned at 8:15 p.m.

James D. O'Geary
Mayor

ATTEST:

A. Ray Griffin, Jr.
Deputy City Clerk

**HENDERSON CITY COUNCIL
ANNUAL STRATEGIC PLANNING RETREAT - DRAFT
Aycock Recreation Center
26 January 2012**

PRESENT: Mayor James D. O'Geary, Council Members James C. Kearney, Sr., Sara M. Coffey, Michael C. Inscoe, D. Michael Rainey, Brenda G. Peace-Jenkins, Garry D. Daeke, Lonnie Davis, Jr., and George M. Daye.

STAFF PRESENT: City Manager Ray Griffin, Assistant City Manager Frank Frazier, City Clerk Esther J. McCrackin, Finance Director Katherine Brafford, Planning Director Erris Dunston, Code Compliance Director Corey Williams, Fire Chief Danny Wilkerson, Police Chief Keith Sidwell, Henderson Water Reclamation Facility Director Tom Spain, Kerr Lake Regional Water Plant Manager Christy Lipscomb, Engineering Director Peter Sokalski, Parks & Recreation Director Alan Gill and Human Resource Manager Cathy Brown.

FACILITATOR: Becky Veazey of The Maps Group, Cary, NC

CALL TO ORDER:

The Retreat was called to order at 8:05 a.m. by Mayor O'Geary.

ROLL CALL:

City Clerk McCrackin called the Role and advised the Mayor a quorum was present.

INVOCATION:

Mayor O'Geary requested Council Member Peace-Jenkins to lead in prayer.

OPENING REMARKS:

Mayor O'Geary welcomed everyone to this Retreat. He expressed pleasure with the accomplishments of the past year, and specifically mentioned the water contract with Granville County. He gave a special thanks to City Manager Griffin and the Department Heads for their hard work and excellent team work. Mayor O'Geary then turned the meeting over to Facilitator Veazey.

GETTING STARTED by Becky Veazey

Ms. Veazey began the meeting by establishing the ground rules and values. The ground rules included sharing all relevant material, testing assumptions, need to be specific (give examples) and reasons for the action/statement. The values included sharing valid information, feeling free to speak and internal commitments. All attendees agreed with these guidelines.

She then asked attendees to break into groups to work on an ice breaker regarding the *Cash Register* story. The purpose of the ice breaker was to work together and to recognize the different personality types at work. Ms. Veazey was asked to refresh everyone on the acronyms used by Meyers-Briggs which she graciously did and several staff found they were listed under the wrong acronyms.

City Manager Griffin stated if anyone needs a copy of *Please Understand Me*, to let him know and he will be happy to provide a copy.

REVIEW AND AGREE ON RETREAT AGENDA:

Next, Ms. Veazey asked if there were any adjustments to the agenda. Council Member Inscoe asked that the Financial City Services discussion be moved to second under the Discussion Items. As he felt finances affect all the discussion items. There were no other changes and the agenda was unanimously approved with the requested change.

ROLES AND RESPONSIBILITIES:

Ms. Veazey continued the meeting by reviewing each role and responsibility of the Mayor, City Council and City Manager. The following changes were suggested:

Under City Council's Needs & Expectations of Other Council Members

1. It was suggested "f" become "b" for a better flow and subsequent letters be changed accordingly.
2. That the word "openly" be added to the old "b" which will now be "c" (i.e., Share your positions on issues with other Council Members *openly*).
3. A new item be added as "T" and worded as follows:
Address or initiate issues and concerns with other Council Members; do not let concerns linger and build.

Under City Manager's Needs and Expectations of Mayor & City Council

1. A new item be added as "H" and worded as follows:
Discuss agenda items with City Manager so full picture is perceived prior to meeting.

The consensus of Council was to approve these changes.

Council Member Kearney asked if and how the City Manager receives a yearly evaluation. City Manager Griffin stated he is reviewed yearly and this normally occurs in January.

At this time, City Manager Griffin thanked Council for their salary considerations to members of the police force, the cost of living increase for the general population and the \$100 increase of the one-time salary supplement at holiday time.

(Clerk's Note: Council Member Daye arrived at approximately 9:45 a.m.)

DISCUSSION ITEMS:

Ms. Veazey then opened the discussion items with Economic Development.

Economic Development - City Manager Griffin stated there seems to be good news with a slight upswing trend over the last two (2) years.

Council Member Kearney commented that new businesses should be good for the City and consideration as to whether new businesses would compete with existing businesses.

Council Member Inscoe commended everyone for their work on the water agreement with Granville County for Research Triangle North. He stated although this agreement is not City specifically, hopefully it will increase development throughout the region. Mr. Inscoe reminded attendees that new businesses such as Semprius and Vescom add to the tax base which grows the General Fund.

Council Member Kearney asked for clarification regarding the Urban Progress Zone. City Manager Griffin stated if accepted into the program, economic incentives are offered to stimulate job creation and new investments into economically distressed areas.

Discussion then turned to what incentives would be beneficial. Increased taxes were seen as a deterrent; streamlined check lists would be beneficial; and renovation of existing buildings was also mentioned.

Planning Director Erris Dunston stated a checklist exists and is available at City Hall.

City Manager Griffin stated the Chamber has had discussions on “one stop” permits so there would only be one entity for businesses to deal with as opposed to the current system but no decision regarding changes has been made.

Council Member Rainey expressed caution needs to be taken in offering incentives as some businesses have been known to leave communities shortly after receiving an incentive. He also mentioned he felt feeder industries are the type industry that would thrive in the area.

Council Member Inscoe stated businesses relocating not only look for incentives but they also look at quality of life, education and crime statistics for the area. City Manager Griffin echoed this as IAMS representatives recently commented that many of their executives reside closer to Raleigh-Wake Forest for those specific reasons.

Council Member Coffey asked where to start as the issue seems to be the proverbial “what comes first, the chicken or the egg.” City Manager Griffin felt multiple things need to occur at the same time and cited an example of the need for an interlocal comprehensive approach along with cleaning up major approaches to the City.

Mayor O’Geary stated he felt good changes are occurring and he is hopeful they will continue.

Council Member Coffey asked if new hires could be required to live within the City limits. Police Chief Sidwell shared that statewide this requirement no longer exists due to economic problems finding qualified employees.

Council Member Daeke felt the Economic Development Committee should look for incentives.

Council Inscoe moved the discussion on to developing a comprehensive marketing plan and how to communicate the plan to our citizens. Council Member Daeke felt the web would be a starting place. Council Member Coffey suggested community action groups and Franklin-Vance-Warren Opportunity, Inc. could be instrumental. Mr. Inscoe requested an action plan be developed with a timeline and a steward assigned to each action.

Financial (City) Services - City Manager Griffin stated Finance Director Brafford would be contributing background information. He then directed attendees to several charts which showed information regarding issues such as *Total Assessed Value, Property Tax Collection Rates, Sales Tax Receipts, Water and Sewer Fund Operations Ratios and Debt Service Ratio*. In summary, he shared that tax collections have increased for the second year in a row, sales tax receipts have increased and the water department is making more than they spend, Sewer is also in good shape. Overall, the City's debt continues to decline.

Ms. Brafford presented information regarding collection percentages of major revenue. Council Member Rainey asked for clarification regarding the budget amounts versus the collection amounts. Ms. Brafford and City Manager stated there may be a data entry problem which needs to be reviewed.

In response to Council Member Kearney's question regarding the effects of the institution of security deposits, Mr. Griffin shared that since the City instituted the policy, arrears are being reduced significantly and the security deposits now provide protection against potential losses on bad accounts.

Council Member Peace-Jenkins inquired about how new policy is being conveyed to citizens. Mr. Griffin stated it has been printed on monthly statements and the Customer Service ladies have been advising citizens as they come to the payment window.

With no further discussion, City Manager Griffin turned the discussion to Code Compliance and Utility arrears. He asked Code Compliance Director Corey Williams to explain this process improvement. Mr. Williams stated the Billings and Collections Supervisor Shay Bennett has notified him monthly of residents with no water. Mr. Williams then goes through due process which can ultimately lead to housing violations. Since starting this process with the August billing cycle, units/businesses without water continue to improve.

Council Member Coffey stated citizens can be difficult and she expressed appreciation on behalf of Council for staff helping citizens recognize the need for compliance.

The uniqueness of the two departments working together was recognized by Mr. Griffin.

Council Member Inscoe asked Finance Director Brafford and City Manager Griffin to prepare a graph showing retiring and new debt, along with expected costs for the next ten years. Mr. Inscoe also asked that a certain percentage of funds be reserved for Fund Balance. After a brief discussion it was decided that 10% minimum go to the Fund Balance and it was agreed this amount could be adjusted if needed during budget discussions.

Council Member Rainey stated he felt dollars should be reinstated for Council to attend conferences. Council agreed.

LUNCH:

Lunch was served at approximately 12:00 p.m. and the group recessed for approximately thirty (30) minutes.

DISCUSSION ITEMS (Con't):

City Manager Griffin reviewed the finance discussion by confirming Council's wish to set aside 10% reserve for the Fund Balance, reinstate travel and other priorities that were cut for Council Members and their wish for a compilation of graphs.

Crime - Police Chief Keith Sidwell read his accomplishments and objectives. Highlights were partnership with WIZS radio providing crime prevention tips and addressing unsolved cases with community members; weekly *Shoplifter of the Week* press releases which began in July 2011; *Officer of the Month*; and use of social media such as Facebook and Twitter. All these have produced positive feedback for helping reduce crime. Close association with Federal Alcohol, Tobacco and Firearms (ATF) department led to the indictment of fifteen (15) individuals for sale of narcotics and firearm possession. Neighborhood Crime Watch groups have increased from ten (1) to twenty-nine (29) and in the spring of 2012 Chief Sidwell plans to introduce a *Business Watch* specific to either geographic location or similar consumers. He plans to continue working with the Sheriff's department to improve the quality of life for the citizens of Henderson.

Council Member Coffey stated she finds crime to be a generational issue and complimented the Chief and his team for taking major players off the streets. Council Member Kearney asked if removing these players had made a difference. The response was the E-40 gang no longer exists.

Chief Sidwell also mentioned the success of the four (4) zone concept which mirrors Council wards and the outreach the force does at holiday time. He also complimented his officers for taking their own time to attend watch group meetings in their zone.

Council Member Peace-Jenkins inquired about the permanency of watch group officers and asked what effect the raises have had in the department. Chief Sidwell stated they are permanent until movement is required for narcotic undercover work, transfers, or the like.

Chief Sidwell responded that the raises have helped with turnover; thus more stability, especially with veteran officers. There are currently four (4) vacancies within the force and some of those occurred due to lower salaries than neighboring forces.

(Clerk's Note: Council Member Daye left the meeting at 1:54 p.m.)

Bennett Perry House (Museum) - City Manager Griffin stated a \$2,500 donation has been received for the renovation of the house. Mayor O'Geary stated fund raising is on-going and more donations are expected.

Agenda Review - It was the consensus of Council of carry review of the agenda prior to Council meetings to a future work session.

Transparency and Openness – Fair Treatment - Council Member Kearney had raised this issue and felt that it had been dealt with appropriately.

Inmate Re-Entry Program - Council Member Coffey asked if there were ways to assist ex-felons re-enter the community. She felt individuals return to their community after release and would like to be helpful if possible. Council Member Peace-Jenkins felt a KSO to brainstorm on how to help would be appropriate. It was the consensus to carry this item to a future work session.

Customer/Citizen Relations - City Manager Griffin stated this item regards disseminating information to the public. Council Member Inscoe suggested not only media but also a monthly report from the Mayor's office. He stated if citizens would be educated on what we have, what needs to be changed and when the changes might come, citizens might be more understanding. Council Member Daeke felt various media should be used. Engineering Director Peter Sokalski suggested the City look at ways to find out how citizens see the City, what their goals are and what direction they would like to see the City move in --- like town hall meetings quarterly.

Planning Director Erris Dunston spoke to the smaller areas of the City that need appearance changes such as the Parham Road gateway to the City.

(Clerk's Note: Council Member Davis arrived at 2:21 p.m. and left at 2:40 p.m. due to health issues.)

Council Member Inscoe felt business and citizen commitment was important and also suggested clergy involvement. Mayor O'Geary shared some work has been done with clergy with little success.

Council Member Davis stated generally there is enthusiasm from the evangelical side but that enthusiasm decreases quickly.

City Manager Griffin asked if a KSO action plan should be developed for citizen involvement. The consensus was yes and Council Member Inscoe asked that a definitive timeline be developed.

Community Revitalization - City Manager Griffin asked Code Compliance Director Corey Williams to address Council. Mr. Williams spoke about the demolition of 108 units at the Beacon Light complex. Mr. Williams stated there is minimal work remaining on the Beacon Light property and then the project will be complete. He told Council that since 2004, 290 units have been demolished and 97 have been identified as needing enforcement. Additional funding

is needed in order to catch up on the backlog for demolition and to address the additional 97 identified units. Fire Chief Wilkerson was thanked for his assistance in burning several buildings approved for demolition. These buildings were used for training.

Lastly Mr. Williams explained that Wards 3 and 4 had been surveyed and approximately 150 units were found to need code upgrades. He said Wards 1 and 2 still need to be surveyed.

Discussion then turned to Redevelopment zones and Council Member Kearney asked about zone areas such as Orange/Breckenridge and Zene Street.

Planning Director Dunston gave a summary of the REEF/Zene Street project saying a warehouse was donated to the Downtown Development Committee. Exterior renovation is scheduled to begin in June and tenants can demand specific upfits for the interior of the building. This project incorporates an approximate 10 block area.

Ms. Dunston asked the that the City consider budgeting \$50,000 in the FY 2013 budget to the project to be used for matching grant funds to redevelop the warehouse and pay for the Master Plan.

City Manager Griffin asked if an action item for budget should be drafted. It was the consensus of Council to draft an action item under KSO 3-5.

Discussion then turned to the American Value Inn which is a magnet for crime and has been closed at least twice for safety violations. Currently the building is in court proceedings and Ms. Dunston strongly suggested Council tailor a plan now for the entire area, rather than wait until the property is reoccupied. She stressed the importance of a small area plan. Police Chief Sidwell stated the electricity is substandard and the walls are covered with mold. After a discussion City Manager Griffin asked is the creation of a long term action plan would be appropriate for that corridor of the City. It was the consensus of Council to proceed.

Infrastructure - Assistant City Manager Frank Frazier told Council that the water and sewer projects are moving ahead as planned. Some components will need updating and will be brought before Council as appropriate. Mr. Frazier said there is a sewer meeting next week so that major renovation project is moving forward. He said the Beckford Drive project will go out for bid mid-March. Approval from the State has been received for the SRF project which should be out for bid in April. Mr. Frazier said approximately \$108,000 was left from the UV project at the Water Reclamation Facility and those dollars will be used for other projects. Major design projects for Winder, Hillside, Birch Circle and others will be looked at this year. Lastly he advised Council that the League should approve the Granville County water project by April.

Human Relations - City Manager Griffin stated issues such as turnover in the police department, exit interviews and employment diversity were issues Council wished to know more about.

Human Relations Director Cathy Brown advised Council that nine (9) of twenty-nine (29) employees completed the exit interview form. Concerns on the forms were addressed properly. Ms. Brown shared as discussed earlier, the police department is stabilizing the vacancy situation. However, she did mention that water and sewer vacancies are increasingly difficult to fill due to

the specialty of those positions. Henderson Water Reclamation Facility Director Tom Spain reiterated this comment saying if the economy was not so bad he felt he would not have been able to hire the excellent employee(s) he currently has on staff.

Council Member Peace-Jenkins asked if Council Members could review exit interview forms. Ms. Brown said due to the confidential nature, no.

Council Member Kearney asked if trends could be presented periodically. In an effort to help Council understand State law, Mr. Griffin will arrange a meeting with Kari Johnson, a legal attorney well versed in State law.

Discussion turned to diversity and Council Member Kearney made a statement that overall we should look like who we serve. Ms. Brown said when jobs are publicized, minority programs are utilized but qualifications for the position are important.

City Manager Griffin said a classification study needs to be conducted as one has not been done for over twenty years and the recommended timeframe is every five (5) years. The League does a biannual comparison but that is only of towns who submit information and is not broken down to specific positions.

(Council Members Daeke and Inscoc left at 4:04 p.m.)

ITEMS TO BE CARRIED FORWARD TO WORK SESSIONS FOR CONTINUED DISCUSSION AND CONSENSUS and STRATEGIC PLAN REVIEW AND UPDATE:

Because only three (3) Council Members were still in attendance, it was decided that the City Appearance section would be moved to a future work session. It was also decided that the Strategic Plan would be drafted and presented at a future work session for consideration.

RETREAT CRITIQUE AND WRAP UP:

Comments regarding this meeting were:

Went Well

Liked Ice Breaker (group activity)
Good Food
Pace of Discussion went well
Very good materials
Good to review in advance
Had enough time to review materials
Reviewing Roles gives self-governing feeling

Do Differently

Roles & Expectations session took too long
Lost too many Council Members
Police Chief could have summarized more
Speed up Review of Roles
Dept. Heads arrive after the Roles discussion

Engineering Director Sokalski inquired about the *Staff Suggested Items for Action Plans* which was not discussed.

Before adjourning, City Manager Griffin asked if it would be appropriate to have a date set aside in July in case there are new Council members after the May elections. Since July is a “vacation” month it was decided 23 August 2012 (Thursday) would be an appropriate date. The date for the next Retreat was tentatively set for 31 January 2013 (Thursday).

With no further discussion, Mayor O’Geary asked if Council was ready to adjourn.

ADJOURNMENT:

It was the consensus of Council to adjourn at 4:22 p.m.

James D. O’Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 Feb 2012 Regular Meeting

3 February 2012

TO: The Honorable Mayor James D O'Geary and Members of City Council
FR: A. Ray Griffin, Jr., City Manager
RE: **CAF: 12-24 Consideration of Approval of Resolution 12-13, Requesting Close Out of the A. L. Harris Estates Grant 06-C-1609.**

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- *4.3 Implement Home Ownership Programs*

Recommendation:

- Approve Resolution 12- 13, Requesting Close Out of the A. L. Harris Estates Grant 06-C-1609.

Executive Summary

In 2006, the City of Henderson was awarded a housing development grant for the A. L. Harris Estates subdivision. This grant was for \$195,881. The purpose of these funds was to install infrastructure for the seven lots of this subdivision extending Carolyn Court, the existing street in the subdivision. The infrastructure included water, streets and sewer. The requirement of the grant was for the developer, Gateway CDC, to build and occupy seven housing units for low to moderate-income families. This grant complies with the amended grant obligation of two occupied dwelling and following additional requirements (see below) per our request to the State in Resolution 11-114, approved November 28, 2011.

1. Each lot shall be used for single family residential purposes only.
2. The initial purchaser of each lot from Gateway CDC shall sign an affidavit that they intend to occupy said lot as their principal place of residence for a period of at least 1 year following the completion of the home on the same.
3. The initial purchaser of each of the said lots shall be a person whose family is of low or moderate income unless an exception is granted by the Community Investment and Assistance Division of the North Carolina Department of Commerce.
4. The above restriction shall be covenants running with the land of lots 3,4,5,6, and 7 and shall be binding on all owners and occupants of said lots to and until October 1, 2032.

It is respectfully requested that Council approve Resolution 12-13, Authorizing Mayor James D. O'Geary to sign, on behalf of the City Council.

Enclosures

1. Resolution 12-13

RESOLUTION 12-13

RESOLUTION REQUESTING THE CLOSEOUT OF THE A. L. HARRIS ESTATES Grant 06-C-1609

WHEREAS, City of Henderson was awarded a housing development grant in 2006 in the amount of \$195,881; *and*

WHEREAS, this grant was for the installation of infrastructure including water, streets, and sewer for the seven lots in the A. L. Harris subdivision; *and*

WHEREAS, this grant was amended by Resolution 11-114 amending the requirements to benefit two homes; *and*

WHEREAS, additional requirements were under the terms of the signed restrictive covenants; *and*

WHEREAS, to date, the City of Henderson is compliant with the benefit requirements and the terms of the restrictive covenants as signed by Juanita K. Somerville of Gateway Community Development Corporation on October 5, 2012; *and*

WHEREAS, the City held a public hearing on 13 February 2012, and there was no objection raised to closing this grant by either citizens or Council Members.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL that it does hereby request the State Department of Commerce, Division of Community Investment, close grant 06-C-1609.

The foregoing Resolution 12-13, 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 13th day of February 2012:
YES: **. NO: **. ABSTAIN: ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther McCrackin, City Clerk

Approved as to Legal Form

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

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 Feb 12 Regular Meeting

1 February 2012

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

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

RE: CAF: 12-17

Consideration of Approval of Resolution 12-04, Receiving the Comprehensive Annual Financial Report For FY Ending 30 June 2011.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- None

Recommendation:

- Approval of Resolution 12-04, Receiving the Comprehensive Annual Financial Report For FY Ending 30 June 2011.

Executive Summary

Mr. Michael Brafford, Certified Public Accountant with Phillips, Dorsey, Thomas, Waters & Brafford, P.A., has conducted the audit of the basic financial statements of the City of Henderson and will report his findings at tonight's meeting.

Highlights of the Comprehensive Annual Financial Report (CAFR) are as follows:

- a. Assets exceeded liabilities by \$75,818.156.
- b. The General Fund Balance (excluding Powell Bill, Federal Asset Forfeitures, Reserved by State Statute, and Assigned for Subsequent Year's Expenditures) totaled \$1,983,708, an increase of \$1,732,993 over last year's total. This "unassigned" fund balance represents 13.99% of expenditures. This is the City's "conservative" fund balance percentage. Per the Local Government Commission's (LGC) computation, the fund balance percentage would be 23.24% (compared to the required 8%)
- c. The City of Henderson has maintained its A2, A, and AA- bond rating for the 10th consecutive year.

Enclosures:

1. Resolution 12-04
2. Audit for FY Ending June 30, 2011

RESOLUTION

12-04

A RESOLUTION RECEIVING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FY ENDING JUNE 30, 2011

WHEREAS, Mr. Michael Brafford, Certified Public Accountant with Phillips, Dorsey, Thomas, Waters & Brafford, PA has conducted the audit of the basic financial statements of the City of Henderson; *and*

WHEREAS, the Comprehensive Annual Financial Report for FY ending June 30, 2011 has been prepared; *and*

WHEREAS, the FY11 Audit has been submitted to and approved by the North Carolina Local Government Commission; *and*

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY RECEIVE the Comprehensive Annual Financial Report for FY ending June 30, 2011

The foregoing Resolution 12-04, 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 13th day of February 2012: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

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

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 Feb 12 Regular Meeting

31 January 2011

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

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

RE: CAF: 12-25

Consideration of Approval of Resolution 12-09, Agreement Setting Forth Mayor, City Council and City Manager Roles, Responsibilities and Expectations

Ladies and Gentlemen:

Council Core Values Addressed By This Item:

- CV 1: Agreement - Mayor, City Council and City Manager Roles, Responsibilities and Expectations.
- CV 5: Respectful of Others
- CV 7: Teamwork and Collaborative Efforts

Recommendation:

- Approve Resolution 12-09, Agreement setting forth Mayor, City Council and City Manager Roles, Responsibilities and Expectations

Executive Summary

During the recent Council Strategic Planning Retreat held on 26 January 2012, Facilitator Becky Veazey conducted a session reviewing the roles, responsibilities and expectations of the Mayor, City Council and City Manager. The consensus was to make minor amendments and approve Agreement of roles, responsibilities and expectations of the Mayor, City Council and City Manager as amended. The Attached Resolution formalizes the consensus achieved at Retreat.

Enclosures:

1. Resolution 12-09

RESOLUTION

12-09

A RESOLUTION APPROVING THE AGREEMENT SETTING FORTH MAYOR, CITY COUNCIL AND CITY MANAGER ROLES, RESPONSIBILITIES AND EXPECTATIONS

WHEREAS, the City Council conducted its annual Strategic Planning Retreat on 26 January 2012 at the Aycock Recreation Center in Henderson; and

WHEREAS, during the Strategic Planning Retreat, the Mayor, City Council Members and City Manager reviewed the *Agreement* setting forth the Mayor, City Council and City Manager Roles, Responsibilities and Expectations (*Agreement*), said *Agreement* more fully articulated in *Attachment A* to this Resolution; and

WHEREAS, upon review of the *Agreement* at the Planning Retreat, there were several suggested changes as follows:

Under City Council's Needs & Expectations of Other Council Members

1. Item “f” be moved to item “b” for a better flow, making current item “b” item “c” changing the following letters as appropriate.
2. The word “openly” be added to the current item “b”, which is now “c” to read: “Share your positions on issues with other Council Members openly.”
3. Add item “t”, worded as follows: “Address or initiate issues and concerns with other Council Members; do not let concerns linger and build”.

Under City Manager's Needs and Expectations of Mayor a & City Council

1. Add item “h” worded as follows: Discuss agenda items with City Manager so full picture is perceived prior to meeting.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE the above amended *Agreement* outlining the Mayor, City Council and City Manager Roles, Responsibilities and Expectations, said *Agreement* being more fully articulated in ***Attachment A*** to this Resolution.

The foregoing Resolution 12-09, introduced by Council Member ***** and seconded by Council Member ***** on this the 13th day of February 2012, and having been submitted to a roll call vote, was ***** by the following votes: Yes: No: Absent: Abstain:

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

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

RESOLUTION 12-09

Attachment "A"



*Mayor and City Council
Henderson, North Carolina*

A G R E E M E N T **MAYOR, CITY COUNCIL and CITY MANAGER** **ROLES, RESPONSIBILITIES and EXPECTATIONS**

*Reviewed
26 January 2012
City Council Strategic Planning Retreat*

*13 February 2012
Regular City Council Meeting*

James D. O'Geary
Mayor

Sara M. Coffey
Council Member

Michael C. Inscoc
Council Member

Brenda G. Peace
Council Member

Lonnie Davis, Jr.
Mayor Pro Tempore

James C. Kearny, Sr.
Council Member

D. Michael Rainey
Council Member

Garry D. Daeke
Council Member

George M. Daye
Council Member

A. Ray Griffin, Jr.
City Manager



CONTENTS

- I. City Council's Needs and Expectations of Other Council Members
- II. City Council's Needs and Expectations of the Mayor
- III. City Council's and Mayor's Needs and Expectations of City Manager
- IV. City Manager's Needs and Expectations of Mayor and City Council
- V. Agreement

I. City Council's Needs and Expectations of Other Council Members

- a. Be open minded; listen to other people's ideas; open to hearing the interests of the other side (open to new approaches, exchanges)
- b. Be honest with yourself; openly advocate for your ideas (originally "f")
- c. Share your positions on issues with other Council Members "openly" (originally "b")
- d. Be a good listener, whether you agree or not (originally "c")
- e. Be respectful of other Council Members; do not take it personally when someone disagrees with you (originally "d")
- f. Do not go to the spotlight; share the glory and the pain; do not worry who gets credit for a good idea (originally "e")
- g. Do not take over the Mayor's role; let the Mayor do his job
- h. Be approachable so people, citizens and other Council Members are not intimidated by you (be open minded and a good listener)
- i. Be careful when giving advice/promises to citizens; make sure citizens know that decisions are made by the full Council, not individuals
- j. Do not create factions on the Council; do not collude against another group; work to be a united team working for the good of the City
- k. Do not be offended by the re-stating or clarifying of ideas
- l. Investigate the facts of issues before making decisions/taking actions; research and be prepared to discuss and make decisions on issues that come before the Council; do not be afraid to ask for more time if needed to insure a good decision
- m. Focus on what is best for the City; tie decisions back to our greater vision for the City
- n. Give each other a pat on the back; focus on building a team; appreciate each other
- o. Respect the votes and convictions of others
- p. Accept reality; accept the limitations on resources and our time
- q. Rely on the professional staff to fulfill their role; use the resource they represent; do not micro-manage staff or insert yourself into the day to day administration of the

City; go to/through the manager for administrative matters; be aware of and follow the roles of the Council/Manager form of government

- r. Take responsibility to make the policy decisions before us; have the courage to participate in touchy issues
- s. Provide recognition and appreciation to staff for their good performance
- t. Address or initiate issues and concerns with other Council Members; do not let concerns linger and build

II. City Council's Needs and Expectations of Mayor

- a. Be a cheer leader for the City
- b. Focus on City needs/priorities and vision; help us create/be clear on our vision and stay focused
- c. Keep us informed on issues that affect us
- d. Share your thoughts, opinions and feelings with us
- e. Preside over meetings in a way that keeps us professional, efficient, effective and focused
- f. Avoid being dictatorial
- g. Keep an open door policy for citizens and Council Members; be approachable; be open to listen to everyone and seen as approachable to everyone
- h. Be an effective spokesperson for the City with other governmental agencies, the press and others
- i. Do not overdo it and burn yourself out

III. City Council's and Mayor's Needs and Expectations of City Manager

- a. Fairness in City government (hiring and firing/keeping with policy) and continue to have a listening ear for all
- b. Effectively communicate with all members of the City Council; respond to requests in a timely fashion
- c. Take the time to listen to others; take a mutual approach (Manager not better/above Council, Mayor or citizens) helps citizens feel like they are important

- d. Build/develop staff; help create a staff with knowledge and expertise; build an effective team between yourself and staff and between staff and Council
- e. Apply/relay your knowledge and experience from past to address the issues we face
- f. Continue to take a positive approach to dealing with issues
- g. Continue to handle difficult situations calmly
- h. Have and show confidence in City staff
- i. Stay consistent with your good performance
- j. Continue to take a long term vision approach to managing the City
- k. Be seen as an active and visible citizen of the community
- l. Help us establish and maintain competitive compensation for staff
- m. Keep Council and Mayor advised on any way it is not meeting the needs of the City Manager, staff or City.

IV. City Manager's Needs and Expectations of Mayor and City Council

- a. Keep your commitments on how you will work with each other (review them from time-to-time)
- b. Let us bring you the good news and the difficult news; do not shoot the messenger; rather, work together (Council, Mayor, Manager and Staff) to find effective solutions and courses of action
- c. Need Mayor and City Council's support, patience and understanding as we implement performance excellence (Baldrige concepts)
- d. Keep doing what you are doing; your interests and support help us be successful
- e. Continue to share your concerns and frustrations; put all issues on the table and let's work together on them
- f. Work together to deploy the strategic plan and to periodically review and revise it so that it always provides a visionary structure for the city and the City organization
- g. Thank you for the work you have done to create an effective and fun work environment

- h. Discuss agenda items with City Manager so full picture is perceived prior to meeting.

V. Agreement

- a. We, as Mayor, Council Members and City Manager agree to live by these tenants.

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 Feb 12 Regular Meeting

31 January 2012

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

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

RE: CAF: 12-26

Consideration of Approval of Resolution 12-10, Setting Date for One Day Team Building and Date for 2013 Strategic Planning Retreat.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- KSO 1-1: Implement Process Improvements.

Recommendation:

- Approval of Resolution 12-10, Setting Date for One Day Team Building and Date for 2013 Strategic Planning Retreat.

Executive Summary

The City of Henderson Council and City of Henderson staff held the 2012 Strategic Planning Retreat on 26 January 2012 at the Aycock Recreation. During discussions, it was suggested that a one day team building session be planned subsequent to the 2012 municipal election and seating of Council in July. The date suggested was 23 August 2012. It was also suggested that the 2013 Strategic Planning Retreat be held on 31 January 2013. Both events will be held at the Aycock Recreation Center.

Enclosures:

1. Resolution 12-10

RESOLUTION 12-10

RESOLUTION OF THE CITY OF HENDERSON APPROVING 2012 ONE DAY TEAM BUILDING SESSION AND 2013 STRATEGIC PLANNING RETREAT DATES

WHEREAS, the Henderson City Council (City) identified eight Key Strategic Objectives (KSO) at its 2012 Strategic Planning Retreat; *and*

WHEREAS, this Resolution addresses one of the Key Strategic Objectives as follows: KSO 1-1: Implement Process Improvements; *and*

WHEREAS, as part of the annual meeting planning efforts, a one day team building session was suggested for 23 August 2012; *and*

WHEREAS, the date for the 2013 Strategic Planning Retreat was suggested as 31 January 2013.

NOW, THEREFORE, BE IT RESOLVED, that the Henderson City Council does hereby approve 23 August 2012 for a one day team building session and 31 January 2013 for the 2013 Strategic Planning Retreat.

The foregoing Resolution 12-10, 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 13th day of February 2012:
YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

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

City Council Action Form

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



Agenda Item: _____

Council Meeting 13 Feb 12 Reg. Meeting

31 January 2012

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

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

RE: CAF: 12-14

Consideration of Approval of Ordinance 12-11, Creating an Availability Charge for any Habitable Structure in the City for Failure to Connect to Available Water and Sewer.

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- KSO 5: Provide reliable and dependable infrastructure.
- KSO 8: Provide Financial Resourcing – To Provide Sufficient Funds for Municipal Operations and Capital Outlay Necessary to Meet the Needs of Citizens, Customers and Mandates of Regulatory Authorities.

Recommendation:

- Approval of Ordinance 12-11, Creating an Availability Charge for any Habitable Structure in the City for Failure to Connect to Available Water and Sewer.

Executive Summary

As a result of annexations and/or utility assessments, water and sewer extensions required are sometimes funded through revenue bonds. In the past residents have been allowed to remain on their septic systems until such time as said septic systems begin to fail. Under this informal policy, revenues could be insufficient to pay for the construction of the main(s). Currently there is no ordinance which allows the City to begin charging for water and/or sewer service once construction is complete unless a customer applies for a tap.

There is only one known account within the city that remains connected to a well and not on city water, however upon review of the existing utility accounts within the city, there are approximately 60 +/- accounts that have not connected to City sewer and therefore not being billed a minimum monthly fee for sewer service.

*Originally Presented to Council 25 April 2011 Work Session
CAF 11-17; ORD 11-23*

The minimum monthly fee for water is now \$9.68 and the minimum fee for sewer inside the city limits is now \$12.12. If the ordinance is adopted the City would begin charging the availability fee at \$12.12 per month for sewer, and the potential revenue for sewer would be approximately \$8,727.00 annually.

Below are several local City/County policies on the issue of an availability fee for water and/or sewer for your consideration.

1. City of Oxford has no availability fee.
2. City of Creedmoor- City policy section 53.15(2) States that “if a property owner has a properly functioning septic tank when water or sewer are made available to his or her property, he or she shall not be compelled to connect to the sewer system so long as his or her septic tank continues to function in a proper manner.” (3) “This shall not relieve the property owner from the obligation to pay regular sewer fees when a sewer is available to the property.
3. Warren County does not charge a monthly fee, but does have a system development fee of \$250 per lot for lots within a subdivision in which Warren County has taken over the system for maintenance.
4. Vance County – Per their website, with a reduced tap fee of \$125 and non connection, there would be a monthly fee of \$25. With the standard tap fee of \$800, there would be no fee if not connected.

It is anticipated that this ordinance would be effective 1 July 2012. This would allow time for property owners, not currently connected to sewer, time to connect prior to 1 July 2012. If they choose not to connect, the property owner would be charged the availability fee. Since this was last discussed, the City staff has confirmed with the City Attorney that the property owner can be charged the availability fee and not the renter if the house or other unit is currently being leased or rented.

Passage of this ordinance will allow additional revenue to help pay for the cost of installing the water and/or sewer lines.

Enclosures:

1. Ordinance 12-11

ORDINANCE 12-11

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

AN ORDINANCE CREATING AN AVAILABILITY CHARGE FOR ANY HABITABLE STRUCTURE IN THE CITY FOR FAILING TO CONNECT TO AVAILABLE WATER AND SEWER

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

Section 1. That the following paragraph be added to Section 15-2 of the City Code:

“(e) In the event an owner of any developed property in which there is situated a residential dwelling unit or commercial establishment located within the City Limits and for which City water is available, fails or refuses to connect to the City water, he shall be charged an availability fee each month equal to the minimum monthly water user fee for properties that are connected to City water.

In the event an owner of any developed property on which there is situated a residential dwelling unit or commercial establishment located within the City Limits and for which City sewer is available fails or refuses to connect to the City sewer, he shall be charged an availability fee each month equal to the minimum monthly sewer user fee for properties that are connected to City sewer.

Failure to make the required connections as provided in this section or to pay the availability charge herein set forth shall constitute a misdemeanor.”

Section 2. The forgoing Ordinance shall be in full force and effect as of the date of its passage.

The foregoing Ordinance 12-11, 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 _____ 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. **.*

*Originally Presented to Council 25 April 2011 Work Session
CAF 11-17; ORD 11-23*

Reference: CM 25 April 11 WS, CAF 11-17; ORD 11-23

**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 12-11*, An Ordinance Creating an Availability Charge for any Habitable Structure in the City for Failing to Connect to Available Water and Sewer, Adopted by the Henderson City Council in Regular Session on *** _____ 2012 (*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 _____ 2012.

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: 13 Feb 2012 Regular Meeting

31 January 2012

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

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

RE: CAF: 12-32

Consideration of Approval of Resolution 12-12, Ratifying the Mayor's Endorsement on a Letter of Support Regarding the Joint City-County Fox Pond Park Project.

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- KSO 7: Expand Leisure Services
- 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.

Recommendation:

- Approval of Resolution 12-12, Ratifying the Mayor's Endorsement of a Letter of Support Regarding the Joint City-County Fox Pond Park Project.

Executive Summary

The City of Henderson supports Four Rivers Resource Conservation and Development Council, Inc. in its submission of an application for a Recreational Trail Program Grant for Phase II of the Fox Pond Park Improvement Project.

The City of Henderson is willing to jointly commit with Vance County for a local match of 25% for Phase II, said match not to exceed \$17,500. It is our understanding that the match may be in the form of funds and/or in-kind services and materials.

Enclosures

1. Resolution 12-12
2. Letter addressed to NC Division of Parks and Recreation dated 30 Jan 2012
3. Vance County's Letter of Support

RESOLUTION 12-12

A RESOLUTION RATIFYING THE MAYOR'S ENDORSEMENT ON A LETTER OF SUPPORT REGARDING JOINT CITY-COUNTY FOX POND PARK PROJECT

WHEREAS, the Henderson City Council (Council) conducted its Annual Planning Retreat in January 2012, and during said Retreat identified eight Key Strategic Objectives (KSO) and Goals; *and*

WHEREAS, this Resolution addresses two KSO's as follows: KSO 7: Expand Leisure Services; *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 is willing to jointly commit with Vance County for a local match of 25% for Phase II of the Fox Pond Park Project, said match not to exceed \$17,500; *and*

WHEREAS, the Mayor signed a Letter of Support of a joint City-County application, with the County serving as fiscal agent for this grant and the deadline for said Letter of Support being 31 January 2012 prior to Council's next meeting scheduled 13 February 2012.

NOW THEREFORE BE IT RESOLVED by the Henderson City Council that it does hereby ratify the Mayor's signature on the Letter of Support, said Letter being more fully articulated in **Attachment A** to this Resolution, and endorses and supports a joint City-County Fox Pond Park Project, with the County serving as fiscal agent and the governmental jurisdiction through which the application would be submitted to the State.

The foregoing Resolution 12-12, 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 _____ 2012:
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. ***.*



Office of the Mayor

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

Phone 252.430.5708 : Fax 252.492.7935 : E-mail pogeary@ci.henderson.nc.us

www.ci.henderson.nc.us

30 January 2012

Mr. Darrell McBane, State Trails Coordinator
NC Division of Parks and Recreation
1615 Mail Service Center
Raleigh, NC 27699-1615

Re: Local Support for Recreational Trail Grant for Phase II of the Fox Pond Park Improvement Project.

Dear Mr. McBane:

This letter is to inform you that the City of Henderson supports Four Rivers Resource Conservation and Development Council, Inc. in its submission of an application for a Recreational Trail Program Grant for Phase II of the Fox Pond Park Improvement Project.

Phase I, which was funded by a 2010 RTP Grant, is nearing completion. Vance County, the City of Henderson and Four Rivers RC&D Council have had wonderful success in the work that has been done thus far and we anticipate Phase II to go just as smoothly.

The City of Henderson is willing to jointly commit with Vance County for a local match of 25% for Phase II. It is our understanding that the match may be in the form of funds and/or in-kind services and materials.

Thank you for your support. We look forward to a continued successful partnership with NCPDR in the improvement of this Park.

Kindest Regards,

A handwritten signature in blue ink, reading "James D. O'Geary", with a long, sweeping underline.

James D. O'Geary
Mayor

cc: Mr. Ray Griffin, Jr, City Manager

Vance County Board of Commissioners
Vance County Administration Building
122 Young Street, Suite B
Henderson, N.C. 27536

Jerry L. Ayscue
County Manager
Telephone (252) 738-2001
Fax (252) 738-2039



Kelly H. Grissom
Clerk to Board
Telephone (252) 738-2001

January 26, 2012

Mr. Darrell McBane, State Trails Coordinator
NC Division of Parks and Recreation
1615 Mail Service Center
Raleigh, NC 27699-1615

Re: Local Support for Recreational Trail Grant

Dear Mr. McBane:

Four Rivers Resource Conservation and Development Council, Inc. is submitting an application for a Recreational Trail Program Grant for Phase II of the Fox Pond Park Improvement Project. Phase I of the project was funded by a 2010 RTP Grant and is nearing completion. The City of Henderson, Vance County, and Four Rivers RC&D Council have worked closely together to make Phase I a resounding success, and will continue to do so with Phase II. As with Phase I, we are confident that Phase II will be completed well within two years after the project grant is finalized.

Vance County is very willing to jointly commit with the City of Henderson for the local match requirement of 25% for Phase II. It is our understanding that the match can be in the form of funds and/or in-kind services and materials. Fox Pond Park is funded jointly by the City of Henderson and Vance County, and is managed and maintained by the Henderson-Vance Parks and Recreation Department.

It is gratifying to see the renewed interest and participation by citizens and visitors in Fox Pond Park since the beginning of Phase I improvements. We look forward to a continued successful partnership with NCDPR to more fully develop and improve this important community asset. Your assistance in this vital project is greatly appreciated.

Sincerely,

Jerry L. Ayscue
County Manager

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 Feb 12 Work Session

31 January 2012

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

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

RE: CAF: 12-13

Consideration of Approval Ordinance 12-10, Amending City Code 16-37 Relative to Stormwater Runoff Regulations.

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- KSO-5: Provide Reliable, Dependable Infrastructure: *To provide reliable, dependable and environmentally compliant infrastructure systems.*

Recommendation:

- Approval of Ordinance 12-10, Amending City Code 16-37 Relative to Stormwater Runoff Regulations.

Executive Summary

The Stormwater Ordinance (City Code 16-37) was originally written and approved in September 2004 to meet the Tar-Pamlico Nutrient Management Regulations. The City is roughly divided in half, the southern side of the City flowing into the Tar-Pamlico River basin and the northern half flowing into the Roanoke River Basin. All areas within the Tar-Pamlico River basin needed to meet the stormwater regulations and ordinance for the Tar-Pamlico Nutrient Management regulations. Any development within the Roanoke River Basin did not have to meet any stormwater management regulations.

Since the writing of the ordinance, some rule changes to the Tar-Pamlico Nutrient Management program have been made as well as changes to the status of the City of Henderson's Stormwater program. Since 2007, the EPA has deemed the City of Henderson as a Phase II Community (any community over the population of 10,000), which increases the amount of regulation and oversight on stormwater runoffs within the entire City limits. All areas currently meeting the

Tar-Pamlico Nutrient Management rules are exempt as stormwater management regulations just as strict were already in place.

The changes to the Stormwater Ordinance are substantial to incorporate the new verbiage on nutrient buydown, incorporating the entire City limits in lieu of just the Tar-Pamlico River Basin, addition of fees added to the ordinance, clarification of submission information for the review of the stormwater management plans and documents.

Enclosures

1. Ordinance 12-10
2. Original City Code 16.37 with Revisions

ORDINANCE 12— 10

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

AN ORDINANCE AMENDING THE STORMWATER MANAGEMENT ORDINANCE

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

Section 1. That Division 3 Stormwater Management and Section 16-37 et seq. is hereby rewritten to read as follows:

“DIVISION 3. STORMWATER MANAGEMENT

This division shall be known and may be cited as the “City of Henderson Stormwater Management Ordinance”, except as referred to herein, where it shall be known as "this division".

Sec. 16-37.1. Purpose and authority.

A. *Purpose.* The purpose of this division is to establish minimum criteria to control and minimize quantitative and qualitative impacts of stormwater runoff from development within the entire City limits (regardless of watershed basin) to meet the Tar-Pamlico River Basin nutrient program in accordance with 15A NCAC 02B.0258 Tar-Pamlico River Basin Nutrient Sensitive Waters Management Strategy: Basinwide Stormwater Requirements and Phase II Stormwater Management Legislation S.L. 2006-246.

Further, prudent site planning should include special consideration or the purposes of preserving natural drainage ways, maximize infiltration, and slowing stormwater runoff from individual sites in route to streams and rivers by use of effective runoff management, structural and non-structural best management practices, drainage structures and stormwater facilities.

B. *Applicability.*

1. The provisions of this division shall apply to all territory within the City limits.
2. All land development activity meeting the criteria listed below must comply with the requirements of this section:
 - a. Any activity that disturbs greater than one acre of land to establish, expand, or replace a single family or duplex residential development or recreational facility. For individual single family residential lots of record that are not presently part of a larger common plan of development or sale by the lot owner, the activity must also result in greater than ten (10) percent built-upon area.
 - b. Any activity that disturbs more than one-half (1/2) acre of land in order to establish, expand or modify a multi-family residential development or a commercial, industrial, institutional or any other non-residential facility.

C. *Exception to applicability.* The following are exceptions to this division:

1. Developers/property owners that can demonstrate that they have vested rights shall be exempt from the nutrient management and peak flow attenuation requirements.
2. Projects meeting the criteria listed in 16-37.1.B that replace or expand existing structures or improvements and that do not result in a net increase in built-upon area are not required to comply with the provisions of this division.
3. Projects meeting the criteria listed in 16-37.1.B that are located within an area that the City Council has designated as a redevelopment area will not be required to achieve nutrient reductions provided the City has a specific redevelopment strategy in place for the area that addresses the following:
 - a. The redevelopment area is a historic community center, traditional central business district, historical district, educational center or other existing developed area specifically designated by the City Council.
 - b. The City has an established strategy for reinvestment in the area as appropriate including one or more of the following:
 - 1) A "fix it first" policy that reserves public funds for repair of existing infrastructure in these areas before investing in new infrastructure of the same type in new growth areas.
 - 2) Mixed use/mixed density zoning provisions.
 - 3) Retrofits that are consistent with NC DOT definition for pedestrian scale in traditional neighborhood developments.
 - 4) Parking maximums or shared parking ratios.
 - 5) Residential density bonuses where parking maximums, pedestrian scale, or "fix it first" are considered.
 - 6) The redevelopment plan is conducive to the goals of the Tar Pamlico Nutrient Management Strategy.
4. Projects that replace or expand existing structures or improvements resulting in a net increase in built upon area shall achieve a thirty (30) percent reduction in nitrogen loading and no increase in phosphorus loading relative to the previous development. Such projects may achieve these loads through onsite or offsite measures or some combination thereof. The existing development must be considered high density having more than 24% built upon area or as allowable by the Stormwater Administrator.
5. Phased residential or commercial projects with multiple lots that propose shared stormwater facilities may be permitted as "on-site" facilities not subject to the pretreatment limitations defined in section 16-37.4.D, provided the shared facility is designed and constructed to meet the nutrient reduction and attenuation requirements for the entire project.

D. *Exemptions.* Agriculture, mining or forestry activities are not subject to this division.

E. *Interpretation.* In interpreting and applying this division, the requirements are intended to be minimum requirements, which are imposed and are to be conformed to, and are in addition to, and not in lieu of, all other legal requirements.

This division shall not be deemed to interfere with or annul or otherwise affect in any manner whatsoever any ordinance, rules, regulation, permits, or easements, covenants, or other agreements between parties, provided, however, that where this chapter imposes greater restrictions and controls with respect to stormwater management, the provisions of this chapter shall prevail.

F. *Administration of the Stormwater Management Ordinance.* The Director of Engineering of the City, or his designee, is hereby appointed to serve as Stormwater Administrator and it shall be his or her duty to administer and enforce the provisions of this division.

G. *Variances and appeals.*

The appeal of a disapproval or approval with modifications of a plan or requests for variance shall be heard by the Board of Adjustment and accompanied by the payment of any applicable fees, shall be governed in accordance with the Zoning Ordinance, Section 802, Zoning Board of Adjustments and by the following provisions provided the appeal is made in writing and delivered to the City Clerk within fifty (50) days after the receipt of written notice of disapproval or modifications. Hearings pursuant to this section shall be conducted by the City Board of Adjustments within fifty (50) days after the date of the appeal or request for a variance.

1. Anyone requesting a variance shall file such with the Stormwater Administrator on a form provided by the Stormwater Administrator. Applications shall be filed at least fifty (50) days prior to the Board of Adjustment meeting at which it is proposed to be heard.
2. The Board of Adjustment, in considering an application for a variance, shall not consider the following as grounds for granting a variance:
 - a. The use of land or structures within the City's jurisdiction that are not in compliance with the requirements of this division.
 - b. The fact that property may be used more profitably.

(Ord. of 9-13-04(4), § 1)

Sec. 16-37.2. Definitions.

For the purpose of this division, the following terms, phrases and words, and their derivatives, shall have the meaning herein:

Applicant means a property owner or agent of a property owner who has filed an application for a stormwater permit.

Best management practices (BMPs) means a wide range of practices both structural and non-structural that have been demonstrated to effectively manage the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.

Channel bank means the location of the upper edge of the active channel above which the water spreads into the overbanks on either side of the channel or the elevation of the two-year frequency storm. Where the channel bank is not well defined, the channel bank shall be considered the edge of the water line.

Design storm means the specific frequency and, if necessary, duration of the rainfall event to be used in design to meet the criteria established in the City's Tar-Pamlico River Basin. Stormwater Best Management Practices Manual and the City's storm drainage standard specifications.

Development means any of the following actions taken by a public or private individual or entity:

1. The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other divisions by plat or deed, or
2. Any land change, including, without limitation, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting and filling of land.
3. Any land disturbing activity that increases the amount of built-upon area or that otherwise decreases the infiltration of precipitation into the soil.

Drainage structures shall include swales, channels, storm sewers, curb inlets, yard inlets, culverts and other structures designed to convey stormwater.

Existing development means an individual residential/non-residential site with site plan approval by the planning department or a residential/nonresidential subdivision with preliminary subdivision approval from the planning board.

Illegal discharges mean any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, or other discharge of any substance other than stormwater into a stormwater conveyance system, the waters of the state or upon the land such that the substance is likely to reach a stormwater conveyance system or waters of the state.

Impervious surface means a surface composed of any material that impedes or prevents natural infiltration of water in to the soil. Gravel areas shall be considered impervious.

Land disturbing activity means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial

removal of vegetation, or any activity which bares soil or rock, involves the diversion or piping of any natural or manmade watercourse, or the establishment of new impervious surface. The term "land disturbing" shall also include the term "land disturbance."

Natural drainage way shall mean a channel with a defined channel bed and banks that are part of the natural topography. Construction channels such as drainage ditches shall not be considered a natural drainage way unless the constructed channel was a natural drainage way that has been relocated, widened, or otherwise improved.

Nutrient(s) means nitrogen and phosphorous, which if present in excessive amounts within a water body, can lead to large growths of algae, low dissolved oxygen concentrations, and other water quality problems.

Redevelopment means any land disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal stormwater control than the previous development.

Riparian buffer means an area of trees, shrubs, or other forest vegetation, that is adjacent to surface waters. For purposes of this chapter, surface water shall be present if the feature is approximately shown on either the most recent version of the county soil survey report prepared by the Natural Resources Conservation Service or the most recent version of the 1:24,000 scale (7.5 min) quadrangle topographic maps prepared by the United States Geological Survey. Riparian buffers adjacent to features that do not appear on either of these maps shall not be subject to this chapter, except those areas determined by the Stormwater Administrator to be environmentally sensitive, shall be subject to this division.

Stormwater means flow resulting from and occurring after any form of precipitation.

Stormwater Administrator means the Director of Engineering or his designee, who has the designated authority to review and approve stormwater permits and stormwater management plans.

Stormwater Best Management Practices (BMP) Manual means the North Carolina Department of Environment and Natural Resources (NCDENR), Division of Water Quality (DWQ), Stormwater Best Management Practices Manual, 1999, and all amendments and revisions thereto. The Stormwater BMP Manual is hereby adopted by reference as fully as though set forth. If any standard, requirement, or procedure as set forth in the manual is in conflict with any standard, requirement, or procedure as set forth in this division then the most stringent shall prevail. A copy of this manual shall be available for public review in the office of the Stormwater Administrator.

Stormwater conveyance systems or structure means any feature, natural or manmade, that collects and transports stormwater, including but not limited to roadways with collection systems, catch basins, man-made and natural channels, streams, pipe and culverts, and any other structure or system designed to transport runoff.

Vegetative buffer means an area that has a dense ground cover of herbaceous or woody species, which provided for diffusion and infiltration of runoff and filtering of pollutants.

Vested rights, based upon new development projects that have received approval from the City for a site-specific or phased development plan by September 14, 2004, shall be exempt from the stormwater management requirements of this chapter. Any plats associated with such development must be recorded within a maximum of five (5) years from the date of development approval. All new development projects that have not received such approval by September 14, 2004 or recorded any plats associated with such development within five (5) years of the development's approval, shall be subject to the requirements of this chapter. Projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities shall be considered exempt if a state permit was issued prior to September 1, 2004.

(Ord. of 9-13-04(4), § 1)

Sec. 16-37.3. Protecting riparian buffers.

A. *Riparian buffers within Tar-Pamlico River Basin.* As required by 15A NCAC 02B.0259 (Tar-Pamlico River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers), a 50-foot wide riparian buffer shall be maintained directly adjacent to all perennial and intermittent streams, including lakes, ponds, and other bodies of water, excluding wetlands. Where obvious conflicts exist between actual field conditions and USGS and county soil survey maps, appeals may be made to the DWQ. The City will not approve any development plans that include land area within the fifty (50) feet of the banks of a protected surface water feature except where one of the following apply:

1. The development plans does not propose to impact the riparian buffer or,
2. The property owner has received approval from DWQ. Approval by the DWQ may be in the form of the following:
 - a. An on-site determination by the DWQ in writing that the feature in question is not a protected surface water feature.
 - b. A permit for the proposed construction activity.
 - c. An authorization certificate and approval on a mitigation plan for a use designated as allowable with mitigation.
 - d. A variance from DWQ and/or the Environmental Management Commission.

B. *Riparian buffers within Roanoke River Basin.* A 30-foot wide riparian buffer shall be maintained directly adjacent to all perennial and intermittent streams, including lakes, ponds, and other bodies of water, excluding wetlands. Where obvious conflicts exist between actual field conditions and USGS and county soil survey maps, appeals may be made to the Stormwater Administrator.

1. No development shall take place within the riparian buffer without City permission.

2. The Table of Uses in 15A NCAC 02B.0259 (6) shall be utilized as a guide for determining the exempt, allowable, allowable with mitigation or prohibited activity within the buffer.
3. Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow and reestablishing vegetation.
 - a. Concentrated runoff from new ditches or manmade conveyances shall be converted to diffuse flow before the runoff enters the riparian buffer.
 - b. Periodic corrective action to restore diffuse flow shall be taken as necessary to impede the formation of erosion gullies.

C. *Delineation of buffers.*

1. For streams: The buffer shall begin from the top of bank or the rooted herbaceous vegetation and extend landward the total distance as stated in Sections 16-37.3.A and B, measured horizontally on a line perpendicular to the stream on both sides of the stream.
2. For lakes, ponds, and reservoirs: The buffer shall extend out landward the total distance from the normal water mark of the surface water or rooted herbaceous vegetation, measured horizontally on a line perpendicular to the surface water.

D. The buffers must be shown on all development plans, preliminary plats and final plats that contain land area within the protected surface waters.
(Ord. of 9-13-04(4), § 1)

Sec. 16-37.4. Development standards.

A. A minimum of 85% average annual removal for Total Suspended Solids (TSS) through the use of any combination of structural or non-structural BMPs.

B. *Nutrient reduction requirements.*

1. Nitrogen and Phosphorus export standards: All development that meets the requirements of this division must limit nitrogen export to 4.0 pounds per acre per year (lbs/ac/yr) and phosphorus export to 0.4 pounds per acre per year (lbs/ac/yr) through some combination of the following:
 - a. Construction of allowable onsite or offsite stormwater management facilities. Use of offsite facilities is subject to sections 16-37.4.C and D.
 - b. Participation in an approved “regional” or “jurisdictional-wide” facility or strategy.
 - c. Dedication of “open space” and/or “conservation” easements. Easements may be onsite or offsite subject to the sections 16-37.4.C, D and E of this division. Offsite land conservation offsets that drain to the same classified

water as the development and meet the criteria specified in 16-37.4.D may be approved by the Stormwater Administrator.

- d. Pay a one-time offset payment using the latest nitrogen and phosphorus offset payment calculations and fee as specified in the Nutrient Offset Payments Rule (15A NCAC 02B.0240, latest revisions). Use of offset payment option is subject to the following and provisions in section 16-37.4.D.
2. Calculation of nitrogen and phosphorus export and removal efficiencies.
 - a. The nitrogen and phosphorus export from all development meeting the criteria listed in section 16-37.1.B must be calculated in lb/ac/yr. The export values for various types of land use, BMP removal efficiencies and the methodologies to be used in calculating the nitrogen and phosphorus export from the development are specified in the Stormwater BMP Manual.
 3. Allowable BMP practices.
 - a. All stormwater management facilities must be designed in accordance with this division and the Stormwater BMP Manual.
 - b. Allowable BMPs for nutrient reduction for use within the City are listed in the Stormwater BMP Manual.
 - c. Specific use of any particular device or strategy is subject to the approval by the Stormwater Administrator.

C. Peak runoff control.

1. *No net increase in peak stormwater runoff.*
 - a. Development shall not result in an increase in peak stormwater runoff leaving the site from the pre-development conditions for the one-year 24 hour storm event.
 - b. Runoff volume drawdown time shall be a minimum of 24 hours, but no more than 120 hours depending on the type of BMP used.
2. Calculation methods shall be in accordance with the standards specified in the Stormwater BMP Manual.
3. *Exceptions to the peak flow requirements.* Peak flow control is not required for developments that met items a and b or item c of the following:
 - a. The overall impervious surface area is less than fifteen (15) percent of the total site and the remaining pervious portions of the site are utilized to the maximum extent practical to convey and control the stormwater runoff, and
 - b. The increase in peak flow between the pre-development and post-development conditions does not exceed ten (10) percent, or
 - c. The Director of Engineering makes a determination that stormwater detention at this particular location will increase flooding, accelerate

erosion or negatively impact existing drainage problems in the area. In such cases, an alternate method of peak attenuation management may be required.

D. *Offsite partial offset option.*

In accordance with the Environmental Management Commission, and its amended Nutrient Offset Payment Rule (15A NCAC 02B.0240), developers of residential, commercial, and industrial projects may partially offset their nitrogen and phosphorus loads under the following conditions:

1. Except where the project is participating in an approved regional or jurisdiction-wide strategy, as defined in section 16-37-4.E, in order for a project to use the offsite partial offset option or the offset payment option, the development plans must first reduce the nitrogen export to the following limits onsite:
 - a. Single-family or duplex residential meeting the criteria of section 16-37.1.B. must limit nitrogen export to no more than six (6.0) lb/ac/yr.
 - b. All other development meeting the criteria of section 16-37.1.B must limit the nitrogen export to no more than ten (10.0) lb/ac/yr.
2. If the computed nitrogen export is greater than 4.0 lb/ac/yr but less than 6.0 (or 10.0) lb/ac/yr, then the balance of the nitrogen reduction, to 4.0 lb/ac/yr and phosphorus reduction to 0.4 lb/ac/yr may be achieved through one or both of the following options:
 - a. Payment to a one-time offset payment to the North Carolina Ecosystem Enhancement Program (EEP) or to the City using the applicable nutrient calculations and fees.
 - 1) If this option is utilized within the Tar-Pamlico River Basin, the payment will be directed to the EEP's Riparian Buffer Restoration Fund. The applicable process for payment to this fund and the EEP must be followed.
 - 2) If this option is utilized within the Roanoke River Basin, the payment will be directed to the City Stormwater Fund and shall be utilized for Stormwater CIP projects within the Roanoke River Basin.
 - b. Provide treatment of an offsite-developed area through construction or an approved BMP or conversion of an existing developed area to protected wooded pervious area. To qualify, the off-site area or facility must meet the following conditions:
 - 1) The offset area and/or facility must drain to the same classified surface water as the development, as defined in the schedule of Classifications, 15A NCAC 02B.0316 and listed in Table A and B of this division, or be a part of a jurisdiction-wide facility or approach approved by DWQ as defined in section 16-37.4.E.
 - 2) The offsite facility may be used to address only the nutrient requirements, except where the development proposal provides

supporting calculations, approved by the Stormwater Administrator, that demonstrate that meeting some or all attenuation requirements offsite will not result in degradation of the classified surface waters to which the development site discharges.

- 3) The off-site stormwater management and/or BMP facility may serve multiple projects provided the facility is appropriately sized and has a tracking system approved by the Stormwater Administrator to allocate nutrient removal and flow attenuation to the participating development sites.
- 4) The development owner and the owner of the offsite facility, if different from the development owner, must provide a recorded enforceable agreement stating that offsite facilities are dedicated to achieving the specified nutrient and flow reductions for the life of the development. The responsibility for maintaining these reductions as well as the provisions of any easements and operation and maintenance agreements required in accordance with this division shall run with the land and be binding upon subsequent owners of both the development and the offsite facility.
- 5) Operation and maintenance plans and easements must be provided for all onsite and offsite facilities in accordance with the provisions of this division.

Table A:
Roanoke River Basin Classified Surface Waters

TABLE INSET:

Receiving Stream Name	Stream Segment	Water Quality Classification
Nutbush Creek	From source to Crooked Run	C
UT to Crooked Run	From source to Crooked Run	
Crooked Run	From source to Nutbush Creek Arm of John B. Kerr Reservoir	B
Indian Creek	From source to Carolina Power & Light Company Power Line	C

Table B:
Tar-Pamlico River Basin Classified Surface Waters

TABLE INSET:

Receiving Stream Name	Stream Segment	Water Quality Classification
Ruin Creek	From dam to Tabbs Creek	C; NSW
Red Bud Creek	From source to Ruin Creek	C; NSW
UT to Ruin Creek	From source to Ruin Creek	
Joes Branch	From source to Ruin Creek	C; NSW

Sandy Creek	From source to dam at Southerlands Pond	C; NSW; +
Martin Creek	From source to Sandy Creek	C; NSW; +

E. Regional and jurisdictional-wide facilities and strategies. This option will be utilized and undertaken by the City on a project-by-project basis and will be incorporated into the City's comprehensive stormwater management program as they are developed and approved by DWQ.

1. *Regional facilities:*

- a. Regional facility within the context of this section means a stormwater management facility or approach that provides a portion of the nutrient and/or flow control requirements for multiple developments in a specified area within the City's jurisdiction. Examples of regional facilities may include, but are not limited to, wet detention ponds or constructed wetlands.
- b. Regional facilities may be publicly or privately owned and operated, but must be approved by DWQ if the facility is proposed to serve more than one classified stormwater basin.

2. *Jurisdiction-wide approach.*

- a. Jurisdiction-wide approach within the context of this section means a nutrient reducing management measure or strategy implemented under the authority of the City and approved by the DWQ to offset nutrient and/or flow increases throughout the jurisdiction of the Henderson City limits. Examples of nutrient reducing measures may include, but are not limited to, conventional stormwater facilities, constructed wetlands, or land conservation.
- b. Land conservation offsets are an available option provided the following criteria are met:
 - 1) The conserved land must achieve the net nutrient reductions not achieved by the development that conservation is credited with offsetting.
 - 2) Proposals must quantify the reductions including identification of any actions to be taken to achieve nutrient reductions. Examples include:
 - (a) Removal of existing impervious area,
 - (b) Reforestation of managed open space such as agricultural land, cleared or vacant lots,
 - (c) Restoration of the buffering functions of land adjacent to existing or new development, e.g. converting pipe or ditch flow to dispersed sheet flow through forested land.
 - 3) The conserved land should be no further from estuary than the development and within the same jurisdiction except where there is an interlocal agreement that provides for development and offsetting conservation in different jurisdictions. The agreement

- shall provide assurance of enforceability between jurisdictions, as well as cross-jurisdictional tracking and monitoring procedures.
- 4) There must be adequate protection to ensure that the conserved lands will not be credited to other developments.
 - 5) Lands whose nutrient removal functions are established and protected through other regulatory programs, such as wetlands and riparian buffers, would not be eligible for conservation credit.
 - 6) Conserved land may be used to offset flow attenuation requirements if adequate measures are provided to ensure diffuse flow and no hydrologic degradation of the conserved features or surface waters.
 - 7) Conserved land must be secured in a recorded permanent conservation easement or equivalent legal mechanism with provisions to prohibit both farming and unapproved logging practices.
- c. Stormwater management facilities must provide the following information to gain DWQ approval as a regional or jurisdiction-wide system:
- 1) Land uses in the contributing area.
 - 2) Type of facility.
 - 3) Expected nitrogen and phosphorus removal efficiency and peak shaving capacity.
 - 4) Worst-case percent impervious of the contributing area at build out.
 - 5) Assumptions for on-lot treatment and attenuation.
 - 6) Calculations of nitrogen and phosphorous reduction needed and demonstration that facility meets needs.
 - 7) Process for tracking expenditure of treatment and attenuation capacity.
 - 8) Easement, restricting land use to protect stormwater management facility and containing adequate access for maintenance where such an instrument would be appropriate.
 - 9) An agreement that demonstrates that (a) developer, (b) a local government, or (c) a private for-profit or non-profit company will operate and maintain the facilities.
 - 10) Maintenance guarantees in conformance with the provisions of this division if the facility is not owned or operated by the City.

Sec. 16-37. 5. Permits.

A. *Stormwater permit.* A Stormwater Permit (permit) is required for all development and redevelopment projects unless exempt pursuant to this division. A permit may only be issued subsequent to a properly submitted and reviewed stormwater permit application in accordance with this division.

1. *Effect of permit.* The permit shall govern the design, installation and construction of stormwater management and control practices on the site, including structural

BMPs and elements of site design for stormwater management other than structural BMPs. The permit will sunset upon the final acceptance of the BMP system in accordance to this division.

2. *Permit application.* The stormwater permit application shall be made by, or on behalf of the owner(s) or developer(s) of the site for which the permit is sought. The application shall be filed with the City on a form supplied by the City and shall be accompanied with all information as required in the City's stormwater program.
3. A stormwater permit shall not be issued until the following conditions are met:
 - a. Approval of the stormwater management plan and associated calculations by the Stormwater Administrator. The stormwater management plan shall be in accordance with section 16.37-6 of this division.
 - b. Submission and approval of any required easements on a map to be recorded.
 - c. Submission and approval of any required operation and maintenance agreement, or other legal instrument established to ensure long-term maintenance of any structural BMPs.
 - d. Payment of all fees, including a non-refundable permit review fee.
 - e. An approved erosion and sedimentation control plan and permit (if required) from the appropriate authority or approving jurisdiction.
 - f. To provide reasonable assurance that BMPs are completed per permit specifications, a cash bond, letter of credit or other acceptable financial surety shall be required from the applicant to be held by the City until all constructed BMPs have received final approval by the City. The amount of the surety shall be based upon contractor estimates for the construction of the entire BMP system (costs from previous or other projects with similar BMPs within the last 3 years will be acceptable).
4. *Permit Issuance.* When the project has been reviewed and approved by the Stormwater Administrator in accordance to this division, the Zoning Ordinance, the City Code and all state and federal regulations, the Stormwater Administrator shall issue a permit to the owner/developer. A copy of the permit must be kept onsite during construction.

B. *Post-construction Stormwater permit.* This permit is required for all projects that required a stormwater permit.

1. *Effect of permit.* The permit shall replace the Stormwater permit upon final acceptance of the stormwater system for the project. No lapse of permit coverage is allowed. The permit must be maintained for the life of the development or unless significant modifications in the development are made that changes the intent of the permit. Significant changes may include, but are not limited to, increase in the amount of impervious coverage or updates/modifications to the stormwater conveyance system. The developer/owner shall notify the City of the

proposed changes and the Stormwater Administrator shall determine if such changes warrant an amendment to the approved permit or issuance of a new permit entirely.

2. The Post-construction stormwater permit shall not be issued until the following conditions are met:
 - a. Submission of all requirements and good standing of the Stormwater permit. If the Stormwater permit was revoked for any reason, a post-construction stormwater permit will not be issued until the condition is repaired/met and the stormwater permit reissued or reinstated.
 - b. Final Inspection/walkthrough. Upon notification from the contractor and/or developer, a final inspection and walkthrough of the BMP system must be made and accepted by the Stormwater Administrator.
 - c. An Asbuilt Survey of the BMP per section 16-37.6 of this division.
 - d. A Certificate of Completion per section 16-37.6 of this division.
 - e. Payment of funds as required by the Operation and Maintenance Agreement for each BMP into the escrow account.
 - f. All easements must be recorded and a copy of the recorded easement map submitted to the Stormwater Administrator.
 - g. All agreements must place covenants on the land and be recorded and a copy of the recorded agreement(s) submitted to the Stormwater Administrator.
3. *Permit Issuance.* When the project has been reviewed and approved by the Stormwater Administrator in accordance to this division, the Zoning Ordinance, the City Code and all state and federal regulations, the Stormwater Administrator shall issue a permit to the owner/developer.

C. *Permit review fees.* The City Council shall establish permit review fees and may amend and update the fees and policies from time to time. Fees will be set based on effective schedule of fees and approved by the City Council.

D. Conveyance of the property containing the BMP system shall not terminate the original developer's obligations under this division and shall remain in effect with the future property owner.

(Ord. of 9-13-04(4), § 1)

Sec. 16-37.6. Submission requirements.

A. *Stormwater management and plans.*

Stormwater shall be conveyed from developments in an adequately designed drainage system of natural drainage ways, grass swales, storm sewers, culverts, inlets and channels. Drainage systems shall be designed, constructed, and maintained to encourage natural infiltration, control

velocity, control flooding, and extend the time of concentration of stormwater runoff. The Stormwater Administrator shall determine adequacy of the stormwater drainage system.

A stormwater management plan shall be prepared by the applicant for all land disturbing activities subject to this chapter. Stormwater management plans shall:

1. Document through accepted engineering practices the impacts of the proposed development. At a minimum, documented impacts of the proposed development shall include:
 - a. Effects on existing upstream and/or downstream drainage systems and property;
 - b. Ability of the natural drainage way to handle additional stormwater runoff; and
 - c. Site specific criteria supporting the analysis of any impacts notes in 1.a. and 1.b. above.
2. Demonstrate through accepted engineering practices that stormwater runoff is adequately conveyed through the development in a drainage system designed to meet the criteria described in the storm drainage standard details.
3. Demonstrate through accepted engineering practices that stormwater facilities required to control the impacts of the development are designed to meet the criteria described in the city's stormwater management program.
4. Demonstrate that the nitrogen and phosphorous loading from the new development does not exceed the limits set forth in this division.
5. Stormwater management plans shall be prepared by, and bear the seal and signature of, a licensed professional engineer, registered landscape architect, or registered architect.
6. Include drawings, maps, and supporting calculations, specifications, and summaries as outlined in the city stormwater program for nutrient control and below:
 - a. The type and design of each proposed stormwater facility. This includes grading, elevations, and other information sufficient for construction of each stormwater facility. Plans and profiles (if required) for each proposed stormwater facility must be included as well with any specific detail and notes required for construction.
 - b. The location, extent, type of use, and impervious areas of the development site conditions . This includes the following, but not limited to:
 - 1) Watershed information (information for specific classified stream per this division).

- 2) Specific river basin where the project is located (Tar-Pamlico or Roanoke River Basins).
 - 3) Pre-development impervious areas
 - 4) Post-development impervious areas⁵⁾ If the development will utilize the offsite option, clear demonstration that the proposed facility drains to the same stream as the proposed development site.
 - 6) Flood zone (if applicable).
 - 7) Buffer zone areas (if required per this division)
 - 8) Drainage map for development.
- c. Calculations shall be sealed by the design professional and include, but not limited to, the following:
- 1) Stormwater narrative. This includes a detailed description of the existing site conditions, the proposed site conditions and the stormwater facility required to meet this division.
 - 2) Design calculations for each stormwater facility. This includes any design forms required by DWQ to be utilized in the Stormwater BMP Manual.
 - 3) Pre vs. post-development runoff calculations for 1 yr-24 hour storm for design and an analysis of the 10 yr-24 hour, 25 yr-24 hour and 100 yr-24 hour storms.
 - 4) Drainage calculations for storm sewer and drainage ditches with hydraulic grade lines/capacity, etc. to ensure adequate capacity of proposed and existing downstream infrastructure.
 - 5) Hydrology/hydrographs for BMPs.
 - 6) Nutrient management calculations.
 - 7) Buoyancy calculations (if required).
 - 8) USGS 7.5-minute quadrangle with the project location depicted on the map.
 - 9) NCRS Soils Survey map. The soils survey map must be from the latest, printed map from NRCS for the county. The computer version can be used for determination of soil type, but cannot be used for buffer determination.
 - 10) Drainage map for the development with subdrainage information to each facility.
 - 11) Operation and maintenance plan for each facility.

B. *Certification of completion.*

1. A licensed professional shall certify that the constructed BMP is in substantial compliance with the approved construction document prior to issuance of Post-construction Stormwater Permit.
2. For new construction, the certification will be required prior to issuance of a certificate of occupancy in addition to the Post-construction Stormwater Permit.

3. Asbuilt survey required. Prior to release of a certificate of stormwater compliance, as built surveys shall be required as follows:
 - a. The survey shall include the entire legal lot of record showing all impervious surfaces, building footprints, required buffers and any encroachments therein. Such survey shall include an information block totaling the percent of impervious coverage, the amount of impervious coverage on the site in square feet, building footprints, required buffers and any encroachments therein, and all constructed BMP's. Such survey shall include topography at two-foot contours.
 - b. The survey shall compare acreages of the various land covers as constructed to those permitted. If substantially different, the survey shall provide calculations demonstrating compliance with nutrient export requirements of section 16-37.5. If this is not the case, the owner shall amend the permit and make on-site or off-site adjustments accordingly to achieve the required export.
 - c. Stormwater conveyances. Any development that results in the construction or alternation of stormwater conveyance shall submit an as-built survey showing the location, extent, dimension and type of each conveyance.
 - d. Submission of the survey shall be in NAVD 1988 and NAD 1983 State Plane Coordinates, North Carolina Datum with the following:
 - 1) One (1) hard copy (mylar or velum) with a signed certificate stating compliance and substantial completion of the stormwater facility to the approved stormwater management plans.
 - 2) One (1) electronic form of the survey in either .dxf or .dwg format.

C. *Operation and maintenance agreements.* A written agreement shall be submitted by the applicant, approved by the Stormwater Administrator, and recorded in the office of the register of deeds of the county prior to the issuance of a post-construction stormwater permit. Such agreement shall:

1. Be legally binding on all current and future parties in interest for all properties served by the BMP as covenants running with the land.
2. Identify the maintenance and monitoring requirements required to ensure the proper function of the BMP. Maintenance activities must meet or exceed the actions and frequencies identified by practice in the Stormwater BMP Manual. Such operations shall be specific to each BMP for the development. The operation and maintenance plan submitted under the stormwater management plan can be attached and utilized for this agreement.
3. A requirement that the owner of the permitted BMP submit an annual maintenance inspection report to the Stormwater Administrator by end of September of each year prepared and sealed by a qualified professional licensed in the state. Such report shall not be required for the first partial year if the initial certificate of stormwater compliance was issued for the BMP within six (6) months of the required deadline for submittal. Subsequent repairs and alternations to the BMP requiring a stormwater

permit and certificate of compliance shall not alter the submittal requirements for an annual maintenance inspection report.

4. A requirement for the establishment and maintenance of an escrow account that can be used solely for the routine maintenance, repair, restoration, reconstruction, removal, and/or replacement of a required BMP. In the case of multiple BMPs covered by an escrow account, the specifics for each BMP covered by the account shall be included. The escrowed amount shall be 100% of the total cost to construct each BMP. The agreement shall include the following:
 - a. The amount of the escrow fund.
 - b. A statement that if the City issues a NOV ordering the correction, repair, replacement, or maintenance of the system or structure and the owner fails to take all necessary actions to remove the violation or initiate an appeal within the time prescribed, the City or its contractor may have full access to the property to complete any action necessary to correct the violation.
 - c. A statement that the City may, upon order of other official action of the City Council seize all or part of the escrowed funds to pay for all costs associated with the correction of the violation including administrative costs borne by the City.
 - d. A written commitment that the owner(s) (and his successors in title) will refund the escrow to the original amount prior to utilization by a lump sum or by specified time payments.
5. Records of installation and maintenance. The operation and maintenance agreement shall stipulate that parties responsible for the operation and maintenance of a stormwater management facility shall make and keep records of the installation and of all maintenance and repairs, and shall retain the records indefinitely. Whenever the party(ies) responsible for the operation and maintenance of a facility cease to exist, such records shall be transferred to the City. As long as records are maintained privately, they shall be made available to the City or its agents during inspection of the facility and at other reasonable times upon request.
6. A legal description or reference to the easement for each stormwater facility utilized by the development.

D. *Easement Map.*

1. An easement shall be placed to encompass each entire stormwater facility, allowing access and room for maintenance of each facility. The easement shall further provide access to the nearest convenient public right-of-way and must be accessible by maintenance equipment.
2. The easement map shall be generated by a professionally licensed surveyor, signed by the owner, approved by the City and recorded in the county's Register of Deeds office. A copy of the recorded easement map shall be provided to the Stormwater Administrator for the City's files.

(Ord. of 9-13-04(4), § 1)

Sec. 16-37.7. Inspections and enforcement.

A. *Authority to enter.* Agents and officials of the city shall have the right to enter property at all reasonable times to inspect sites subject to the requirements of this division to determine whether the development, BMPs, discharges and/or other activities on the property conform to the standards and requirements as set out herein. No person shall obstruct, delay, hamper, or in any way interfere with a City or County agent or official while in the process of carrying out their duties under this division.

B. *Inspection of stormwater facilities.* Inspection programs may be established on any reasonable basis, including but not limited to: routine inspection, random inspection; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or an NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment packages.

C. *Remedies.* The provisions of this division may be enforced by one, all or a combination of the remedies authorized and prescribed herein including civil penalties, criminal penalties, injunctive relief, stop work orders, permit revocation, restoration and abatement.

D. *Notice of violation/warning citation.*

1. Upon determination that a violation of this division has occurred, the City shall issue a Notice of Violation (NOV) to the owner of the property on which the violation has occurred and/or to the alleged violator if such is believed to be different than the owner. A NOV shall be construed to be a warning citation and shall either:
 - a. Be served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person; or
 - b. Posted in the United States mail service by first class mail addressed to the last know address of the violator as contained in the records of the city or obtained from the violator at the time of issuance of permit. The violator shall be deemed to have been served upon the mailing or delivery of said notice. The NOV shall indicate the nature of the violation, order of any action necessary to correct the violation, state a deadline for compliance, and shall contain an order to immediately cease the violation. The NOV shall state that it may be appealed in a manner set out by this division and it shall state that failure to correct the violation shall subject the violator to

any and all penalties prescribed herein. In establishing the deadline for compliance, the city shall take into consideration the quantity and complexity of the work, the public health and environmental consequences of delay, and the effectiveness and timelessness of previous corrective actions taken by the violator but in no case should the deadline for compliance exceed sixty (60) calendar days.

2. A written appeal from a NOV must be taken within ten (10) days from the date of said notice to the Board of Adjustment. The Board of Adjustment in considering appeals of notices of violations shall have power only in the manner of administrative review and interpretation where it is alleged that the enforcement official has made an error in the application of an ordinance, in the factual situation as it relates to the application of the ordinance, or both. A violator who fails to file an appeal within the time period prescribed above is deemed to have forfeited his appeal rights for the violation, the NOV, civil citations, and civil penalties, and civil penalties assessed for the violation.
3. Where the Stormwater Administrator determines that the period of time stated in the NOV is not sufficient for abatement based upon the work required or consent agreement, the Stormwater Administrator may amend the NOV to provide for additional time which should not exceed sixty (60) calendar days from the date of the initial notice. The Board of Adjustment shall have the authority to extend this deadline for those cases where such time extension is proven to this board to be required due to the complexity and/or severity of the violation. Such extension shall be granted as a result of an appeal of the deadline established by the Stormwater Administrator. Violations which are an imminent threat to public health, safety, and/or welfare shall not be granted an extension.

E. *Civil penalties in general.*

1. Civil penalties are governed by Section 1-6 (b) of the Henderson City Code.
2. Upon failure of the violator to obey the NOV, a civil notice may be issued by the Stormwater Administrator and shall be either:
 - a. Served directly on the violator, his duly designated agent, or registered agent if a corporation, in person; or
 - b. Posted in the United States mail serve by first class mail addressed to the last know address of the violator as contained in the records of the city or obtained from the violator at the time of the issuance of the NOV. The violator shall be deemed to have been served upon the mailing or delivery of said notice.
3. If a violation is repeated within a two-year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and

shall be subject to additional penalties and remedies as set forth in this section. A repeat violation is one which is identical to or reasonably similar to a previous violation for which the City has issued a NOV or civil penalty notice.

4. At the discretion of the city manager, civil penalties for first time offenders may be waived provided that the offender demonstrates a good faith effort to correct the violation in a timely manner.

F. *Civil penalty amounts.* Any person who violates any provision of this division, any order issued pursuant to this division, or any condition of an approved permit may be subject to civil penalties as set out below:

TABLE INSET:

(1) Work without a permit:	\$5,000.00 per day
(2) Failure to correct a violation after notice:	\$5,000.00 per day
(3) Failure to obey a stop work order:	\$5,000.00 per day
(4) Submitting false information and/or certifications:	\$3,000.00
(5) Failure to follow an approved permit:	\$3,000.00.
(6) Failure to maintain required BMPs:	\$2,500.00
(7) Failure to file required maintenance inspection report:	\$2,500.00
(8) Failure to submit required certifications:	\$2,500.00
(9) Failure to submit required as-built plans:	\$2,000.00.
(10) Illegal connection/discharge:	(refer to Section 16-37.8)
(11) Any other action or failure to act that constitutes a violation of this division	\$2,000.00.

G. *Criminal penalties.* Any person who violates any provision of this division, any order issued pursuant to this division, or any condition of an approved permit shall be guilty of a misdemeanor punishable by fines and/or imprisonment as determined by the court for City Code violations.

H. *Injunctive relief.* Whenever the city has reasonable cause to believe that any person is violating or threatening to violate any provision of this division, any order issued pursuant to this division, or any condition of an approved permit, the city may initiate a civil action in local superior court to restrain the actions of such person that would constitute a violation. Upon finding that such violation has occurred or is threatened to occur, the court may issue any order of abatement or action necessary to insure compliance with this division. The institution of an

action for injunctive relief shall not relieve any party to the proceeding from any civil or criminal penalty prescribed herein.

I. *Stop work order.* Whenever the city has reasonable cause to believe that any person is violating or threatening to violate any provision of this division, any order issued pursuant to this division, or any condition of an approved permit, the city may initiate a civil action in county superior court to restrain the actions of such person that would constitute a violation. Upon finding that such violation has occurred or is threatened to occur, the court may issue any order of abatement or action necessary to insure compliance with this division. The institution of an action for injunctive relief shall not relieve any party to the proceeding from any civil or criminal penalty prescribed herein.

J. *Revocation of permits.* Any permit issued pursuant to this division may be revoked by the Stormwater Administrator at any time for one (1) or more of the following reasons:

1. Failure to comply with an approved permit.
2. The discovery of false, incomplete, or erroneous information submitted as part of the permit application.
3. Failure to allow reasonable and timely access to the property for any and all inspections deemed by the city to be necessary to insure compliance with this division.
4. The discovery that a permit was mistakenly issued.

K. *Restoration.* Any person who violates any provision of this division, any order issued pursuant to this division, or any approved stormwater permit shall be, in addition to all other remedies, subject to site restoration. The Stormwater Administrator shall take into consideration the nature and extent of the violation, the impact upon the land, public health and safety and any other factors he deems necessary in determining whether or not restoration shall be required. If the Stormwater Administrator determines that restoration is required, the violator shall restore all land, water, and vegetation affected by the violation to its condition prior to the violation except that whenever the prior condition is unknown or disputed the Stormwater Administrator shall determine the extent of the restoration required. Whenever trees are removed in violation of this division, new trees or other landscaping shall be planted in the disturbed area. All replacement trees shall be native woodland species suited to the growing conditions of the planting area. In setting the time limits for restoration, the Stormwater Administrator shall take into account the quantity of work required, planting seasons, and the consequences of delay.

L. *Abatement.* Whenever a violation of this division for which a NOV has been sent remain uncorrected after the appeal rights of the violator have been forfeited or exhausted and such violation has been determined by the Stormwater Administrator to be dangerous or prejudicial to the public health, the city shall have the authority to remove, abate, or remedy the violation. The expense of this action including administrative costs shall be billed to the person in violation of

this division, and if not paid, shall be a lien upon the land or premises where the violation occurred and shall be collected as unpaid taxes.

M. *Continuing violations.* Each day of violation shall constitute a separate and distinct violation subject to any and all remedies set forth herein.

N. The listing of the foregoing remedies does not preclude the City from pursuing any and all rights and remedies available to it by law.

(Ord. of 9-13-04(4), § 1)

Sec. 16-37.8. Illegal discharge detection and elimination.

A. *Purposes.* This section is adopted for the purpose of:

1. Protecting the public health, safety and welfare by controlling the discharge of pollutants into the stormwater conveyance system;
2. Promoting activities directed toward the maintenance and improvement of surface and ground water quality;
3. Satisfying the requirements imposed upon the City under 15A NCAC 02B.0258 Tar-Pamlico River Basin--Nutrient Sensitive Waters Management Strategy: Basinwide Stormwater Requirement.
4. Establishing administration and enforcement procedures through which these purposes can be fulfilled.

The provisions of this regulation are supplemental to regulations administered by federal and state governments.

B. *Scope and exclusions.* This division shall apply within the city limits, with the following exclusions:

Federal, state and local governments, including their agencies, unless intergovernmental agreements have been established giving the city enforcement authority.

C. *Objectives.* The objective of this section is:

1. Regulate the discharge of substances which may contaminate or cause pollution of stormwater, stormwater conveyances, or waters of the state;
2. Regulate connections to the stormwater conveyance system;
3. Provide for the proper handling of spills; and

4. Provide for the enforcement of same.

D. *Discharges covered and exempted.* No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the water of the state, or upon the land in such proximity to the same (such that the substance is likely to reach a stormwater conveyance or the water of the state), any fluid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed provided that they do not significantly impact water quality:

1. Filter backwash and draining associated with swimming pools;
2. Filter backwash and draining associated with raw water intake screening and filtering devices;
3. Condensate from residential or commercial air conditioning;
4. Residential vehicle washing;
5. Flushing and hydrostatic testing water associated with utility distribution systems;
6. Discharges associated with emergency removal and treatment activities, for hazardous materials, authorized by the federal, state or local government on scene coordinator;
7. Uncontaminated ground water (including the collection or pumping of springs, wells, or rising ground water and ground water generated by well construction or other construction activities);
8. Collected infiltrated stormwater from foundation or footing drains;
9. Collected ground water and infiltrated stormwater from basement or crawl space pumps;
10. Irrigation water;
11. Street wash water;
12. Flows from fire fighting;
13. Discharges for the pumping or draining of natural watercourse or waterbodies;
14. Flushing and cleaning of stormwater conveyances with unmodified potable water;
15. Wash water from the cleaning of the exterior of buildings, including gutters, provided that the discharge does not pose an environmental or health threat; and

16. Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by DEM, and provided that any such discharges to the municipal separate storm sewer system shall also be authorized by the city.

E. *Discharges prohibited.* No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, pollutants, waters, or other substance containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. Examples of illegal discharges include, but shall not be limited to:

1. Dumping of oil, anti-freeze, paint or cleaning fluids;
2. Commercial car wash washwater;
3. Industrial discharges;
4. Contaminated fountain drains;
5. Cooling waters, unless no chemicals added and has valid NPDES permit;
6. Wash waters from commercial and industrial activities;
7. Chlorinated backwash and drainage associated with swimming pools;
8. Domestic wastewater;
9. Septic system effluent;
10. Washing machine discharges; and
11. Sanitary sewer discharges;

F. *Illegal connections.*

1. Connections to a stormwater conveyance or stormwater conveyance system which allows the discharge of non-stormwater, other than the exclusions described in section D. above, are unlawful. Prohibited connections include, but are not limited to: floor drains, wastewater from washing machines or sanitary sewer, wash water from commercial vehicle washing or steam cleaning, and waste water from septic system.
2. Where such connection exist in violation of existing ordinances and said connection was made prior to the adoption of this ordinance or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one (1) year following application of this regulation; provided that, this grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which possess immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.
3. Where it is determined that said connection:
 - a. May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate

injury and harm to real or personal property, natural resources, wildlife, or habitat; or

- b. Was made in violation of any applicable regulation ordinance; The City Manager or his designee shall designate the time within which the connection shall be removed. in setting the time limit for compliance, the city shall take into consideration:
 - 1) The quantity and complexity of the work.
 - 2) The consequences of delay.
 - 3) The potential harm to the environment, to the public health and to public and private property, and
 - 4) The cost of remedying the damage.

Permits are issued by the engineering department for connection to or modifications of storm sewers located in city owned rights-of-way.

G. *Spills.* Spills or leaks of polluting substances discharged to, or having the potential to be indirectly transported to the stormwater conveyance system, shall be contained, controlled, collected, and removed promptly. All affected areas shall be restored to their preexisting condition.

Persons associated with the spill or leak shall immediately notify the city fire chief or his designee of all spills or leaks of polluting substances. Notification shall not relieve any person of any expenses related to the restoration, loss, damage or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by state or other law.

H. *Removal abatement and prevention required.*

- 1. The City shall review each change of use, or other permits for land disturbing activity (where a stormwater permit application is not routinely required) for uses and/or activities known or suspected to have potential discharges prohibited by this division. In the event such uses and/or activities occur, the applicant shall be required to obtain a stormwater permit from the Stormwater Administrator. Such permit shall include any and all conditions necessary to prevent illegal discharges.
- 2. The City may adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S.
- 3. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of

prohibited materials or other wastes in to the stormwater collection system or watercourses through the use of structural and/or non-structural BMPs.

4. Any person responsible for a property or premise, which is, or may be, the source of illegal discharge, may be required by the City to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the stormwater collection system or watercourses. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. of 9-13-04(4), § 1)

Sec. 16-37.9. Civil penalties for illegal discharges and connections.

A. *Illegal discharges.* Any designer, engineer, contractor, agent, or any other person who allows, acts in concert, participates, directs, or assists directly or indirectly in the creation of a violation of this chapter shall be subject to civil penalties as follows:

1. For the first time offenders, if the quantity of the discharge is equal to or less than five (5) gallons and consists of domestic or household products in quantities considered ordinary for household purposes, said person can be assessed a civil penalty not to exceed one hundred dollars (\$100.00) per violation or per day for any continuing violations, and
2. If the quantity of the discharge is greater than five (5) gallons or contains non-domestic substances, including but not limited to process waste water or if said person cannot provide clean and convincing evidence of the volume and nature of the substance discharge said person can be assessed a civil penalty not to exceed one thousand dollars (\$1,000.00) per violation or per day for any continuing violation.

B. For repeat offenders, the amount of the penalty shall be double the amount assessed for the previous penalty, not to exceed ten thousand dollars (\$10,000.00) per violation or per day for any continuing violation.

C. In determining the amount of the penalty, the City Manager or his designee shall consider:

1. The degree and extent of harm to the environment, the public health, and public and private property;
2. The cost of remedying the damage;
3. The duration of the violation;

4. Whether the violation was willful;
5. The prior record of the person responsible for the violation in complying or failing to comply with this chapter;
6. The costs of enforcement to the public; and
7. The amount of money saved by the violator through his, her or its noncompliance.

D. *Illegal connections.* Any person found with an illegal connection in violation of this division and any designer, engineer, contractor, agent, or any other person who allows, acts in concert, participates, directs, or assists directly or indirectly in the establishment of an illicit connection in violation of this division, may be subject to civil penalties as follows:

1. First time offenders can be subject to a civil penalty not to exceed five hundred dollars (\$500.00) per day of continuing violation.
2. Repeat violators shall be subject to a civil penalty not to exceed one thousand dollars (\$1,000.00) per day of continuing violation.
3. In determining the amount of the penalty, the City Manager or his designee shall consider:
 - a. The degree and extent of harm to the environment, the public health, and public and private property;
 - b. The cost of remedying the damage;
 - c. The duration of the violation;
 - d. Whether the violation was willful;
 - e. The prior record of the person responsible for the violation in complying or failing to comply with this division;
 - f. The costs of enforcement to the public; and
 - g. The amount of money saved by the violator through his, her or its noncompliance.

E. *Procedures for assessing penalties pursuant to illegal connections.* Said penalties may be assessed by the City manager or his designee. No penalty shall be assessed until the person alleged to be in violation is served written notice of the violation by registered mail, certified mail-return receipt requested (addressed to the alleged violator's last known address), or personal service. Refusal to accept the notice shall not relieve the violator of the obligation to pay the penalty. The notice shall describe the violations with particularity and specify the measures

needed to come into compliance. The notice shall designate the time within which such measures must be completed. In setting the time limit for compliance the City shall take into consideration:

1. The quantity and complexity of the work;
2. The consequences of delay;
3. The potential harm to the environment, the public health and public and private property; and
4. The cost of remedying the damage.

The notice shall warn that failure to correct the violation within the specified time period can result in the assessment of a civil penalty and/or other enforcement action. If after the allotted time period has expired, and the violation has not been corrected, the penalty may be assessed from the date of receipt of NOV and each day of continuing violation thereafter shall constitute a separate violations under this section.

F. *Other violations.* Any person found in violation of other provision of this division not specifically enumerated elsewhere, may be subject to a civil penalty not to exceed one hundred dollars (\$100.00) per violation or per day for any continuing violation.

G. *Payment/collection procedures.* Penalties can be assessed by the City Manager or his designee. No penalty shall be assessed until the person alleged to be in violation is served written notice of the violation by registered mail, certified mail-return receipt requested (mailed to the last known address), or personal service. Refusal to accept the notice shall not relieve the violator of the obligation to pay the penalty. The City Manager or his designee shall therein make written demand for payment upon the person in violation. If the payment is not received or equitable settlement reached within thirty (30) days after demand for the payment is made, the matter may be referred to the City attorney for institution of a civil action in the name of the City, in the appropriate division of the general court of justice in the county for recovering the penalty.

H. *Injunctive relief.*

1. Whenever the City Manager has a reasonable cause to believe that any person is violating or threatening to violate this division rule, regulation, order duly adopted or issued pursuant to this chapter or making a connection to a stormwater conveyance or stormwater conveyance system other than in accordance with the terms, conditions, and provisions of approval, the City may, either before or after the institution of any other action or proceeding authorized by the Code, institute a civil action in the name of the City for injunctive relief to restrain and abate the violations or threatened violation.

2. The institution of an action for injunctive relief shall not relieve any party to such proceedings from any further civil or criminal penalty prescribed for violations of this Code.

I. *Criminal penalties.* Any person who knowingly or willfully violated any provision of this, rule, regulation, order duly adopted or issued pursuant to this chapter shall be guilty of a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not longer than thirty (30) days. Each violation shall be a separate offense. (Ord. of 9-13-04(4), § 1)”

Section 2: That a new fee shall be added to the Schedule of Fees (set forth in a Technical Ordinance of the City) reading as follows:

“Stormwater Management Permit Review Fee \$400.00”

Section 3. The foregoing Ordinance shall be in full force and effect from and after the date of its passage.

The foregoing Ordinance 12-10, 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 _____, 2012: 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. **.*

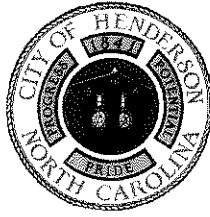
STATE OF NORTH CAROLINA
CITY OF HENDERSON

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 12—10*, An

Ordinance Amending The Stormwater Management Ordinance, 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 *** 2012.

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



Office of the City Clerk

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

Phone 252.430.5705 Fax 252.492.7935 E-mail emccrackin@ci.henderson.nc.us

www.ci.henderson.nc.us

8 February 2012

To: Mayor O'Geary
Council Members
City Manager Griffin

From: Esther McCrackin *emc*

Re: Continuation of Strategic Planning Retreat Discussion

The **Community Appearance** Discussion Item was not discussed at the Strategic Planning Retreat due to time constraints. This discussion item will be discussed during the 13 February meeting. Any other item you feel needs further discussion, or any new item should also be discussed at this time.

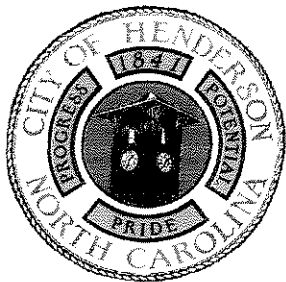
The next step will be amending the KSOs with the feedback received during both the Strategic Planning Retreat 26 January 2012 and this meeting.

It is anticipated a draft of the amendments will be presented to Council in March.

Meetings and Events Calendar

Date	Time	Event	Location
Feb 14 th	3:00 PM	Henderson Community Appearance Committee  Happy Valentines Day 	City Council Chambers
Feb 16 th	7:00 PM	Human Relations Commission	City Council Chambers
Feb 27 th	6:00 PM	City Council Meeting & Work Session	City Council Chambers
Mar 5 th	3:30 PM	Henderson Planning Board	City Council Chambers
Mar 6 th	3:30 PM	Henderson Zoning Board of Adjustment	City Council Chambers
Mar 7 th	8:00 AM	Clean Up Henderson	City Operations Center
Mar 12 th	5:00 PM	Library Board of Trustees	H. Leslie Perry Memorial Library
Mar 12 th	6:00 PM	Regular City Council Meeting	City Council Chambers
Mar 13 th	3:00 PM	Henderson Appearance Committee	City Council Chambers
Mar 15 th	7:00 PM	Human Relations Commission	City Council Chambers
Mar 26 th	6:00 PM	City Council Meeting & Work Session	City Council Chambers
Mar 30 th	10:00 AM	Henderson-Vance 911 Advisory Board	Emergency Operations Center
Apr 2 nd	3:30 PM	Henderson Planning Board	City Council Chambers
Apr 3 rd	3:30 PM	Henderson Zoning Board of Adjustment	City Council Chambers
Apr 4 th	8:00 AM	Clean up Henderson	City Operations Center
Apr 6 th		City Hall Closed for Good Friday	
Apr 9 th	6:00 PM	Regular City Council Meeting	City Council Chambers
Apr 10 th	3:00 PM	Henderson Appearance Committee	City Council Chambers
Apr 19 th	7:00 PM	Human Relations Commission	City Council Chambers
Apr 23 rd	6:00 PM	City Council Meeting & Work Session	City Council Chambers
May 1 st	3:30 PM	Henderson Zoning Board of Adjustment	City Council Chambers
May 2 nd	8:00 AM	Clean up Henderson	City Operations Center
May 7 th	3:30 PM	Henderson Planning Board	City Council Chambers
May 8 th	3:00 PM	Henderson Appearance Committee	City Council Chambers

Last Updated: 2/9/2012 4:40 PM



Henderson Fire Department

211 Dabney Drive
Henderson, North Carolina 27536
Phone: (252) 438-7315
Fax: (252) 438-1460

Daniel E. Wilkerson
Fire Chief

TO: RAY GRIFFIN, CITY MANAGER
FROM: DANIEL E. WILKERSON, FIRE CHIEF
DATE: FEBRUARY 2, 2012

FIRE SUPPRESSION AND RESCUE ACTIVITY REPORT FOR: January 2012

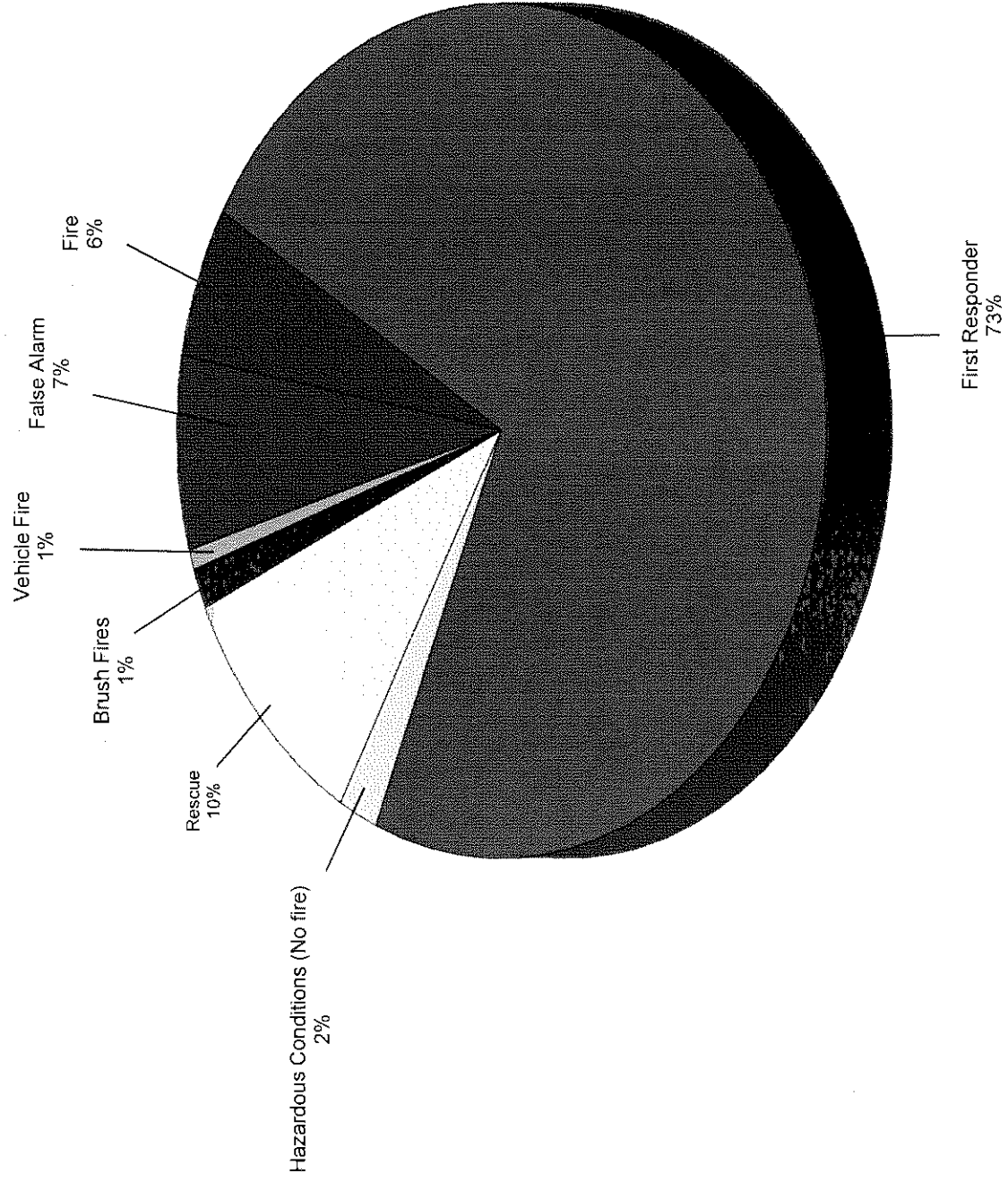
TYPE OF CALL	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
PRIVATE DWELLINGS (1 or 2 Family), Including Mobile Homes	5		5
APARTMENTS (3 or More Families)	3		3
HOTELS AND MOTELS	0		0
ALL OTHER RESIDENTIAL (Dormitories, Boarding Houses, Tents, etc.)	0		0
PUBLIC ASSEMBLY (Church, Restaurant, Clubs, etc.)	1		1
SCHOOLS AND COLLEGES	0		0
HEALTH CARE AND PENAL INSTITUTIONS (Hospitals, Nursing Homes, Prisons, etc.)	0		0
STORES AND OFFICES	1		1
INDUSTRY, UTILITY, DEFENSE, LABORATORIES, MANUFACTURING	0		0
STORAGE IN STRUCTURES (Barns, Vehicle storage Garages, General Storage, etc.)	0		0
OTHER STRUCTURES (Outbuildings, Bridges, etc.)	0		0
WORKING STRUCTURE FIRE	1		1
FIRES IN HIGHWAY VEHICLES (Autos, Trucks, Buses, etc.)	2		2
FIRES IN OTHER VEHICLES (Planes, Trains, Ships, Construction or Farm Vehicles)	0		0

FIRE OUTSIDE OF STRUCTURES WITH VALUE INVOLVED, BUT NOT VEHICLES (Outside Storage, Crops, Timber, etc.)	0		0
FIRES IN BRUSH, GRASS, WILD LAND (Excluding Crops and Timber) With No Value Involved	4		4
FIRES IN RUBBISH, INCLUDING DUMPSTERS (Outside structures), With No Value Involved	0		0
ALL OTHER FIRES	2		2
RESCUE	26		26
FIRST RESPONDER	189		189
FALSE ALARM RESPONSES (Malicious or Unintentional False Calls, Malfunctions, Bomb Scares)	19		19
MUTUAL AID OR ASSISTANCE RESPONSES	1		1
HAZARDOUS MATERIALS RESPONSES (Spills, Leaks, etc.)	2		2
OTHER HAZARDOUS RESPONSES (Arcing wires, Bomb Removal, Power Line Down, etc.)	3		3
ALL OTHER RESPONSES (Smoke Scares, Lock-Outs, Animal Rescues, etc.)	1		1
TOTALS	260	0	260

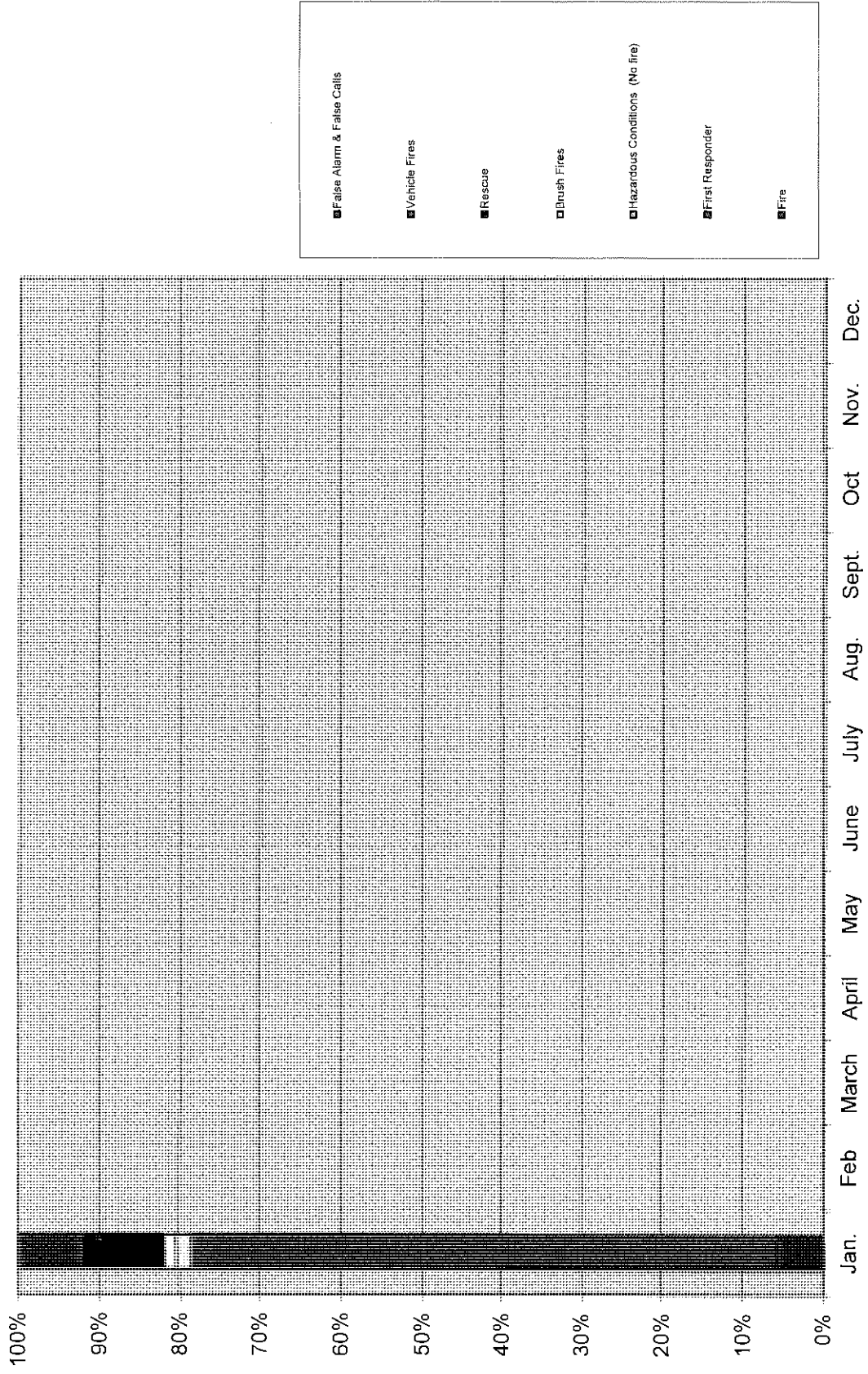
	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
Total Fire Incidents With Property and/or Contents Loss	3		3
Total of Property and Contents Value Saved	\$ 10,260.00		\$ 10,260.00

	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
FIRE CASUALTIES FIREFIGHTER-DEATH	0		0
FIRE CASUALTIES FIREFIGHTER - INJURIES	0		0
FIRE CASUALTIES CIVILIAN - DEATH	0		0
FIRE CASUALTIES CIVILIAN - INJURIES	0		0

Incident Summary For January 2012



YEAR TO DATE SUMMARY BY MONTH FOR 2012



INSPECTION ACTIVITIES REPORT FOR: January, 2012

INSPECTIONS	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
ASSEMBLY	3		3
BUSINESS	10		10
EDUCATIONAL	1		1
HAZARDOUS	0		0
INDUSTRIAL	1		1
INSTITUTIONAL	0		0
MERCANTILE	7		7
RESIDENTIAL	2		2
STORAGE	0		0
DAY CARE	1		1
HOME CARE	0		0
FOSTER CARE	1		1
VACANT	0		0
TOTALS	26	0	26

	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
CODE VIOLATIONS	24		24
FOLLOW UP INSPECTIONS	2		2

FIRE PREVENTION ACTIVITY REPORT FOR YEAR OF: January 2012

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	TOTALS
Service Calls to Residents	10												10
Smoke Alarms Installed	4												4
Batteries Installed in Smoke Alarms	6												6
Fire Extinguisher Classes	0												0
School / Daycare Presentations	3												3
Community / Civic Group Presentations	3												3
Station Tours	2												2
Total Participants in Fire & Life Safety Programs	200												200
Community / Business Displays	0												0
Child Safety Seat Clinics	0												0
Child Safety Seats Inspected	8												8
Child Safety Seats Distributed	2												2

MONTHLY CITATION REPORT FOR THE MONTH OF: JANUARY 2012

LOCATION	CURRENT MONTH FIRE LANE	CURRENT MONTH HANDICAPPED	LAST MONTH FIRE LANE	LAST MONTH HANDICAPPED	YEAR TO DATE
Cardinal Plaza					0
Compare Foods					0
Crossroads Shopping Center					0
Dabney Shopping Center					0
Dabney West Mall	1				1
Golden Corral					0
Guardian Care					0
Henderson Mall					0
Henderson Square					0
Lowe's					0
Maria Parham Hospital					0
Market Place					0
Northside Plaza					0
Oak St					0
Rose's Norlina Rd					0
Staples					0
Vance County Courthouse					0
Vance Medical Arts Bldg					0
Vance Square					0
Village Square					0
Wal Mart		4			4
Walgreens					0
TOTALS	1	4	0	0	5

TRAINING DIVISION PRODUCTIVITY - JANUARY 2012

Henderson Fire Department

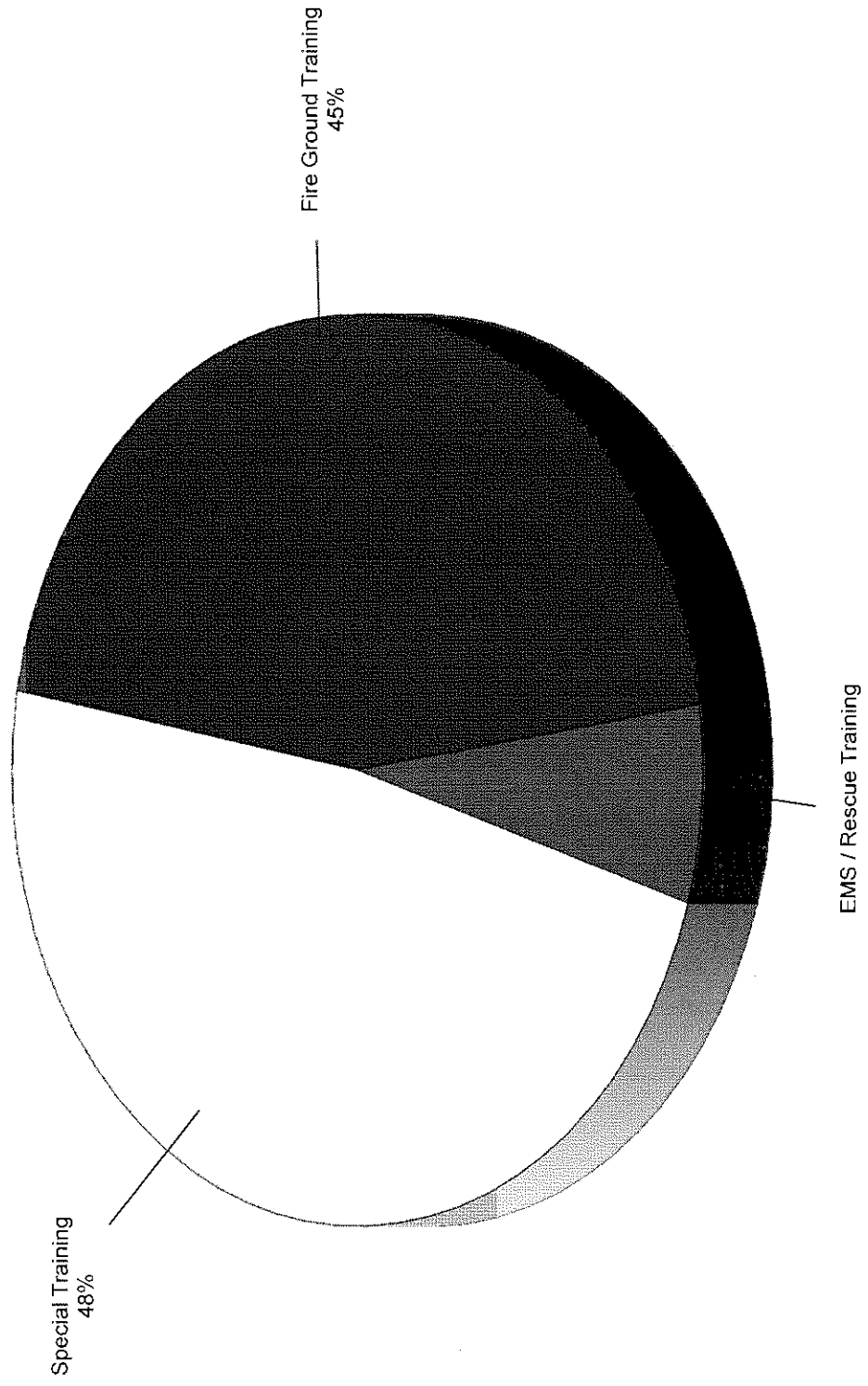
Types of Courses Taught	Course Hours Taught	Man-hours of Training
Fire Ground Training	89	743.5
EMS / Rescue Training	12	116
Special Training	38	796

Totals	139	1655.5
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	Course Hours Taught	Man-hours of Training
PREVIOUS MONTH TOTAL	125.5	1058

YEAR - TO - DATE TOTAL	139	1655.5
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Training Hours by Category - January 2012



Fire Department Regulatory Compliance

The Fire Department has met all regulatory compliance items for the month of January 2012

HENDERSON-VANCE COUNTY 911

NUMBER OF CALLS REPORT BY COMPLAINT (ALL UNITS)

TOTAL

5,365

TIME PERIOD: 12/21/2011 09:00:00 Through 1/20/2012 23:59:59

DEPARTMENT	COMMENT	TOTAL	COUNTY	CITY	STATE	OTHER
DATA WITH NO DEPARTMENT		194				194
AFTON VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	2	2			
AMERICAN RED CROSS	Other Dispatch	0				0
BEARPOND VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	55	55			
COKEBURY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	35	35			
CSX RAILROAD	Other Dispatch	0				0
DREWRY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	11	11			
EMBARQ	Other Dispatch	0				0
EPSOM VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	11	11			
HENDERSON FIRE DEPARTMENT-STA 1	City Dispatch	303		303		
HENDERSON FIRE DEPARTMENT-STA 2	City Dispatch	241		241		
HENDERSON POLICE DEPARTMENT	City Dispatch	2,424		2,424		
HENDERSON STREET DEPT	City Dispatch	4		4		
HENDERSON WATER DEPARTMENT	City Dispatch	17		17		
HICKSBORO VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	15	15			
KITTRELL VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	17	17			
NORTH CAROLINA DEPT OF PARKS	State Dispatch	0			0	
NORTH CAROLINA DEPT OF TRANSPORTATION	State Dispatch	8			8	
NORTH CAROLINA DIVISION OF MOTOR VEHICLES	State Dispatch	0			0	
NORTH CAROLINA FORESTRY SERVICE	State Dispatch	9			9	
NORTH CAROLINA MAGISTRATE OFFICE	State Dispatch	1			1	
NORTH CAROLINA MEDICAL EXAMINER	State Dispatch	1			1	
NORTH CAROLINA PROBATION & PAROLE	State Dispatch	0			0	
NORTH CAROLINA STATE HIGHWAY PATROL	State Dispatch	46			46	
NORTH CAROLINA UNDERWATER RECOVERY	Other Dispatch	1			1	
NORTH CAROLINA WILDLIFE	State Dispatch	3			3	
PROGRESS ENERGY	Other Dispatch	6				6
PUBLIC SERVICE GAS	Other Dispatch	0				0
RIDGEWAY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	1	1			
TOWNSVILLE VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	14	14			
VANCE COUNTY AMBULANCE SERVICE (EMS)	City & County Dispatch-actual	552	167	260		125
VANCE COUNTY ANIMAL CONTROL	County Dispatch	54	54			
VANCE CO DEPT OF SOCIAL SERVICES	County Dispatch	0	0			
VANCE COUNTY EMERGENCY MANAGEMENT	City & County Dispatch	6	6			
VANCE COUNTY FIRE DEPARTMENT	County Dispatch/FIRE	78	78			
VANCE COUNTY RESCUE SQUAD	County Dispatch	42	42			
VANCE COUNTY SHERIFF DEPARTMENT	County Dispatch	2,169	2,169			
WAKE ELECTRIC COOPERATIVE	Other Dispatch	0				0
WATKINS VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	21	21			
TOTALS		6,341	2,698	3,249	69	325

Signature: Carey D. Thompson
Prepared by: Carey D. Thompson

Signature: Brian K. Short
Reviewed by Brian K. Short, Director
02/01/2012

HENDERSON-VANCE CO 911

Number Of Calls Report by Department (All Units)

First Date: 12/21/2011

Jurisdiction: HEN-VAN

Last Date: 01/20/2012

	<i>Department</i>	<i>Number</i>
1	Data with no Department.	194
2	AFTO	2
3	BVFD	55
4	CVFD	35
5	DOT	8
6	DSS	1
7	DVFD	11
8	EM	6
9	EMS	552
10	EVFD	11
11	FOR	9
12	HFD1	303
13	HFD2	241
14	HPD	2424
15	HVFD	15
16	KVFD	17
17	ME	1
18	MO	1
19	NCUR	1
20	PE	6
21	RIDG	1
22	SHP	46
23	STRE	4
24	TVFD	14
25	VCAC	54
26	VCFD	78
27	VCR	42
28	VCSO	2169
29	WATE	17
30	WILD	3
31	WVFD	21

Total: 5365

A call with multiple Departments assigned will be counted in the group total for each of these Departments, therefore such calls will be counted more than once. For this reason, the total number of calls may not equal the sum of the group totals

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 12/21/2011

Last Date: 01/20/2012

Complaint		Number
911HU	911 HANG UP CALL	70
ABDOM-EMD	ABDOMINAL PAIN OR PROBLEMS	27
ACC-PD	ACCIDENT PROPERTY DAMAGE	73
ACC-PI	ACCIDENT PERSONAL INJURY	31
ALARM	ALARM RESIDENCE OR BUSINESS	220
ALARMFALSE	ALARM FALSE	121
ALARMMED	ALARM MEDICAL	12
ANIM	ANIMAL COMPLAINT/VISCIOUS ANIMAL	47
ARMED SUSP	ARMED SUSPECT (MAN WITH A GUN)	12
ARRE	ARREST	2
ASAG	ASSIST OTHER AGENCY	10
ASMO	ASSIST MOTORIST	73
ASSAULT-EMD	ASSAULT OR SEXUAL ASSAULT - IN PI	3
ASSAULT-EMD	ASSAULT OR SEXUAL ASSAULT	51
BACKPAIN-EMD	BACK PAIN (NON-TRAUMATIC)	5
BE MV	BREAKING AND ENTERING TO A MOTC	13
BON	BONDING	93
BONDSET	BOND SET	6
BREATH-EMD	BREATHING PROBLEMS	73
BURG-IP	BURGULARY/B&E IN PROGRESS	10
BURGLARY	BURGLARY	108
BURNS-EMD	BURNS (SCALDS) OR EXPLOSIONS (E	1
CAR	CARELESS AND RECKLESS DRIVER	29
CARDIAC-EMD	CARDIAC/RESPIRATORY ARREST OR I	7
CHASE	CHASE	3
CHESTPAI-EMD	CHEST PAIN	51
CHILD-ABU	CHILD ABUSE OR NEGLECT	2
CHOKING-EMD	CHOKING	4
CIVDIS	CIVIL DISPUTE	82
COMTHR	COMMUNICATING THREATS	4
CONTROLBURN	CONTROLLED BURN	2
CONVULS-EMD	CONVULSIONS / SEIZURES	27
DIABETIC-EMD	DIABETIC PROBLEMS	12
DIRTRF	DIRECTING TRAFFIC/TRAFFIC CONTRI	1
DISO	DISORDERLY PERSON	69
DOMESTIP/W	DOMESTICE DISPUTE - IN PROGRESS.	2
DOM-PROB	DOMESTIC PROBLEM	100
DRUGALC	DRUG OR ALCOHOL COMPLAINT	35
DRUNKDRIV	DRUNK DRIVER	2
DVO	DOMESTIC VIOLENCE ORDER	11
EMERG TRANS	EMERGENCY TRANSPORT	3
ESCO	ESCORT	217
EVICTON	EVICTON CARRIED OUT	31
EYE PROB-EMD	EYE PROBLEMS / INJURIES	1
FALLS-EMD	FALLS (SUBJECT FALLEN)	50
FIGHT	FIGHT	19
FIGHT-IP/W	FIGHT IN PROGRESS/W-WEAPONS	2
FIRE AL	FIRE ALARM	36
FIRE BRU	BRUSH/GRASS FIRE	16
FIRE CHIM	CHIMNEY FIRE	2
FIRE ELEC	ELECTRICAL FIRE	5
FIRE SMOKE	SMOKE REPORT	11

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 12/21/2011

Last Date: 01/20/2012

Complaint		Number
FIRE STRUC	STRUCTURE FIRE	13
FIRE TRANS	TRANSFORMER FIRE	2
FIRE VEHI	VEHICLE FIRE	5
FRAUD	FRAUD/FORGERY	25
FUELSPIII	FUEL SPILL	2
GASLEA	GAS LEAK	2
HARR	HARRASSMENT/THREATS	55
HEADACHE-EMD	HEADACHE	6
HEART-EMD	HEART PROBLEMS - AICD	7
HEMORR-EMD	HEMORRHAGE / LACERATION	22
HOMEINV	HOME INVASION	3
HRPD	HIT & RUN PD	27
ILL-DUMP	ILLEGAL DUMPING	57
INDEXPO	INDECENT EXPOSURE	2
INSPECTION	FIRE INSPECTION	23
INTPERS	INTOXICATED PERSON	22
INVE	INVESTIGATE ----- AT	678
IPV	IMPROPERLY PARKED VEHICLE	9
JUV	JUVENILE PROBLEMS	28
KIDN	KIDNAPPING/FELONIOUS RESTRAINT	1
LARCIP	LARCENY IN PROGRESS	4
LARC	LARCENY - ALREADY OCCURRED	151
LIVEST	LIVESTOCK IN ROADWAY	3
LOIT	LOITERING COMPLAIN	13
LOST	LOST PROPERTY	3
LOUD	LOUD MUSIC	58
MEDICAL	MEDICAL	1
MEN	MENTAL SUBJECT	51
MISS	MISSING PERSON	11
OPEN	OPEN DOOR/WINDOW	10
OVERDOSE-EMD	OVERDOSE / POISONING (INGESTION)	9
PDAMG	PROPERTY DAMAGE ALREADY OCCUR	84
PDMGIP	PROPERTY DAMAGE IN PROGRESS	1
PREGNANT-EMD	PREGNANCY/CHILDBIRTH/MISCARRIA	11
PROW	PROWLER	43
RECFPI	RECOVERED/FOUND PROPERTY	19
ROBARM	ROBBERY ARMED	9
ROBBERY	ROBBERY	3
ROBSA	ROBERY STRONG ARM	1
RUN	RUNAWAY	5
SHOP	SHOPLIFTER	31
SHOTS	SHOTS FIRED	130
SICK-EMD	SICK PERSON	96
STABBING-EMD	STABBING / GUNSHOT / PENETRATING	6
STOLV	STOLEN VEHICLE	15
STROKE-EMD	STROKE (CVA)	9
SUBINCUS	SUBJECT IN CUSTODY	29
SUMMONS	CIVIL / CRIMINAL SUMMONS	308
SUPSUB	SUSPICIOUS SUBJECT	127
SURR	SURRENDER	12
SUSVEH	SUSPICIOUS VEHICLE	127
TEST	TEST CALL	69

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 12/21/2011

Last Date: 01/20/2012

<i>Complaint</i>		<i>Number</i>
Traffic Stop	VEHICLE STOP	515
TRANSPORT	TRANSPORT	1
TRAUMA-EMD	TRAUMATIC INJURY (SPECIFY IN NARI	8
TREEDWN	TREE DOWN	3
TRES	TRESPASSING SUSPECT	111
UNAUTHVEH	UNAUTHORIZED USE VEHICLE	10
UNCONC-EMD	UNCONCIOUS / FAINTING OR NEAR	30
UNKNOWN-EMD	UNKNOWN PROBLEM (MAN DOWN)	6
WARRANT	WARRANT	328
WATER	WATER RELATED PROBLEM	17
WRIT	WRIT OF EXECUTION	1

Report Total: 5365



HENDERSON POLICE DEPARTMENT

January 2012 Monthly Report

Strength & Justice



Keith Sidwell

Chief of Police

Perry Twisdale

Operations Commander

Marcus Barrow

Services Commander



Our Mission Statement

Through a partnership between police and community, we are committed to providing residents and visitors to the City of Henderson with a safe environment and exemplary police service. We are dedicated to providing a quality work atmosphere and developing our team through effective, timely training and progressive leadership. Through positive interaction with our neighbors, we will work to protect all people and property in our community.

An Internationally Accredited Law Enforcement Agency

During the month of January 2012 the Operations Division responded to 2,160 calls. Of those calls 378 required incident reports and 135 arrest charges.



Captain Perry Twisdale
Operations Commander

Activity Report

Calls Dispatched:	2,160
Arrest Charges:	135
Citations Issued:	226
Alarm Calls:	76
Mental Patients:	13
Accidents:	71
Warrants Served:	104

Officers of the Operations Division began attending the In-Service Classes mandated by the State of North Carolina for all sworn law enforcement officers in January. Officers received training in Career Survival, Legal Update, Juvenile Minority Sensitivity Training and other topics for a total of 12 of the required 24 hours of training.

Captain P.L. Twisdale and Lieutenant G.L. Williams attended and spoke at the first Annual Rev. Martin Luther King, Jr. Youth Explosion held at the Henderson Middle School Auditorium on Saturday, January 14th.



The Officer of the Month for January is Wesley Strader from Patrol Section I.

Officer Strader has distinguished himself as a proactive contributor to the production of Patrol Section 1 and is deserving of Officer of the Month.

On January the 19, 2012 Officer Strader was dispatched to 727 Water Street in reference to a stolen water meter. Once on scene Strader was met by Reginald Johnson of the City of Henderson Water Department. Strader knocked on the door of the residence, no one came to the door. However, there was a Black Pontiac Bonneville backed up in the driveway and a GMC Truck located under a shed in the backyard which did not display a Registration Plate.

Officer Strader took the time to run both Vehicle Identification Numbers through the Henderson-Vance County 911 Center. Dispatchers at 911 informed Strader that both vehicles were reported stolen from Warren County. Officer Strader then made contact with Detective Vinson with the Warren County Sheriff Department.

Officer Strader worked with Detective Vinson in recovering the vehicles. Strader and Vinson then located one of the two (2) suspects in the theft of the vehicles and the utility theft and went together to locate the suspect. Arrested was Bobby Smith of 727 Water Street. Warrant services are pending on the other suspect, Maurice Townes.

Officer Strader was able to determine that the power to the residence at 727 Water Street was also being stolen and notified Progress Energy of the crime.

Officer Strader used basic law enforcement investigation steps in a utility larceny case which resulted in recovering two (2) stolen vehicles as well as making an arrest in both cases and identifying another suspect. For his following up on this case, Officer Strader has shown above average diligence. Officer Strader is an asset to the Henderson Police Department. During the month Officer Strader also completed (36) Incident Reports, and investigated (7) motor vehicle accidents, and answered (124) calls for services. He also had (50) assists for Calls for Service.



Lt. C.D. Ball
Investigations Commander

Activity Report

Cases Received:	57
Cases Suspended:	8
Cases Solved/Cleared:	1
Prior Cases Cleared:	35
Cases Unfounded:	1
Victims Contacted:	154
Witnesses Interviewed:	75
Pawn Shop Visited:	0
Warrants Obtained:	42
On-View Arrests:	0
Warrants Served:	4
Cases Reviewed w/DA:	33

Juvenile Investigations

Juvenile Investigations

Age Range	7-15
Students released-parents/guardian:	2
Neglect:	0
Larceny:	0
Property Damage:	0
Sexual Assaults:	1
Runaway:	1
Juvenile Petition:	4
Assault Child Abuse:	3
Weapon on School Ground:	1





Total Activity

Warrants Served:	2
Arrests:	6
Citations:	4
Warnings:	84
Accidents/Incidents:	5
Searches:	69
Traffic Stops:	100

Narcotics Unit

During the month of January 2012, members of the Henderson Police Department Narcotics Unit made several Felony and Misdemeanor arrest. Members also conducted surveillance on several complaint areas.

Total Activity

Felony Arrests:	7
Misdemeanor Arrest:	6
Warrants Served:	8
Heroin:	12 bindles / 9.6 grams raw
Marijuana Seized:	12.6 grams
Cocaine Seized:	4.4 grams
Recovered Property:	\$50.00
US Currency:	\$663.00
Weapons Seized:	1 - handgun
Search Warrants:	1



Several ongoing Federal cases pending and 1 Federal Warrant obtained.



Capt. Marcus Barrow
Services Commander

Total Activity

Staff Inspections Conducted:	0
Line Inspection Reports Received:	31
Radio/Vehicle Repair Requests:	6
Equip Repairs Completed:	4
Computer System Repairs/Updates:	0
Employment Applications Received:	1
Background Investigations Completed:	0
New Employees Hired:	0
Current Sworn Vacancies:	4
Current F/T Civilian Vacancy:	1
Current P/T Civilian Vacancy:	0

Grants:

The BJA 2012 is currently being utilized for projects specified for the Community Revitalization Initiative. The North Carolina Governor's Crime Commission Grant of 2012 was presented and accepted by the City Council and was recently submitted for approval by the State.

Community Policing

January 2012

Community Watch Meetings:	5
Displays and Group Presentations:	9
Other Meetings:	14
Business Security Surveys:	0
Residential Surveys:	0
Schools / Training Courses:	6



Lt. Irvin Robinson
Crime Prevention

Community Watch

Community Watch Meetings:

<u>Date</u>	<u>Group</u>	<u>Attendance</u>
01-09-12	Hick's Club	30
01-12-12	Sagefield	15
01-17-12	West Henderson	16
01-17-12	Foxborough Pine	04
01-26-12	Broddie Grove	10

Events

Special Olympics Basketball
Pinkston Street School Tour
Martin Luther King Event

We currently have 7 VIPs. The VIPs volunteered 210 hours for the month of January. The VIPs have been increasing patrol in the shopping centers and volunteering at the Senior Center on Garnett Street. They also attended mandatory meeting on January 17.



Counter - Act

Classes & Presentations

- L.B. Yancey
- Clarke Elementary School
- NC Crime Prevention Association
- Henderson/Vance Community Child Protection Team
- Henderson/Vance Safe Kids
- Crime Stoppers
- NC Special Olympics
- Henderson / Vance Community Watch Association
- Salvation Army Advisory Board
- Juvenile Crime Prevention Advisory Council

Nuisance/Junked Vehicle

January 2012



Vehicles checked	13	<i>(0 at last report)</i>
-- This represents the number of vehicles that an officer has checked on for compliance.		
Violation notices mailed	8	<i>(0 at last report)</i>
– This represents the number of instances that a notice was mailed to either a property owner or to the last registered vehicle owner.		
Brought into compliance/Ok	7	<i>(0 at last report)</i>
– This represents the number of instances that the property owner and/or the vehicle owner voluntarily brought an identified “vehicle in violation” into compliance, after being notified of a violation or no violation existed.		
Vehicles removed by owner	2	<i>(0 at last report)</i>
– This represents the number of instances that a property owner or vehicle owner removed the abandoned or junked vehicle from the property after receiving notice of the violation.		
Towed after notice	0	<i>(0 at last report)</i>
– This represents the number of instances that a vehicle was towed at the direction of the officer, after the violator(s) were given due notice.		
Pending follow-up	4	<i>(0 at last report)</i>
-- This represents the number of instances where the violation notice(s) were previously sent and follow-up action has yet to be completed.		
Stickers (pre-towing notice)	2	<i>(0 at last report)</i>
– This represents the number of instances where the officer(s) affixed a bright orange pre-towing notice sticker onto an abandoned vehicle.		
Post tow letters	0	<i>(0 at last report)</i>
– This represents the number instances that a post-towing notice was sent to the last known registered vehicle owner to let them know that the vehicle (for which they were the last known registered owner) has been towed.		
Complaints Pending	0	<i>(0 at last report)</i>
– This represents the total number of vehicles surveyed during identification efforts or citizen's complaints that an officer has not checked on for compliance.		

Activity

Items of Evidence Recovered:	160
Cocaine Seized:	36 gram
Marijuana Seized:	57.6 gram
Heroin:	40
U.S. Currency:	\$2,425.00
Firearms:	8
Prescription Pills:	4

