



AGENDA

Henderson City Council Regular Meeting

Monday, 10 September 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 Vernon L. Brown
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 August Mid-Year Retreat [See Notebook Tab 1]*
- b) 27 August 2012 Short Regular Meeting*
- c) 27 August 2012 Work Session*

VII. 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

VIII. NEW BUSINESS

- a) Consideration of Approval of Ordinance 12-65, An Amendment to the FY 2012-2013 Recreation Department Budget to Include Donations for Babe Ruth Softball Tournament Expenses, FY 12-13 Budget Amendment #11. (CAF 12-114) [See Notebook Tab 2]*
 - Ordinance 12-65
- b) Consideration of Approval of Ordinance 12-68, FY12-13 Budget Amendment #10 Appropriating Tap Fee from Vance County for Phases 2A and 2B to Rate Stabilization. (CAF 12-116) [See Notebook Tab 3]*
 - Ordinance 12-68
- c) Consideration of Approval of Resolution 12-79, Providing for the Disposition of Certain Jointly Held Properties by the City and County Otherwise Identified as 1) 434 Whitten Avenue; 2) 1029 North Garnett Street; and 3) 514 High Street. (CAF 12-121) [See Notebook Tab 4]*
 - Resolution 12-79
- d) Consideration of Approval of Resolution 12-75, Granting a Ninety (90) Day Extension to Allow the Owner of the Property Located at 301 Charles Street to Secure the Structure and Improve the Property. (CAF 12-A-106) [See Notebook Tab 5]*
 - Resolution 12-75
- e) Consideration of Approval of Resolution 12-76, Granting a Ninety (90) Day Extension to Allow the Owner of the Property Located at 309 Charles Street to Secure the Structure and Improve the Property. (CAF 12-A-107)[See Notebook Tab 6]*
 - Resolution 12-76

- f)* Consideration of Approval of Resolution 12-77, Granting a Ninety (90) Day Extension to Allow the Owner of the Property Located at 315 Charles Street to Secure the Structure and Improve the Property. (CAF 12-A-108)[See Notebook Tab 7]
- Resolution 12-77
- g)* Consideration of Approval of Resolution 12-78, Granting a Ninety (90) Day Extension to Allow the Owner of the Property Located at 318 Rowland Street to Secure the Structure and Improve the Property. (CAF 12-A-109)[See Notebook Tab 8]
- Resolution 12-78
- h)* Consideration of FY 13 Airport Funding. [See Notebook Tab 9]

X. CONSENT AGENDA

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

- a)* Consideration of Approval of Resolution 12-64, Approving the Submission of the Application of an Urban Progress Zone Designation. (CAF 12-93) [See Notebook Tab 10]
- Resolution 12-64
- b)* Consideration of Approval of Resolution 12-71, Authorizing the Execution of a Contract with Environmental Engineering & Technology (EE&T) for Engineering/Inspection Services in Conjunction with a State Revolving Fund Loan for the High Service Pump Replacement and New Warren County Meter Vault for the Regional Water System. (CAF 12-A-88) [See Notebook Tab 11]
- Resolution 12-71
- c)* Consideration of Approval of Resolution 12-05, Consideration of Declaring the Old First National Bank Building on Garnett Street as Surplus Property and Authorizing the Solicitation of Proposals from Realtors to Market and Sell said Building. (CAF 12-18) [See Notebook Tab 12]
- Resolution 12-05
- d)* Consideration of Approval of Ordinance 12-62, Approving Demolition of 587 Beckford Drive. (CAF 12-110) [See Notebook Tab 13]
- Ordinance 12-62

- e) Consideration of Approval of Ordinance 12-63, Approving Demolition of 707 Marshall Street. (CAF 12-111) [See Notebook Tab 14]

- Ordinance 12-63

- f) Consideration of Approval of Ordinance 12-64, Approving Demolition of 710 Marshall Street. (CAF 12-112) [See Notebook Tab 15]

- Ordinance 12-64

XI. 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

XII. REPORTS

- a) Mayor/Mayor Pro-Tem
- b) City Manager
 - i. Declaration of Surplus Property [See Notebook Tab 16]
- c) City Attorney
- d) City Clerk
 - i. Calendar Notes and Schedule Update [See Notebook Tab 17]
 - ii. Various Departmental Reports
 - Henderson Fire Department
 - Henderson-Vance County 911

XIV. ADJOURNMENT

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.

Team Building Retreat--*DRAFT*
Aycock Recreation Center
23 January 2012

PRESENT & STAFF PRESENT:

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

STAFF PRESENT

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

ABSENT

Council Member D. Michael Rainey.

WELCOME

Mayor O'Geary opened the Retreat at 8:20 a.m. by welcoming everyone and specifically welcomed back Becky Veazey to whom he turned the meeting over to with no further ado.

INTRODUCTIONS, REVIEW AND AGREE ON AGENDA, ROLE OF FACILITATOR, GROUND RULES.

Ms. Veazey said she was glad to be back and began the session by reviewing the ground rules which were: 1) Value (i.e., valid information, internal commitment and free, informed choice) and 2) Rule (i.e., share relevant information, test for inferences & assumptions, provide reasons for statement). She then reviewed her role.

With no questions, she then asked if anyone would like to make any adjustments to the agenda. There were no changes.

ROLES, RESPONSIBILITIES AND EXPECTATIONS

Ms. Veazey reminded Council that the Roles, Responsibilities and Expectations have been in place for five years and said it is important to review them periodically. She then asked Councilmembers to comment on a specific point(s) they felt were most important to them as listed under each section of these expectations. Ms. Veazey then asked for a Councilmember to begin the process by commenting on what he/she found most important under the *Council's Needs and Expectations of Other Council Members*.

Council's Needs and Expectations of Other Council Members

Councilmember Daeke began the process by saying he felt *being a good listener* is important, whether you agreed or not. Councilmember Peace-Jenkins felt being *open minded* is important as it often leads to other avenues, and less stiff-necked, stubborn attitudes. Councilmember Daye felt *not wanting glory* is important as Council works in one accord to be informed and up-to-date. Councilmember Inscoe felt *investigating the facts*, or as he said "the devil is in the details," is important for knowing as much information as possible to make an informed decision and Councilmember Coffey felt *being approachable* is important so citizens feel they are being heard. Councilmember Brown felt *focusing on what is best for the City* is most important and Council needs to consider the long-term issues. Mayor O'Geary said *working together* so citizens know decisions are made by the entire Council is important.

With no further comments on this segment, Ms. Veazey moved the focus to the next section which is...

City Council's Needs and Expectations of Mayor

Councilmember Inscoe said he felt the Mayor is *the best he can be* for both citizens and Council. He said Mayor O'Geary represents all people and he is proud to serve under the Mayor. Councilmember Daye said the Mayor *does what he can for ALL people*. Councilmember Peace-Jenkins sees the Mayor as the *cheerleader* and said the Mayor is a great cheerleader. Councilmember Coffey said the Mayor *shares his thoughts* but is not forceful in what he shares. Councilmember Brown said he appreciates the Mayor's *longevity and the pep in his step*.

Ms. Veazey then directed Council to the third section of the Roles, Responsibilities and Expectations by asking what attributes they see as most important.

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

Mayor O'Geary said *communication* is most important and stated the City Manager does this well. Councilmember Daeke said *confidence in staff* is important and said the City Manager hires, trains and supports the staff. Councilmember Peace-Jenkins said *taking time to listen* is important and finds the City Manager makes everyone feel important. Councilmember Daye

said *having an open door; being a good listener* is important. Councilmember Coffey said *being a good listener and handling difficult situations calmly* is important. She said the City Manager helps Council understand the unknown. Councilmember Inscoe felt *a positive approach and long-term vision* is important. He sees the Manager's job as guiding Council with seeing long-term needs and helping Council make the right decisions. He gave the example of the City Manager guiding Council in seeing the right decisions with expanding the regional water system which meant biting the bullet to not continue to put band aids on a decades old wastewater plant. Mr. Inscoe said as Council plans for the future there will be negative publicity but if this Council does not build today for the future, there will not be a successful future. Councilmember Brown felt *a long-term vision* is important. Mr. Brown likes people who make tough positive decisions and gave the City Manager permission to be open with Council Members if they are not living up to expectations. He asked who put this statement in the agreement and City Manager Griffin said it was a Council decision. Mr. Brown felt this was a strong, important part. Mayor O'Geary felt *confidence in staff* is important along with *being active in the community*. The Mayor said he has not seen anyone that has such full confidence in the staff

At this point, Councilmember Inscoe recognized the Department Heads for their part with the pre-planning and the expectations for the City's future. Specifically he thanked the Police Chief for his efforts in having new legislation passed regarding criminals; he highlighted the Fire Chief's creativity in obtaining resources for the department; Christy Lipscomb for her work at Regional Water; Tom Spain at the wastewater plant; he said Kathy Brafford should be wearing green for her improvements in the Finance department with the computer-based system to bring the department into the 21st Century and said others like Erris Dunston and Frank Frazier do a magnificent job. Mr. Inscoe did not want to take credit away from the manager but said all the staff is important.

City Manager Griffin thanked Mr. Inscoe for his comments and wholeheartedly echoed his comments. Mr. Griffin said before moving on he wanted to say that anything that has been done has been done as a result of the men and women around this table. He said the staff is the one in the trenches and then thanked Mr. Inscoe for recognizing them and said everyone working together makes a great support team. Councilmember Daye agreed and Mayor O'Geary said the current staff is the "best of the best."

With no other comments, Ms. Veazey moved the discussion to the next section of the Responsibilities.

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

City Manager Griffin mentioned *sharing concerns and working together* was most important and stressed discussing concerns prior to meetings led to understanding and less division during meetings. He also said sharing bad news was just as important as sharing the good news. Councilmember Coffey felt *approachable* (open-minded/open door policy) is important. Councilmember Brown said it is important not to forget the vows taken and the commitment to the community.

Ms. Veazey asked if Council wanted to add, remove or reword any portion of the roles. All the Councilmembers present were in agreement that no changes were needed and affirmed the Roles, Responsibilities and Expectations Agreement as approved at the January 2012 Strategic Planning Retreat.

City Manager Griffin thanked Ms. Veazey for introducing the Roles, Responsibilities and Expectations concept to the group as it has added value and cohesiveness to the group.

A short break was taken at this time.

TEAM BUILDING USING MBTI (MEYERS BRIGGS TYPE INDICATOR)

Following the break Ms. Veazey gave a short Meyers Briggs overview and asked Council and Department Heads to participate in several group exercises meant to help understand the differences in personality types. The first exercise was to divide the introverts into one group and the extroverts into another group ---both groups were to work together in describing where and how they would like to complete an important project. After a brief time the groups presented their preferences. As different groupings completed different exercises, it was evident different personality types work/respond differently. The exercises were successful and enjoyed by all. Ms. Veazey used these exercises to emphasize we need each other to function efficiently and effectively. A suggestion was made to use real job problems for this exercise at the next retreat.

At this time Ms. Veazey turned the meeting over to City Manager Griffin.

STRATEGIC PLANNING UPDATE

Mr. Griffin reminded everyone that this mid-year retreat was established during the January Strategic Retreat in anticipation of the possibility of several new Councilmembers. He reviewed the purpose of the Key Strategic Objectives (KSO's) and Action Plans (APs), and said no specific individual departmental presentations were planned; however, staff was present to respond to any questions Councilmembers might ask. He then summarized the status of each KSO/AP from 2009 to present explaining why/how a specific project was completed, on-going, stalled, or removed. Mr. Griffin then opened the floor to discuss any item on the Plan.

Councilmember Inscoe felt AP1-1, *Implementing Process Improvement* needed to be refined to establish a process for evaluation. Mr. Griffin said processes are reviewed periodically with changes being made as necessary.

Developing Annexation Plan (AP3-7) under KSO 3 (Economic Development) was briefly discussed and Mr. Griffin said it would be reviewed carefully as the State recently imposed new laws regarding this issue.

A brief discussion was held regarding the redundancy between items within KSO 3 and KSO 4. Several of these items will be combined.

At this point lunch arrived and the group broke for lunch.

(Clerk's Note: Councilmember Kearney arrived at approximately 11:45 a.m.)

At 12:35 p.m. the group reconvened and the first issue discussed was KSO 5 *Reliable Infrastructure*. Councilmember Inscoe felt a 5-year CIP for the General Fund will be important going forward. Mr. Griffin expressed concern that by requesting such a plan, staff will have certain expectations that their needs/requests will be met. Mr. Inscoe said he understood that but felt the plan would help Council during the budget process and saw it as a rolling plan for coming years. Mr. Griffin said McGill & Associates continue to update the existing utility CIP Plan and stated although the General Fund has no funds set aside for this, a plan would be compiled by department for review at the Strategic Planning meeting in January 2013. Councilmember Daeke agreed that a 5-year plan would be helpful.

Councilmember Inscoe said he was disappointed no media were in attendance as he felt the Mid-Year Report shows the excellent progress the City has made. He asked the City Manager to issue a press release so citizens would know what progress has been made, where the City is headed ---a general overview. Mr. Inscoe also suggested a flyer to let citizens know the costs of running the City and/or a State of the City meeting to educate the public. A discussion about the best media methods ensued. Councilmember Daeke asked about the proper time for a State of the City meeting and it was suggested late September/October.

Planning Director Erris Dunston felt media options needed to be reviewed as the traditional paper/radio are no longer seen as the main areas to receive news with the "young" generation. City Manager Griffin asked Ms. Dunston to form a committee and report back on their findings.

Fire Chief Wilkerson reminded Council that Ward meetings could be useful in "getting the word out" and also suggested Community Watch groups.

Councilmember Peace-Jenkins said citizens need to be bombarded for a long time before changes are recognized and accepted.

Discussion then turned to one-stop permits. Councilmember Inscoe said the current process is viewed as a stumbling block to many professionals wishing to relocate to the area and many find the process tedious. It was agreed the process needs improvement and the City Manager will follow up on possible solutions. Planning Director Dunston was asked to share the current permit packet with Councilmembers. Councilmember Inscoe summarized the discussion by saying economic development is the lifeblood of the community and this is one area of frustration which turns away businesses.

Before moving on, Facilitator Veazey asked for the consensus of Council on the State of the City report. Councilmember Peace-Jenkins felt this was a low priority at this time and Councilmember Kearney thought it was a good idea but should be put on the back burner. It was the consensus of Council to put this issue on the back burner for a time.

Councilmember Brown moved the discussion to the issue of sports tourism by asking why this has not been developed. Parks and Recreation Director Alan Gill explained the focus has been on completing the trail at Fox Pond Park and also time and funding constraints. Mr. Brown asked about the possibility of fishing tournaments/tennis tournaments/swim meets, etc. to bring in funding. Mr. Gill responded although it is not creating funds, the Rec Center has partnered with the YMCA to teach water safety to all 2nd graders in the school system.

Councilmember Coffey inquired about the possibility of teaching lifeguard training. She felt a lot of individuals would like to have this training and asked why a certification class would not bring in funding. Mr. Gill explained the Red Cross teaches this class for a flat fee and if the Center charged more, people would normally take the Red Cross class --- also because they are a nationally certifying organization but Mr. Gill said he would look into the possibility.

Councilmember Brown asked if the Parks and Recreation Center could partner with the YMCA for other events saying it is important to utilize the existing facilities at the Center.

Councilmember Peace-Jenkins asked about why AP1-3a *Develop Mandatory Recycling Plan/Revenues* was removed from the plan. City Manager Griffin said the City did not have the funds to implement mandatory recycling. He said the cost for recycling bins exceeded \$100,000 and said the issue would be revisited for FY14.

RETREAT CRITIQUE

No other issues were of concern at this time so Ms. Veazey asked if Council was ready to critique the Retreat.

Things that went well:

- Mid-year Retreat was concise and the format went well
- Enjoyed the exercises
- Most enjoyable of all the meetings
- Understanding Meyers Briggs helpful
- Staff thanked Council for working together

Things that can be improved:

- Participation/Involvement by Department Heads
- Mid-Year retreat in future for mid-course correction (on target budget wise)
- Would like to use Meyers Briggs for real on the job challenges
- Would like to hear about Department Head jobs
- Dress Code theme

A short discussion was held regarding the status of the budget. Mr. Griffin said the Finance Department is now working with real time revenue/expenditures which should reduce amendments to the budget. The goal of the Finance Department is to produce a quarterly report.

Speaking for several departments, Planning Director Dunston said they appreciate Council's openness and willingness to contribute to a solution regarding permits. Everyone looks forward to a resolution.

AJOURNMENT

Ms. Veazey thanked Council for allowing her to once again meet and facilitate the meeting and adjourned the meeting at approximately 2:30 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin, City Clerk

City Council Minutes--*DRAFT*

Regular Short Meeting

27 August 2012

PRESENT

Mayor James D. O'Geary, Presiding; and Council Members James C. Kearney, Sr., Sara M. Coffey, Michael C. Inscoe, D. Michael Rainey, Brenda G. Peace-Jenkins, Garry D. Daeke, Vernon L. Brown and George M. Daye.

ABSENT

None.

STAFF PRESENT

City Manager Ray Griffin, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Kathy Brafford, Engineering Director Peter Sokalski, Planning Director Erris Dunston, Kerr Lake Regional Water Director Christy Lipscomb, Code Compliance Director Corey Williams, Henderson Water Reclamation Facility Director Tom Spain, and Attorney Carolyn Burnett, representing City Attorney John Zollicoffer.

CALL TO ORDER

The 27 August 2012 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

The City Clerk 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.

Mayor O'Geary welcomed everyone and said he was glad to see so many in attendance.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin announced *G.S. §143-318.11(a)(3)*, an attorney-client matter would be added to the *Closed*

Session. Council Member Inscoe moved to accept the adjusted Agenda. Motion seconded by Council Member Daeke and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. City Clerk McCrackin asked for approval to amend the 25 June 2012 minutes to include Ordinance 12-41, *FY Budget Amendment #55, Establishing the Julia Avenue Phase II Project Budget*, which was approved during the 25 June meeting, along with Resolution 12-40 *Authorizing the Acceptance of Julia Avenue Phase II CDBG Project – City of Henderson Engineering Agreement and an Agreement with Appian Consulting Engineers for the Development of a Public Facilities Manual*. With that adjustment, Council Member Coffey moved the approval of the following minutes as presented: 13 August 2012 Regular Meeting. Motion seconded by Council Member Rainey and unanimously approved.

(Clerk's Note: Council Member Daeke moved the approval of Ordinance 12-41 on 25 June 2012. Motion seconded by Council Member Rainey and the ordinance was approved by the following vote: YES: Coffey, Rainey, Peace-Jenkins, Daeke, Daye and Kearney. NO: None. ABSTAIN: Inscoe. ABSENT: Davis. It was a failure to note this Ordinance in the 25 June minutes and a note has been made in the 25 June minutes of this amendment.)

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

The City Clerk advised the Mayor and Council Members that no citizen wished to speak on agenda matters.

NEW BUSINESS

Supporting the Vance County Comprehensive Transportation Maps Endorsing the One-Way Pair Concept for Dabney Drive and Corbitt Drive, While Recommending Additional Study of Design Details. *(Reference: CAF 12-A-73; Resolution 12-44)*

City Manager Griffin asked Planning Director Erris Dunston to introduce the representative from North Carolina Department of Transportation Planning Department (NCDOT) who will update Council on the plan. Ms. Dunston introduced Mr. Scott Walston who is here to present the most recent concept and to answer any questions.

Mr. Walston distributed a PowerPoint overview which showed a “needs” list and the sequence of events for the next 30 years. He said there is no promise that this concept will be built and stressed several times that this overview is only a concept. Mr. Walston recommended starting the process by approving the concept so preparations are in place when the appropriate time comes. He emphasized the design specifications would be addressed when the concept is approved. Vance County approved this concept on 6 August, and Mr. Walston will be presenting the concept to both Middleburg and Kittrell later this year.

Council Member Inscoe inquired how this concept fits with the widening of South Beckford Drive. City Manager Griffin said an update is scheduled for later in the meeting and offered to present the information at this time. Mr. Inscoe said he would wait.

There was some confusion when Mr. Walston said the plan included the use of the old railroad bed. City Manager clarified the railroad bed was the portion of the concept from Parham Road to Beckford Drive.

Council Member Inscoe asked if the wording issues from the last meeting had been clarified. The City Manager said since this is only a concept the issues were not pertinent at this time.

Mr. Walston concluded by pointing out that at this time there is no funding for the project but it is necessary to get this on the table so when funding is available the appropriate steps have been taken and then the details and design can be established.

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

Council Member Daeke moved the approval of Resolution 12-44, *Supporting the Vance County Comprehensive Transportation Maps Endorsing the One-Way Pair Concept for Dabney Drive and Corbitt Drive, While Recommending Additional Study of Design Details*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, and Brown. NO: None. ABSTAIN: None. ABSENT: Daye. (See Resolution Book 2, p. 337)

Establishing City Council Committee Appointments to the Fireman's Supplemental Retirement Committee and to the Boards and Commissions Committee. (Reference: CAF 12-113; Resolution 12-72)

City Manager Griffin asked City Clerk McCrackin to address Council. Ms. McCrackin said after submitting the recommendations for Council appointments in July, it was learned that the Fireman's Supplemental Retirement Committee required two (2) Council Members on that committee and a fourth Council Member was needed for the Boards and Commissions Committee. Mayor O'Geary would like approval of his recommendation of Council Member Coffey to the Retirement Committee and Council Member Peace-Jenkins to the Boards and Commissions Committee.

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

Council Member Daeke moved the approval of Resolution 12-72, *Establishing City Council Committee Appointments to the Fireman's Supplemental Retirement Committee and to the Boards and Commissions Committee*. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, and Kearney. NO: None. ABSTAIN: None. ABSENT: Daye. (See Resolution Book 3, p 39)

Minute Book 42

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PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk advised no citizen wished to address City Council on a non-agenda item.

REPORTS

- a) Mayor/Mayor Pro-Tem - (No Report)
- b) City Manager - (No Report)
- c) City Attorney - (No Report)
- d) City Clerk McCrackin – Ms. McCrackin reminded Council of the COG Banquet September 27th in Warrenton and the Ride-Around scheduled for September 13.

Council Member Daeke reminded everyone of the Franklin Granville Vance Smart Start Ducky Derby on September 29th.

Council Member Peace-Jenkins thanked those that came to the Saving Young Black Men Forum.

Before going into Closed Session, Mayor O'Geary asked if there was any other business. With no further discussion, Mayor O'Geary asked if Council was prepared to go into Closed Session and stated there would be a report following the session.

(Clerk's Note: Council Member Daye arrived at 6:29 p.m.)

CLOSED SESSION

Council Member Coffey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(4) for an Economic Development Matter, G.S. §143-318.11(a)(3), for an Attorney-Client matter, and G.S. §143-318.11(a)(6), for Personnel matters. Motion was seconded by Council Member Peace-Jenkins and unanimously approved.

Council Member Rainey moved for Council to convene in open session. Motion seconded by Council Member Kearney and unanimously approved.

An Authorizing Resolution by the Henderson City Council in Support of a North Carolina Building Restoration and Reuse Grant Program for Economic Development Prospect 12-3; ALB Hotels, LLC dba Henderson Hospitality LLC. *(Reference: CAF 12-83, Resolution 12-74; Ordinance 12-67).* City Manager Griffin announced the Henderson/Vance Economic Development Commission is requesting Council to consider approval of an incentive for a developer who has purchased the old Ambassador Inn. This incentive, through the Rural Center would provide for 35 jobs at an average salary of \$16,945, including health insurance. The grant also required no more than \$3,500 from the City. These dollars are available within the existing budget and it was suggested the agreement state these funds be held by the City until such time as the project has complied with all grant project requirements.

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

Council Member Rainey moved the approval of Resolution 12-74, *An Authorizing Resolution by the Henderson City Council in Support of a North Carolina Building Restoration and Reuse Grant Program for Economic Development Prospect 12-3; ALB Hotels, LLC dba Henderson Hospitality LLC*. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye, Kearney, and Coffey. NO: None: ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 43; Ordinance Book 8, p 485)

Mayor O'Geary asked if there was any other business. With no further discussion, Mayor O'Geary asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Daeke moved for adjournment. Motion seconded by Council Member Daye and unanimously approved. The meeting adjourned at 7:30 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin, City Clerk

City Council Minutes--*DRAFT*

Work Session

27 August 2012

PRESENT

Mayor James D. O'Geary, Presiding; and Council Members James C. Kearney, Sr., Sara M. Coffey, Michael C. Inscoe, D. Michael Rainey, Brenda Peace-Jenkins, Garry Daeke, Vernon L. Brown, and George M. Daye.

ABSENT

None.

STAFF PRESENT

City Manager Ray Griffin, City Clerk Esther McCrackin, Assistant City Manager Frank Frazier, Finance Director Kathy Brafford, Engineering Director Peter Sokalski, Planning Director Erris Dunston, Code Compliance Director Corey William, Henderson Water Reclamation Facility Director Tom Spain and Kerr Lake Regional Water Director Christy Lipscomb.

CALL TO ORDER

The 27 August 2012 Work Session of the Henderson City Council was called to order by Mayor James D. O'Geary at 7:31 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

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

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 and it was the consensus of Council to accept the Agenda as presented.

WORK SESSION ITEMS

Authorizing the Execution of a Contract with Environmental Engineering & Technology (EE&T) for Engineering/Inspection Services in Conjunction with a State Revolving Fund Loan for the High Service Pump Replacement and New Warren County Meter Vault for the Regional Water System. *(Reference: CAF 12-A-88; Resolution 12-71)*

City Manager Griffin asked Assistant City Manager Frazier to lead this discussion. Mr. Frazier reminded Council that at the last meeting the resolution for the high speed pump replacement was approved. He said this is part of the process and is also part of the 20MGD project. EE&T did the original design and staff requests approval of this contract to take the project to the next level. There was no discussion.

It was the consensus of Council to bring this matter forward to the next regular meeting.

Approving the Submission of the Application of an Urban Progress Zone Designation. *(Reference: CAF 12-93; Resolution 12-64)*

City Manager Griffin asked Planning Director Erris Dunston and Economic Development Commission Director Stuart Litvin to update Council on the Urban Progress Zone Designation. Ms. Dunston said this designation is an incentive for businesses to locate in low income areas. According to the State program criteria, Henderson qualifies as a Tier 1 County and Ms. Dunston said the zones meeting the criteria were identified from the 2010 census. Ms. Dunston recently spoke with State personnel to confirm areas abutting these zones may also be considered as part of the low income areas. There are three zones within Henderson that meet the criteria ---census tracts 960500, 960700 and 960900 within the City.

Mr. Litvin first thanked Council for their affirmation of the Rural Grant for Prospect 12-3 and went on to explain more about the Tier 1 program. He said the 2006 tax credit program, called Article 3J Credits, provides businesses with tax credits for creating jobs, investing in business property and investing in real property. Ultimately, a business could receive up to \$15,500 per job. Mr. Litvin said the program does not include retail businesses/

It was the consensus of Council to bring this matter forward to the next regular meeting.

Consideration of Approval of Ordinance 12-58, Approving Demolition of 301 Charles Street; Ordinance 12-59, Approving Demolition of 309 Charles Street; Ordinance 12-60, Approving Demolition of 315 Charles Street; and Ordinance 12-61, Approving Demolition of 318 Rowland Street. *(Reference: CAF 12-106; 12-107; 12-108 and 12-109)*

City Manager Griffin said these four properties are grouped together because they are all owned by the same individual. He then asked Code Compliance Director Corey Williams to address council regarding these demolition requests. Mr. Williams explained that these properties are all owned by Mr. Luis Medina and wife, Veronica who currently reside in Texas and directed

Council to the e-mail Mr. Medina sent on 23rd August. He said Mr. Jack Blackburn is representing Mr. Medina and asked Mr. Blackburn to present Mr. Medina's request.

Mr. Blackburn explained how Mr. Medina came to own these properties in 2005, and said that because of the turnaround in the housing situation soon after, Mr. Medina was unable to "flip" the property and has only been able to keep current with the mortgage payments. Mr. Blackburn said Mr. Medina is asking for a 90 day grace period so he can arrange for a short sale of the property. Mr. Carl Pike, from Triangle North Realty, also sent an e-mail stating he has inspected the properties and is willing to prepare a listing, depending on Council's decision.

Council Member Kearney asked how many properties were initially purchased and where the lending bank is located. Mr. Blackburn responded initially 6 houses and 1 vacant lot. Mr. Medina later purchased two more properties with structures. The New Republic Bank is currently located in Rocky Mount, NC.

Council Member Daeke asked about the timeframe and Mr. Blackburn responded 90 days. Mr. Blackburn went on to say Mr. Medina understood the situation and did not want the City to have to be responsible for demolition, thus needing time to sell. Mr. Blackburn said Mr. Medina is planning to remove the out-buildings on the properties.

Council Member Coffey asked if the Medina's had made any money from the properties and what it would cost to bring the properties up to code. She also asked if Mr. Medina would redo securing the buildings if broken into and whether Mr. Pike was confident he could sell the property. Mr. Blackburn said he thought a couple might have been rented for a short time. The cost to bring them up to code would be substantial, however, Mr. Medina knows he cannot continue to own and is willing to keep the grass cut and board up the buildings until they are sold. Mr. Blackburn said it would be Mr. Medina's responsibility to keep the buildings secure and he said he thought Mr. Pike had potential buyers.

Council Member Rainey asked about the cost of demolition. Mr. Williams said \$20,000 was a conservative figure.

Council Member Inscoe asked if the properties can be sold once the City approves demolition. City Manager Griffin said confirmation with the City Attorney would be necessary but he thought a bond could be placed up until a demolition contract is signed. Mr. Inscoe asked that Mr. Medina provide the city with a letter/document confirming his agreement to secure the buildings, mow grass, etc. be received prior to Council approving the 90 day extension. Mr. Blackburn felt Mr. Medina would be willing to do this.

Council Member Kearney questioned whether there was an option to have both timelines run concurrent (i.e., the 90 day extension and the City's next step in the demolition process). Mr. Williams said yes.

Council Member Brown asked for verification that Mr. Blackburn and Mr. Pike would not leave Mr. Medina stranded during the process. Mr. Blackburn said they would not.

Code Compliance Director specifically mentioned lis pendens had already been filed and that Mr. Medina is aware the process continues even with the extension. He also said code requires sealing the structures with boards placed into the window frames, etc. so it is well sealed and more difficult to vandalize. It was also verified the 90 day extension would begin with Council's approval at the September meeting.

With no further discussion, it was the consensus of Council to bring this matter forward to the next regular meeting.

Demolition of 587 Beckford Drive. *(Reference: CAF 12-110; Resolution 12-62)*

Code Compliance Director Corey Williams said the proper code enforcement process has been followed and no problems are foreseen with going forward with this demolition. There was no discussion.

It was the consensus of Council to bring this forward to the next regular meeting.

Demolition of 707 Marshall Street. *(Reference: CAF 12-111; Resolution 12-63)*

Code Compliance Director Corey Williams said heirs currently own this property which has been abandoned for a few years. He said proper enforcement procedures have been followed and no problems are foreseen. There was no discussion.

It was the consensus of Council to bring this forward to the next regular meeting.

Demolition of 710 Marshall Street. *(Reference: CAF 12-112; Resolution 12-64)*

Code Compliance Director Corey Williams said this property is currently owned by a finance company and although proper enforcement procedures have been followed, the finance company has not responded. There was no discussion.

It was the consensus of Council to bring this forward to the next regular meeting.

Consideration of Declaring the Old SNB Bank Building on Garnett Street as Surplus Property and Authorizing the Solicitation of Proposals from Realtors to Market and Sell said Building. *(Reference: CAF 12-18; Resolution 12-05)*

City Manager Griffin said the Land Planning Committee met on 22 August to discuss the disposition of the old bank building which continues to be vacant and deteriorating. The Committee unanimously recommends selling the property. Mr. Griffin also shared a 2007 appraisal which valued the property at \$60,000. Since that time the property has continued to deteriorate. He also said at one time this building was considered as an option for the High Speed Rail Station; however, the building is no longer considered for a station due to the location.

Council Member Daeke asked if individuals could be exempt if they expressed interest prior to the signing of a sales contract. Mr. Griffin said yes.

There was no further discussion and it was the consensus of Council to bring this forward to the next regular meeting.

Downtown Progress Energy Pole Replacements (*Reference: CM 12-12*)

City Manager Griffin asked Assistant City Manager Frazier to present this issue. Mr. Frazier said this is a project that has been in the works for some time and although it still needs work, it is appropriate to bring to Council for consideration at this time. Mr. Frazier said Mr. Gerial Proctor from Progress Energy will present the project.

Mr. Proctor said the existing poles in the downtown area of Henderson are approximately 75-80 years old and no longer meet code. It is the suggestion of the power company to replace the poles with decorative black poles which match/compliment the existing poles in the Embassy block. Mr. Proctor said there is no cost to the City for these replacements other than incidental costs (i.e., sidewalk repair and the like) and he did say the cost of lighting is slightly higher but it is anticipated there will be fewer light poles as the new lights will be LED lights. The poles will also be higher which may be an issue with second floor residential units. Another issue will be the need to shut off power at various times; however, Progress Energy will work on weekends and nights to limit the inconvenience.

Council Member Kearney inquired about the estimated \$25,000 construction costs to the City. Mr. Frazier responded that is a guesstimate for things like sidewalk repair and brick layout around the poles.

Council Member Rainey asked if the poles could be used for Christmas decorations. Mr. Proctor said yes.

Mr. Frazier said part of this project would involve the NCDOT raising traffic signals to the proper height and installing LED lights.

There were no further questions and this replacement project will be brought back to Council when it is ready to proceed which is anticipated to be sometime the beginning of the year.

City Manager Griffin thanked Mr. Proctor for all his work in finding a win-win situation.

Update on Henderson Water Reclamation Facility. Power Point Presentation. (*No Reference material*)

Assistant City Manager Frank Frazier, Henderson Water Reclamation Facility Director Tom Spain and McGill Associates Andy Lovingood presented an update on this project. Mr. Lovingood said there have been some changes since the last update --- items that will make the plant more cost efficient such as building new clarifiers rather than updating the old clarifiers

and re-aligning the plant structure so the waste will flow through 17 pumps one time rather than the current 41 pumps 3 times. After completing his presentation showing what the new plant will look like, he opened the floor for questions.

Council Member Inscoe asked how much horsepower reduction is anticipated. Mr. Lovingood said he could not provide specific information at this time but felt it would be significant. Mr. Spain said there will be significant reduction in the amount of chemicals used. Mr. Inscoe asked for verification that once complete, the plant will be a state-of-the-art generic facility. Mr. Lovingood said yes and reminded Council that the City will be well positioned for future new regulations.

Council Member Coffey asked if this is the first of its kind or if others exist. Mr. Lovingood mentioned several municipalities either in the process of or already using --- Hickory, Statesville, and Oxford.

Council Member Rainey asked about down time and Mr. Lovingood said none is expected and went on to say approximately 65,000 man hours are expected to complete the construction.

Mr. Lovingood said the next step in the process is requesting bids which should go out in September with the bid openings in October. Council Member Coffey asked about the bidding timeframe and Mr. Lovingood said because of the size of the project the bidding time may be extended.

Council was in agreement the project is moving forward in a timely manner.

Mayor O'Geary asked if there were any other items of business. There being none, he asked if Council was ready to adjourn.

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Daye and unanimously approved. The meeting adjourned at 8:47 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: 10 Sept 12 Short Meeting

30 August 2012

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

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

RE: CAF: 12-114

Consideration of Approval of Ordinance 12-65, An Amendment to the FY 2012-2013 Recreation Department Budget to Include Donations for Babe Ruth Softball Tournament Expenses, FY 13 Budget Amendment #11.

Ladies and Gentlemen:

Recommendation:

- Approval of Ordinance 12-65, An Amendment to the FY 2012-2013 Recreation Department Budget to Include Donations for Babe Ruth Softball Tournament Expenses, FY 13 Budget Amendment #11.

Executive Summary

FY 13 Budget Amendment #11 serves to amend the Recreation Department's budget within the General Fund created for the purpose of accounting for expenses of that department. Donations were made to the City of Henderson and designated for use in offsetting expenditures associated with the Babe Ruth Softball Tournament, which are paid from the Recreation Department's budget. These donations came from various donors and totaled \$5,890.

Enclosures

1. Ordinance 12-65

O R D I N A N C E 12-65

AN AMENDMENT TO THE FY 2012 – 2013 RECREATION DEPARTMENT BUDGET TO INCLUDE DONATIONS FOR BABE RUTH SOFTBALL TOURNAMENT EXPENSES- FY 13 BUDGET AMENDMENT #11

WHEREAS, the City Council of the City of Henderson (Council), on 14 June 2012, adopted its FY 12-13 Operating Budget; *and*

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating budget from time-to-time, and the reason for FY 12-13 Budget Amendment #11 is more fully articulated in **Attachment A** to this Ordinance.

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

Fund: 10: General			Ordinance 12-65			
			FY 12-13 Budget Amendment #11			
REVENUES			Approved	Current		
Department	Line Item	Code	1-Jul-12	Budget	Amendment	Revised
	Donations - Rec Dept	10-100-455040	\$ -	\$ -	\$ 5,890	\$ 5,890
			\$ -	\$ -	\$ -	\$ -
		Total	\$ -	\$ -	\$ 5,890	\$ 5,890
						\$ 5,890
EXPENDITURES			Approved	Current		
Department	Line Item	Code	1-Jul-12	Budget	Amendment	Revised
Recreation	Travel & Schools	10-620-501400	\$ 15,000	\$ 24,000	\$ 5,890	\$ 29,890
			\$ -	\$ -	\$ -	\$ -
		Total	\$ 15,000	\$ 24,000	\$ 5,890	\$ 29,890
						\$ 29,890
		<i>variance</i>			\$ -	
Reference:			Notes:			
CAF 12-114; Ordinance 12-65; BA #11; 10-Sept-2012			This budget amendment serves to amend the budget for the Recreation Department. The original approved budget of \$15,000 has been amended by interfund transfers totalling \$9,000. The expenses for the Babe Ruth Softball tournament were more than anticipated. \$5,890 of donations were received from patrons and were designated specifically for use in offsetting expenses of this tournament. This amendment budgets those donations and the corresponding expenses.			

The foregoing Ordinance 12-65, upon motion of Council Member ** and second by Council Member ***, and having been submitted to a roll call vote and received the following votes and was *** on this the 10 day of September 2012: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

*Reference: Minute Book 42 p. ***; CAF 12-114*

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 12—65 adopted by the Henderson, City Council in Regular Session on 10 September 2012 (*Minute Book 42 p.***). This Ordinance is recorded in *Ordinance Book 8*, p. ***.

Witness my hand and corporate seal of the City, this *** day of September 2012.

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

Attachment A
Ordinance 12—65
FY 12-13 Budget Ordinance Amendment #11
(Reference: CAF: 12-114)

This amendment serves to amend the operating budget created for the purpose of accounting for expenses associated with the Recreation Department. Additional funds in the form of donations have been received and designated for use in assisting with the expenses associated with the Babe Ruth Softball Tournament. These donations were from various donors and totaled \$5,890. They were used to assist with hotel costs and meals for the participants in the tournament.

Reviewed by: _____ Date: _____
Katherine C. Brafford, Finance Director

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

City Council Action Form

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



Agenda Item: _____

Council Meeting: 10 September 2012

27 August 2012

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

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

RE: CAF: 12-116

**Consideration of Approval of Ordinance 12-68, FY 12-13 Budget Amendment # 10
Appropriating Tap Fee from Vance County for Phases 2A & 2B to Rate
Stabilization**

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- KSO 5: Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems.
- KSO 8: Provide Sufficient Funds for Municipal Operations and Capital Outlay Necessary to Meet the Needs of Citizens, Customers and Mandates of Regulatory Authorities.

Recommendation:

- Approval of Ordinance 12-68, FY 12-13 Budget Amendment #10 Appropriating Tap Fee from Vance County for Phases 2A & 2B to Rate Stabilization

Executive Summary

The Water Sales Agreement between the City and County for Phases 2A & 2B, dated 23 July 2012, provided for the one-time payment of a \$140,000 general tap fee. (*See Attachment 2*) The check was received on 27 August. It is recommended the funds be allocated to the Water Plant Expansion Capital Reserve in a manner consistent with the Water Reservation Fee being received from the Granville County. An Ordinance providing for same is attached hereto for your consideration.

Additionally, the Ordinance provides for annual budget housekeeping for Fund 79: Rate Stabilization Capital Reserve. The fund houses reserves for both sewer plant and water plant expansion projects. The appropriation of funding established in FY11-12 but not expended, plus

any accrued interest, has now accrued to the Fund's designated fund balance. In order to keep these funds segregated over time, the process of appropriating forward into FY12-13 ensures for accurate budgeting and understanding where the reserve dollars are.

Enclosures:

1. Ordinance 12-68
2. Excerpt from Water Sales Agreement—Phases 2A & 2B
3. Copy of Check

ORDINANCE 12-68

**AN AMENDMENT TO THE FY 2012 – 2013
RATE STABILIZATION FUND BUDGET
TO INCLUDE A \$140,000 GENERAL TAP FEE FROM VANCE COUNTY
AND RE-APPROPRIATE UNSPENT FUNDS FROM THE PREVIOUS YEAR
FY 12-13 BUDGET AMENDMENT #10**

WHEREAS, the City Council of the City of Henderson (Council), on 14 June 2012, adopted its FY 12-13 Operating Budget; *and*

WHEREAS, on 26 March 2012, the Council voted to establish, maintain and grow a capital reserve rate stabilization fund to be used to offset debt service to be incurred by the City of Henderson for various utility projects, and to finance any water related expenses anticipated as a result of water sales agreements; *and*

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating and capital reserve budgets from time-to-time, said amendment incorporated in this Ordinance and being more fully articulated in **Attachment A**.

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

			Ordinance 12-68			
FUND: 79: Capital Reserve Rate Stabilization			FY 12-13 Budget Amendment #10			
79: Capital Reserve Rate Stabilization Fund Revenues			Original Budget	Current Budget	Amendment	Revised
<i>Department</i>	<i>Line Item</i>	<i>Code</i>				
641: 20 MGD Water	Water Reservation Fee-Granville	79-641-433418	\$ 951,100	\$ 951,100	\$ -	\$ 951,100
Plant Expansion						
	Tap Fee-Vance Cty Ph 2A & 2B	79-641-433460	\$ -	\$ -	\$ 140,000	\$ 140,000
	Investment Income	79-641-444010	\$ 10,000	\$ 10,000	\$ -	\$ 10,000
	Fund Balance Appropriated	79-641-491000	\$ -	\$ -	\$ 951,139	\$ 951,139
		641: Total	\$ 961,100	\$ 961,100	\$ 1,091,139	\$ 2,052,239
652: HWRF Upgrade	Trans Fr: 70 CR Utilities	79-652-461070	\$ 264,200	\$ 264,200	\$ -	\$ 264,200
	Investment Income	79-652-440010	\$ 1,000	\$ 1,000	\$ -	\$ 1,000
	Fund Balance Appropriated	79-652-491000	\$ -	\$ -	\$ 112,800	\$ 112,800
		652: Total	\$ 265,200	\$ 265,200	\$ 112,800	\$ 378,000
TOTAL FUND REVENUE SUMMARY						
	641: 20 MGD Water		\$ 961,100	\$ 961,100	\$ 1,091,139	\$ 2,052,239
	652: HWRF Upgrade		\$ 265,200	\$ 265,200	\$ 112,800	\$ 378,000
	Total Fund Revenues		\$ 1,226,300	\$ 1,226,300	\$ 1,203,939	\$ 2,430,239
79: Capital Reserve Rate Stabilization Fund Expenditures			Original Budget	Current Budget	Amendment	Revised
<i>Department</i>	<i>Line Item</i>	<i>Code</i>				
641: 20 MGD Water						
Plant Expansion	Rate Stabilization	79-641-535750	\$ 961,100	\$ 961,100	\$ 1,091,139	\$ 2,052,239
		641: Total	\$ 961,100	\$ 961,100	\$ 1,091,139	\$ 2,052,239
575: HWRF Upgrade	Rate Stabilization	79-652-535750	\$ 265,200	\$ 265,200	\$ 112,800	\$ 378,000
		652: Total	\$ 265,200	\$ 265,200	\$ 112,800	\$ 378,000
TOTAL FUND EXPENDITURE SUMMARY						
	641: 20 MGD Water		\$ 961,100	\$ 961,100	\$ 1,091,139	\$ 2,052,239
	652: HWRF Upgrade		\$ 265,200	\$ 265,200	\$ 112,800	\$ 378,000
	Total Fund Expenditures		\$ 1,226,300	\$ 1,226,300	\$ 1,203,939	\$ 2,430,239
	RECAP Fund 79					\$ -
	Total Revenues		\$ 1,226,300	\$ 1,226,300	\$ 1,203,939	\$ 2,430,239
	Total Expenditures		\$ 1,226,300	\$ 1,226,300	\$ 1,203,939	\$ 2,430,239
	Fund Variance		\$ -	\$ -	\$ -	\$ -
Reference:			Notes:			
CAF: 12-116; Ord 12-68; BA #10; 10-Sept-12			To budget the one-time payment of a \$140,000 general tap fee from Vance County per the Water Sales Agreement between the City and County for Phases 2A & 2B, dated 23 July 2012. This amendment will allocate these funds to the Water Plant Expansion Capital Reserve Fund. Additionally, to "re-appropriate" funds budgeted but not expended from FY 11-12, which will roll into fund balance once the fiscal year books are closed.			

The foregoing Ordinance 12-68, upon motion of Council Member ** and second by Council Member ***, and having been submitted to a roll call vote and received the following votes and was *** on this the 10 day of Sept 2012: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

*Reference: Minute Book 42 p. ***; CAF 12-116*

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 12-68 adopted by the Henderson, City Council in Regular Session on 10 Sept 2012 (*Minute Book 42 p.***). This Ordinance is recorded in *Ordinance Book 8*, p. ***.

Witness my hand and corporate seal of the City, this *** day of September 2012.

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

Attachment A
Ordinance 12—68
FY 12-13 Budget Ordinance Amendment #10
(Reference: CAF: 12-116)

This budget amendment serves to budget the one-time payment of a \$140,000 general tap fee from Vance County per the Water Sales Agreement between the City and County for Phases 2A & 2B, dated 23 July 2012. This amendment will allocate these funds to the Water Plant Expansion Capital Reserve Fund. Additionally, this amendment “re-appropriates” funds budgeted but not expended from FY 11-12, which will roll into fund balance once the fiscal year books are closed.

Reviewed by: _____ Date: _____
Katherine C. Brafford, Finance Director

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

2

water to its then existing customers and/or to fulfill the reasonably anticipated water needs of its other known or anticipated customers).

Provided, further that no water shall be resold or used (relative to each user) by Vance County or the District (or its assignee) unless a septic tank or sewerage disposal system is in place for treating the same relative to said respective ultimate customer and approved by the Vance County Health Department or the North Carolina State Board of Health or other governmental agency to which such authority for approval has been officially delegated.

- (11) Vance County has requested that the City of Henderson reserve a total of 175,000 gallons per day for Phase 2A and Phase 2B from the City of Henderson's water supply for the exclusive use of the District's proposed Phase 2A and Phase 2B water systems and for the District's re-sale to its customers served by said 2 Phases. In consideration of the reservation of said 175,000 gallons per day for Phase 2A and Phase 2B, Vance County agrees to pay the City of Henderson a water allocation reservation fee of \$1,750,000. This water reservation fee may be paid to Henderson in one lump sum or financed by Henderson over a period not to exceed forty (40) years (but no later than March 31, 2052) without interest, at the County's option. If financed over the full term (rather than any prepayment) equal annual periodic payments of \$43,750.00 would be due and payable to Henderson on the 31st day of July of each calendar year commencing July 31, 2013; provided, however that the last annual payment shall be due to the City on March 31, 2052. The County may pre-pay the water allocation fee in whole or in part at any time without penalty.

This reservation of 175,000 gallons of water per day shall only apply to Phase 2A and Phase 2B of the District's Water Systems. Any subsequent reservation for any subsequent Phase will be subject to negotiation.

➔ Moreover, in addition to the above allocation reservation fee, the County will pay to the City a General Tap Fee of \$140,000.00 (in consideration of the City maintaining the initial water rate of \$2.90 per 1000 gallons of water per day for said 175,000 gallons through March 31, 2015), said General Tap Fee to be for the ability of the County to tap the existing City transmission mains (to be done pursuant to the provisions of Paragraph 7) and is to all be due and payable in full by the County to the City upon the execution of this Agreement by the City and County. Provided however that upon receipt of a letter from the USDA that the funding for Phases 2A and 2B has been denied, the City will promptly refund the \$140,000.00 to the County. ➔

- (12) It is expressly agreed as a condition of this agreement (and as an integral part of the consideration of the same) that Vance County and the District will not, without the prior consent of the City of Henderson:

- (a) extend its average daily consumption to a total of more than 175,000 gallons a day for Phase 2A and Phase 2B, or

Resolution Book 3

Resolution 12-65: Page 8 of 14

EXCERPT FROM EXECUTED AGREEMENT: 23 July 2012

COUNTY OF VANCE — 122 YOUNG STREET, SUITE B — HENDERSON, NC 27536

Vendor: 2142 08/24/2012
CITY OF HENDERSON

Invoice Number: 08/24/12
Invoice Date: 08/24/2012
PO Number: 2142
Account Number: 233679

Invoice Amount: 140,000.00

GENERAL TAP FEE

233679

233679

ORIGINAL CHECK IS PRINTED ON CHEMICAL REACTIVE PAPER AND HAS MICRO PRINTING IN THE SIGNATURE LINE

140,000.00

COUNTY OF VANCE
FINANCE OFFICE
VANCE COUNTY ADMIN. BLDG., SUITE B
122 YOUNG STREET, HENDERSON, NC 27536
(252) 738-2001

VANCE COUNTY CONSOLIDATED ACCOUNT
THIS DISBURSEMENT HAS BEEN APPROVED AS REQUIRED BY
THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT

BR&T
BRANCH 84
HENDERSON, NORTH CAROLINA 27536

88-112
531

233679

233679

VOID AFTER 60 DAYS

DATE: 08/24/2012

AMOUNT: *****140,000.00

PAY TO THE ORDER OF: ONE HUNDRED FORTY THOUSAND AND XX / 100

CITY OF HENDERSON
P O BOX 1434
HENDERSON, NC 27536

TO THE ORDER OF: *James E. Anderson*

FINANCE OFFICER: *James E. Anderson*

#3

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430-5701



Agenda Item: _____

Council Meeting: 10 Sept 2012 Regular Meeting

6 September 2012

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

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

RE: CAF: 12-121

Consideration of Approval of Resolution 12-79, Providing for the Disposition of Certain Jointly Held Properties by the City and County Otherwise Identified as 1) 434 Whitten Avenue; 2) 1029 North Garnett Street; and 3) 514 High Street

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- KSO 4: Improve Condition of the Housing Stock – *To improve the condition of and expansion of the Housing Stock. Action Plan 4-2 Redevelopment: to actively pursue the redevelopment of traditional residential neighborhoods and the adaptive reuse of commercial and business properties*

Recommendation

- Approval of Resolution 12-79, Providing for the Disposition of Certain Jointly Held Properties by the City and County Otherwise Identified as 1) 434 Whitten Avenue; 2) 1029 North Garnett Street; and 3) 514 High Street

Executive Summary

The City and County administrations are currently working on a draft inter-local agreement for the governing bodies to consider. The agreement would deal with jointly owned properties obtained through the tax foreclosure process. In the interim, there is interest from the private sector to purchase three such lots as noted in the Resolution. It is requested Council approve the transfer of these three properties to Vance County with the understanding upon their sale, the proceeds will be shared on a pro-rata basis based on the amount of taxes owed to the City and County. The agreement that provided for the disposition of the Armory and First National Bank buildings would be used as the model for the draft agreement.

According to Tax Collector Brooks, there were no City liens for demolition or grass cutting on these three properties. The taxes owed at the time of foreclosure were as follows:

- 434 Whitten Ave; \$1,920
- 1029 N. Garnett St.; \$12,080
- 514 High St.; \$2,995

Enclosures:

1. Resolution 12-79
2. Email from Tax Collector Brooks, 6 Sept 12

RESOLUTION 12—79

A RESOLUTION PROVIDING FOR THE DISPOSITION OF CERTAIN JOINTLY HELD PROPERTIES BY THE CITY AND COUNTY OTHERWISE IDENTIFIED AS 1) 434 WHITTEN AVENUE; 2) 1029 NORTH GARNETT STREET; AND 3) 514 HIGH STREET

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 one KSO as follows: KSO 4: To Improve the Condition of the Housing Stock, Action Plan 4-2, Redevelopment; *and*

WHEREAS, the City of Henderson (City) and County of Vance (County) have previously discussed the possibility of disposing jointly owned properties acquired through the tax foreclosure process; *and*

WHEREAS, the processes to dispose of jointly held properties is cumbersome; *and*

WHEREAS, there are potential buyers for each of the previously mentioned properties and both the County and City administrations believe it appropriate for the City to transfer its interest in said properties to the County in order that they might be more expeditiously sold; *and*

WHEREAS, once sold, the City would receive its pro-rata share of the proceeds from the County.

NOW THEREFORE BE IT RESOLVED by the Henderson City Council that it does hereby authorize the following:

1. The City Attorney to work with the County Attorney to expeditiously prepare the necessary agreements and documents to effect the transfer of the aforementioned properties from the City of Henderson to the County of Vance; *and*
2. Said transfer of interests in property is predicated upon and conditioned by the appropriate pro-rata division of any net proceeds from the eventual sale of said properties, either individually or collectively, between the City and County.

3. The Mayor is authorized to sign any such agreements and documentation as prepared and approved by the City Attorney to effect the transfer of said properties to the County of Vance.

The foregoing Resolution 12-79, 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 10th day of September 2012: YES: . NO: . ABSTAIN: . ABSENT: Coffey,.

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. ***

Griffin, Ray

To: Porcha Brooks
Subject: RE: City/County owned property

A. Ray Griffin, Jr.
City Manager



City of Henderson, NC
P. O. Box 1434
134 Rose Avenue
Henderson, NC 27536
252-430-5700
www.ci.henderson.nc.us

From: Porcha Brooks [<mailto:pbrooks@vancecounty.org>]
Sent: Thursday, September 06, 2012 9:51 AM
To: Griffin, Ray
Subject: City/County owned property

Good morning Mr. Griffin,
Below are the properties that we have had taxpayers inquiring about. They would like to place a bid to purchase the property. There were not any liens (demolition, lot or weeded) on any of these properties. ~~\$1,920~~

1. 0098 04002 434 Whitten Ave.
Currently Carolyn Hargrove is living in the house. She has given us a \$1,000.00 deposit. Yesterday I thought the deposit was 5% of her bid, but when I look at her bid sheet she was putting down 20%, so her total bid is \$5,000.00 on the property. ~~\$1,920~~

2. 0074 03004 1029 N. Garnett St. (Tip Top) ~~\$12,080~~

3. 0008 01033 514 High St. While we were meeting yesterday a couple called inquiring about this property. They would like to purchase it for rental property. Can we add this one because they are really pushing to purchase it. They wanted a time frame when we would be ready to put it up for bid. I told them I would call back with more information. If Council grant the other two, can they also grant this one? ~~\$2,995~~

Let me know if you need any other information.

Thanks,
Porcha C. Brooks
pbrooks@vancecounty.org
252-738-2041

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430-5701



Agenda Item: _____

Council Meeting: 10 Sept., 2012 Reg. Meeting

5 September 2012

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

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

RE: **CAF: 12-A-106**
Consideration of Approval of Resolution 12-75, Granting a Ninety (90) Day Extension to Allow the Owner of the Property Located at 301 Charles Street to Secure the Structure and Improve the Property.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

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

Recommendation

- Approval of Resolution 12-75, Granting a Ninety (90) Day Extension to Allow the Owner of the Property Located at 301 Charles Street to Secure the Structure and Improve the Property.

Executive Summary

Luis Medina and wife, Veronica Medina are the owners of 301 Charles Street. They are requesting an extension to secure the structures, improve the appearance of the property, and delay the approval of the demolition ordinances. The ninety (90) day extension is expected to give the owners enough time to secure structures and abate the property. During this extension period, the property is expected to sell to an investor that can repair or demolish the structures and bring them into compliance with the City Code and other applicable codes that may apply. The resolution and Stay Agreement attached affirms the extension and delay of approval of the demolition ordinances with additional abatement timeline. The purpose of the delay for approval of demolition ordinances is because when a demolition ordinance has been approved by the City Council, it may prevent an investor or bank from funding an

CAF 12-A-106: 10 September 2012

Page 1 of 13

investment/project such as this. Therefore, the preference of the City Council, on 27 August 2012 during the Work Session, is to allow a ninety (90) day extension and delay approval of demolition ordinances.

Enclosures:

1. Resolution 12-75
2. Ordinance 12-58
3. Pictures of Structures

RESOLUTION 12-75

A RESOLUTION GRANTING A 90 DAY EXTENSION TO ALLOW THE OWNER OF THE PROPERTY LOCATED AT 301 CHARLES STREET TO SECURE THE STRUCTURE AND IMPROVE THE PROPERTY

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 the Key Strategic Objectives as follows: **KSO 4 (Action Plan 4-1):** Improve housing stock by aggressive code enforcement; *and*

WHEREAS, the property of 301 Charles Street is deteriorated or dilapidated and creating blight for the neighborhood where vagrants are entering the structures and creating conditions of a fire hazard; *and*

WHEREAS, the conditions of the above dwelling and property are in violation of the City Codes Chapter 21 Minimum Housing, Chapter 21-A Abandoned Structure, Chapter 23 Weeds, and other applicable codes *and*

WHEREAS, the owners have requested an extension to secure the structures, improve the appearance of the property, and delay the approval of the demolition ordinances from the City Council. The owners are proposing to maintain the lawns; re-secure the units, remove the burnt sheds behind the properties, and commit to repairing or demolishing the property/structure in accordance with the City Code and other applicable codes that may apply.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE an extension of ninety (90) days and will delay the approval of Ordinance 12-58 under the condition that the owners will do each of the following terms:

- a. Maintain the lawns and remove any trash or debris two (2) times within a month,
- b. Re-secure all windows and doors, preventing vagrants from entering the structures, with boards that are cut to fit the opening and paint all boards within the first 30 days.
- c. Remove burnt sheds behind the property within the first forty-five (45) days
- d. Commit to seeing that the property is completely repaired or demolished within ninety (90) days as set forth in the attached Agreement, being more fully articulated in **Attachment A** to this Resolution.

On December 10, 2012, the ninety (90) day extension will expire and the City Council will revisit the approval of Ordinance 12-58.

The foregoing Resolution 12-75, 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_, pp. **, CAF 12-A-106*

STATE OF NORTH CAROLINA

COUNTY OF VANCE

AGREEMENT TO STAY
ENFORCEMENT OF MINIMUM
HOUSING CODE AND/OR
ABANDONED STRUCTURES
ORDINANCE

Vance County Tax Parcel 0073 04004

THIS AGREEMENT, made and entered into this the **10th** day of **September** 2012 by and between the City of Henderson, North Carolina, a municipal corporation ("City") and

Luis Medine and Veronica Medina, (with a mailing address of 309 Fritz Way; Cibolo, Texas 78108) ("Owners")

WITNESSETH:

WHEREAS, the Owners own certain property, and the improvements thereon, located at **301 Charles Street**, Henderson, North Carolina, and more particularly described in the deed recorded in Deed Book **1103** Page **482** of the Vance County Registry ("the Property"); and

WHEREAS, the City of Henderson has determined that the Property is in violation of the Minimum Housing Ordinance and the Abandoned Structures Ordinance of the City of Henderson, Chapters 21 and 21A, respectively, of the City Code, and has ordered the Owners of the Property to vacate and close the Property and repair or demolish the Property to bring it into compliance with the respective City Code; and

WHEREAS, the Owners are in the process of obtaining methods for the improvement of the Property and have requested the City to stay the enforcement of proceedings under the Minimum Housing Code or Abandoned Structure Ordinance to facilitate the rehabilitation of the Property; and

WHEREAS, the Owners hereby commit to rehabilitating the above property so that it will fully comply with the applicable City Code provisions; and

WHEREAS, the City is willing to agree to stay enforcement of demolition proceedings under the City Codes subject to the Owners' Agreement to proceed with the rehabilitation of the Property in accordance with the Agreement attached.

NOW, THEREFORE, for and in consideration of the premises and the mutual terms and conditions herein set forth the parties do hereby agree as follows:

1. The Owners agree to take all action necessary to commence the rehabilitation of the Property within forty (40) days from the date of this agreement. After commencement of the work the Owners agree to proceed in a timely and expeditious manner to bring

the Property into substantial compliance with the City's Codes by **December 10, 2012**, in accordance with the following schedule:

- a. Maintain the lawns and remove any trash or debris two (2) times within a month hereafter, and
- b. Re-secure all windows and doors, preventing vagrants from entering the structures, with boards that are cut to fit the opening and paint all boards within the first 30 days hereafter, and
- c. Remove burnt sheds behind the properties within the first forty-five (45) days hereafter, and
- d. Within the first forty **(40)** days, the Owners shall repair/replace all defective existing foundation (piers, sills, guides), clean and remove any debris and public nuisances (trash, overgrowth) on the Property as required (*according to Code Compliance Department specification*) and
- e. Within fifty **(50)** days hereafter, the Owners shall complete repair of all defective roof framing, roof sheathing and felt, flashing, boxing, fascias, permanent roof and chimney; and
- f. Within sixty **(60)** days hereafter, the Owners shall complete all required repairs to the outside windows and doors, siding and/or brick veneer, porches, exterior trim and exterior paint (prime);
- g. Within seventy **(70)** days hereafter, the Owners shall complete any required rough-in plumbing, rough in wiring, rough-in heating/cooling ductwork
- h. Within eighty **(80)** days hereafter, the Owners shall complete all required repairs to the insulation (floors, walls & ceilings) interior walls, floors and ceilings (sheetrock/paneling impervious flooring in kitchen and bath room areas), interior paint (prime);
- i. By **December 10, 2012** (ninety **(90)** after the date of this Agreement), the Owners shall complete all required repairs to the bathroom finishes, plumbing (baths and kitchen), water heater, interior paint (including fixtures & trim) and exterior paint. (Accessory building has no plumbing or electricity.)

The Owners shall obtain all necessary permits for the work and complete the work in accordance with all applicable federal, state and local laws, ordinances and regulations.

2. So long as the Owners are in compliance with this Agreement, the City agrees to stay and forbear from any further enforcement proceedings under the Minimum Housing Code and/ Abandoned Structures Ordinance or under that Ordinance 12-58. Upon the Owners' compliance with all of the requirements of the applicable code, the City

Manager shall recommend to the City Council that such Ordinance 12-58 be tabled or repealed in its entirety.

3. The Owners specifically understand and agree that the failure to meet any of the compliance deadlines in the Agreement shall be cause for the City to continue with proceedings under the Minimum Housing Code and/or Abandoned Structures Ordinance, as appropriate. In the event that the Owners fail to meet such deadlines, and the City thereafter determines that it is desirable to take additional action under the City's Codes, the City agrees to provide written notice of such determination to any Owner's lender (as indicated in the records on file in the Vance County Registry). The lender shall have thirty (30) days after the receipt of such notice to provide written notice to the City of the lender's intention to commence foreclosure of the Property and/or cure the failure. After receipt of such written notice, the City shall allow the lender a reasonable time to complete the foreclosure of the Property and/or cure the failure prior to the continuance of proceedings under the City's Codes.
4. In the event the Owners (and any lender) fail to meet any compliance deadlines in this Agreement the Owners do hereby agree for herself/himself and her/his successors and assigns to accept service of any notices, complaints and orders under the Minimum Housing Code and/or Abandoned Structures Ordinance by first-class mail. The Owners hereby waive any requirements for service as set forth in G.S. 160A-445 and in the Henderson City Code. Also in such event, the City Council can proceed (without further process) with the consideration and/or passage of Ordinance 12-58 relative to the demolition of the structure located on the above property (after mailing notice to the Owners at the Owners' last known address at least 10 days before the Ordinance is again to be considered by the City Council).
5. Owners further agree and hereby permit the Code Compliance Officer/Housing Inspectors for the City of Henderson to enter upon the Property at reasonable times for the purposes of inspecting the work and condition of the Property until such time as the Property is brought into compliance with all City Codes and Ordinances.
6. The Owners agree that the promises and assurances made by the City in this agreement constitute good and sufficient consideration for the promises made by Owners in this Agreement.
7. The Owners' obligations shall run with the land and impose a continuing obligation on the holder of the title of the Property to comply with the terms and conditions of all of the City's Codes of Ordinances.
8. This agreement shall be binding upon the heirs, trustees or successors and assigns of the parties.
9. It is agreed that the City's failure to insist on the strict performance of any provisions of this agreement or to exercise any right based upon a breach thereof, or the

acceptance of any performance during such breach, shall not constitute a waiver of any rights under this agreement.

10. This agreement shall not constitute a waiver of any governmental authority or right of the City.

11. In the event this Agreement is not signed by both Owners, duly notarized, and returned to the City Manager of the City of Henderson by September 25, 2012, then this Agreement shall be null and void ab initio.

12. This agreement constitutes the entire understanding of the parties.

IN WITNESS WHEREOF, the City and the Owners have caused this agreement to be duly executed on the day and year first above written.

CITY OF HENDERSON

By: _____ (SEAL)
Ray Griffin, City Manager

By: _____ (SEAL)
Corey K. Williams, Code Administrator

STATE OF NORTH CAROLINA
COUNTY OF VANCE

I, the undersigned Notary Public of the County and State aforesaid, certify that **Ray Griffin, City Manager** of the City of Henderson, and **Corey K. Williams, Code Administrator** for the City of Henderson, a municipal corporation, personally appeared before me this day, acknowledging to me that they each voluntarily signed the foregoing instrument on behalf of said municipal corporation for the purposes therein expressed and in the capacity indicated.

Witness my hand and notarial stamp or seal this ____ day of _____, 2012.

Notary Public (SEAL)
My Commission Expires: _____

We each understand and consent to the terms of this Agreement:

OWNERS

_____(SEAL)
Luis Medina

_____(SEAL)
Veronica Medina

STATE OF _____
COUNTY OF _____

I, the undersigned Notary Public of the County and State aforesaid, certify that **Luis Medina and wife, Veronica Medina**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this ____ day of _____, **2012**.

Witness my hand and notarial stamp or seal this ____ day of _____, 2012.

_____(SEAL)
Notary Public
My Commission Expires:_____

ORDINANCE 12-58

AN ORDINANCE DIRECTING THE CODE COMPLIANCE DIRECTOR TO REMOVE OR DEMOLISH THE STRUCTURE HEREIN DESCRIBED AS HAZARDOUS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, The City Council finds that all owners and parties of interest (whether known or unknown) in the structure described herein are the following (including spouses):

Luis Medina and wife, Veronica Medina

WHEREAS, The City Council of the City of Henderson finds that the structure described herein is hazardous to the health, safety and welfare of the residents of the City under the City Abandoned Structure Ordinance, and that all of the procedures of the Abandoned Structures Ordinance have been complied with; *and*

WHEREAS, the owners of this structure have been given a reasonable opportunity to bring the structure up to the standards of the Abandoned Structure Ordinance in accordance with G.S. §160A-443(5) pursuant to an order issued by the Code Administrator on **January 5, 2012** and the owners have failed to comply with the order; *and*

WHEREAS, the structure should be removed or demolished, as directed by the Code Administrator, and should be placarded by placing thereon a notice prohibiting use for human habitation;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Henderson, that:

Section 1. The Code Administrator is hereby authorized and directed to place a placard containing the legend;

“This building is hazardous to the public health, safety and welfare; the use or occupation of this building for human habitation is prohibited and unlawful” on the structure located at the following address:

301 Charles Street / Deed Book 1103 Page 482 Vance County Register of Deeds / Vance County Tax Parcel 0073 04004 in the City of Henderson, N.C.

Section 2. The Code Administrator is hereby authorized and directed to proceed to remove or demolish the above described structure in accordance with his/her order to the owners thereof dated the 5th day of **January 2012** and in accordance with the Abandoned Structures Ordinance and G.S. §160A-443.

Section 3. Upon completion of the required removal or demolition, the Code Administrator shall reasonably dispose of any merchantable materials and shall sell any merchantable materials of the structure and credit the proceeds against the cost of the removal or demolition. The Code Administrator shall certify the remaining balance to the Tax Collector. If a

surplus remains after sale of the demolition, the Code Compliance Director shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. §160A-446(6).

Section 4. The Cost of removal or demolition and any landfill fees associated therewith constitutes a lien against the real property upon which the cost was incurred. The amount of the lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter §160A.

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be hazardous to the public health, safety and welfare.

Section 6. This ordinance shall become effective upon its adoption.

The foregoing Ordinance 12-58, 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 ----- 2012: 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.

**301 Charles Street
Attachment 3**





City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430-5701



Agenda Item: _____

Council Meeting: 10 Sept. 12, Regular Meeting

5 September 2012

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

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

RE: **CAF: 12-A-107**

Consideration of Approval of Resolution 12-76, Granting a Ninety (90) Day Extension to Allow the Owner of the Property Located at 309 Charles Street to Secure the Structure and Improve the Property.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

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

Recommendation

- Approval of Resolution 12-76, Granting a Ninety (90) Day Extension to Allow the Owner of the Property Located at 309 Charles Street to Secure the Structure and Improve the Property.

Executive Summary

Luis Medina and wife, Veronica Medina are the owners of, 309 Charles Street. They are requesting an extension to secure the structures, improve the appearance of the property, and delay the approval of the demolition ordinances. The ninety (90) day extension is expected to give the owners enough time to secure structures and abate the property. During this extension period, the property is expected to sell to an investor that can repair or demolish the structures and bring them into compliance with the City Code and other applicable codes that may apply. The resolution and Stay Agreement attached affirms the extension and delay of approval of the demolition ordinance with additional abatement timeline. The purpose of the delay for approval

CAF 12-A-107: 10 September 2012

Page 1 of 12

of demolition ordinance is because when a demolition ordinance has been approved by the City Council, it may prevent an investor or bank from funding an investment/project such as this. Therefore, the preference of the City Council, on 27 August 2012 during the Work Session, is to allow a ninety(90) day extension and delay approval of demolition ordinances.

Enclosures:

1. Resolution 12-76
2. Ordinance 12-59
3. Pictures of Structures

RESOLUTION 12-76

A RESOLUTION GRANTING A 90 DAY EXTENSION TO ALLOW THE OWNER OF THE PROPERTY LOCATED AT 309 CHARLES STREET TO SECURE THE STRUCTURE AND IMPROVE THE PROPERTY

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 the Key Strategic Objectives as follows: **KSO 4 (Action Plan 4-1):** Improve housing stock by aggressive code enforcement; *and*

WHEREAS, the property of 309 Charles Street is deteriorated or dilapidated and creating blight for the neighborhood where vagrants are entering the structures and creating conditions of a fire hazard; *and*

WHEREAS, the conditions of the above dwelling and property are in violation of the City Codes Chapter 21 Minimum Housing, Chapter 21-A Abandoned Structure, Chapter 23 Weeds, and other applicable codes *and*

WHEREAS, the owners have requested an extension to secure the structures, improve the appearance of the property, and delay the approval of the demolition ordinances from the City Council. The owners are proposing to maintain the lawns; re-secure the units, remove the burnt sheds behind the properties, and commit to repairing or demolishing the property/structure in accordance with the City Code and other applicable codes that may apply.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE an extension of ninety (90) days and will delay the approval of Ordinance 12-59 under the condition that the owners will do each of the following terms:

- a. Maintain the lawns and remove any trash or debris two (2) times within a month,
- b. Re-secure all windows and doors, preventing vagrants from entering the structures, with boards that are cut to fit the opening and paint all boards within the first 30 days.
- c. Remove burnt sheds behind the property within the first forty-five (45) days
- d. Commit to seeing that the property is completely repaired or demolished within ninety (90) days as set forth in the attached Agreement being more fully articulated in **Attachment A** to this Resolution.

On December 10, 2012, the ninety (90) day extension will expire and the City Council will revisit the approval of Ordinance 12-59.

The foregoing Resolution 12-76, 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_, pp. **, CAF 12-A-107*

STATE OF NORTH CAROLINA

COUNTY OF VANCE

AGREEMENT TO STAY
ENFORCEMENT OF MINIMUM
HOUSING CODE AND/OR
ABANDONED STRUCTURES
ORDINANCE

Vance County Tax Parcel 0073 04005

THIS AGREEMENT, made and entered into this the **10th** day of **September** 2012 by and between the City of Henderson, North Carolina, a municipal corporation ("City") and

Luis Medine and Veronica Medina, (with a mailing address of 309 Fritz Way; Cibolo, Texas 78108) ("Owners")

WITNESSETH:

WHEREAS, the Owners own certain property, and the improvements thereon, located at **309 Charles Street**, Henderson, North Carolina, and more particularly described in the deed recorded in Deed Book **1103** Page **482** of the Vance County Registry ("the Property"); and

WHEREAS, the City of Henderson has determined that the Property is in violation of the Minimum Housing Ordinance and the Abandoned Structures Ordinance of the City of Henderson, Chapters 21 and 21A, respectively, of the City Code, and has ordered the Owners of the Property to vacate and close the Property and repair or demolish the Property to bring it into compliance with the respective City Code; and

WHEREAS, the Owners are in the process of obtaining methods for the improvement of the Property and have requested the City to stay the enforcement of proceedings under the Minimum Housing Code or Abandoned Structure Ordinance to facilitate the rehabilitation of the Property; and

WHEREAS, the Owners hereby commit to rehabilitating the above property so that it will fully comply with the applicable City Code provisions; and

WHEREAS, the City is willing to agree to stay enforcement of demolition proceedings under the City Codes subject to the Owners' Agreement to proceed with the rehabilitation of the Property in accordance with the Agreement attached.

NOW, THEREFORE, for and in consideration of the premises and the mutual terms and conditions herein set forth the parties do hereby agree as follows:

1. The Owners agree to take all action necessary to commence the rehabilitation of the Property within forty (40) days from the date of this agreement. After commencement of the work the Owners agree to proceed in a timely and expeditious manner to bring

the Property into substantial compliance with the City's Codes by **December 10, 2012**, in accordance with the following schedule:

- a. Maintain the lawns and remove any trash or debris two (2) times within a month hereafter, and
- b. Re-secure all windows and doors, preventing vagrants from entering the structures, with boards that are cut to fit the opening and paint all boards within the first 30 days hereafter, and
- c. Remove burnt sheds behind the properties within the first forty-five (45) days hereafter, and
- d. Within the first forty **(40)** days, the Owners shall repair/replace all defective existing foundation (piers, sills, guides), clean and remove any debris and public nuisances (trash, overgrowth) on the Property as required (*according to Code Compliance Department specification*) and
- e. Within fifty **(50)** days hereafter, the Owners shall complete repair of all defective roof framing, roof sheathing and felt, flashing, boxing, fascias, permanent roof and chimney; and
- f. Within sixty **(60)** days hereafter, the Owners shall complete all required repairs to the outside windows and doors, siding and/or brick veneer, porches, exterior trim and exterior paint (prime);
- g. Within seventy **(70)** days hereafter, the Owners shall complete any required rough-in plumbing, rough in wiring, rough-in heating/cooling ductwork
- h. Within eighty **(80)** days hereafter, the Owners shall complete all required repairs to the insulation (floors, walls & ceilings) interior walls, floors and ceilings (sheetrock/paneling impervious flooring in kitchen and bath room areas), interior paint (prime);
- i. By **December 10, 2012** (ninety **(90)** after the date of this Agreement), the Owners shall complete all required repairs to the bathroom finishes, plumbing (baths and kitchen), water heater, interior paint (including fixtures & trim) and exterior paint. (Accessory building has no plumbing or electricity.)

The Owners shall obtain all necessary permits for the work and complete the work in accordance with all applicable federal, state and local laws, ordinances and regulations.

2. So long as the Owners are in compliance with this Agreement, the City agrees to stay and forbear from any further enforcement proceedings under the Minimum Housing Code and/ Abandoned Structures Ordinance or under that Ordinance 12-59. Upon the Owners' compliance with all of the requirements of the applicable code, the City

Manager shall recommend to the City Council that such Ordinance 12-59 be tabled or repealed in its entirety.

3. The Owners specifically understand and agree that the failure to meet any of the compliance deadlines in the Agreement shall be cause for the City to continue with proceedings under the Minimum Housing Code and/or Abandoned Structures Ordinance, as appropriate. In the event that the Owners fail to meet such deadlines, and the City thereafter determines that it is desirable to take additional action under the City's Codes, the City agrees to provide written notice of such determination to any Owner's lender (as indicated in the records on file in the Vance County Registry). The lender shall have thirty (30) days after the receipt of such notice to provide written notice to the City of the lender's intention to commence foreclosure of the Property and/or cure the failure. After receipt of such written notice, the City shall allow the lender a reasonable time to complete the foreclosure of the Property and/or cure the failure prior to the continuance of proceedings under the City's Codes.
4. In the event the Owners (and any lender) fail to meet any compliance deadlines in this Agreement the Owners do hereby agree for herself/himself and her/his successors and assigns to accept service of any notices, complaints and orders under the Minimum Housing Code and/or Abandoned Structures Ordinance by first-class mail. The Owners hereby waive any requirements for service as set forth in G.S. 160A-445 and in the Henderson City Code. Also in such event, the City Council can proceed (without further process) with the consideration and/or passage of Ordinance 12-59 relative to the demolition of the structure located on the above property (after mailing notice to the Owners at the Owners' last known address at least 10 days before the Ordinance is again to be considered by the City Council).
5. Owners further agree and hereby permit the Code Compliance Officer/Housing Inspectors for the City of Henderson to enter upon the Property at reasonable times for the purposes of inspecting the work and condition of the Property until such time as the Property is brought into compliance with all City Codes and Ordinances.
6. The Owners agree that the promises and assurances made by the City in this agreement constitute good and sufficient consideration for the promises made by Owners in this Agreement.
7. The Owners' obligations shall run with the land and impose a continuing obligation on the holder of the title of the Property to comply with the terms and conditions of all of the City's Codes of Ordinances.
8. This agreement shall be binding upon the heirs, trustees or successors and assigns of the parties.
9. It is agreed that the City's failure to insist on the strict performance of any provisions of this agreement or to exercise any right based upon a breach thereof, or the

acceptance of any performance during such breach, shall not constitute a waiver of any rights under this agreement.

10. This agreement shall not constitute a waiver of any governmental authority or right of the City.

11. In the event this Agreement is not signed by both Owners, duly notarized, and returned to the City Manager of the City of Henderson by September 25, 2012, then this Agreement shall be null and void ab initio.

12. This agreement constitutes the entire understanding of the parties.

IN WITNESS WHEREOF, the City and the Owners have caused this agreement to be duly executed on the day and year first above written.

CITY OF HENDERSON

By: _____ (SEAL)
Ray Griffin, City Manager

By: _____ (SEAL)
Corey K. Williams, Code Administrator

STATE OF NORTH CAROLINA
COUNTY OF VANCE

I, the undersigned Notary Public of the County and State aforesaid, certify that **Ray Griffin, City Manager** of the City of Henderson, and **Corey K. Williams, Code Administrator** for the City of Henderson, a municipal corporation, personally appeared before me this day, acknowledging to me that they each voluntarily signed the foregoing instrument on behalf of said municipal corporation for the purposes therein expressed and in the capacity indicated.

Witness my hand and notarial stamp or seal this ____ day of _____, 2012.

_____(SEAL)
Notary Public
My Commission Expires: _____

We each understand and consent to the terms of this Agreement:

OWNERS

_____(SEAL)
Luis Medina

_____(SEAL)
Veronica Medina

STATE OF _____
COUNTY OF _____

I, the undersigned Notary Public of the County and State aforesaid, certify that **Luis Medina and wife, Veronica Medina**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this ____ day of _____, **2012**.

Witness my hand and notarial stamp or seal this ____ day of _____, 2012.

_____(SEAL)
Notary Public
My Commission Expires:_____

ORDINANCE 12-59

AN ORDINANCE DIRECTING THE CODE COMPLIANCE DIRECTOR TO REMOVE OR DEMOLISH THE STRUCTURE HEREIN DESCRIBED AS HAZARDOUS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, The City Council finds that all owners and parties of interest (whether known or unknown) in the structure described herein are the following (including spouses):

Luis Medina and wife, Veronica Medina

WHEREAS, The City Council of the City of Henderson finds that the structure described herein is hazardous to the health, safety and welfare of the residents of the City under the City Abandoned Structure Ordinance, and that all of the procedures of the Abandoned Structures Ordinance have been complied with; *and*

WHEREAS, the owners of this structure have been given a reasonable opportunity to bring the structure up to the standards of the Abandoned Structure Ordinance in accordance with G.S. 160A-443(5) pursuant to an order issued by the Code Administrator on **January 5, 2012** and the owners have failed to comply with the order; *and*

WHEREAS, the structure should be removed or demolished, as directed by the Code Administrator, and should be placarded by placing thereon a notice prohibiting use for human habitation.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Henderson, that:

Section 1. The Code Administrator is hereby authorized and directed to place a placard containing the legend; ***“This building is hazardous to the public health, safety and welfare; the use or occupation of this building for human habitation is prohibited and unlawful”*** on the structure located at the following address:

309 Charles Street / Deed Book 1103 Page 482 Vance County Register of Deeds / Vance County Tax Parcel 0073 04005 in the City of Henderson, N.C.

Section 2. The Code Administrator is hereby authorized and directed to proceed to remove or demolish the above described structure in accordance with his/her order to the owners thereof dated the 5th day of **January 2012** and in accordance with the Abandoned Structures Ordinance and G.S. 160A-443.

Section 3. Upon completion of the required removal or demolition, the Code Administrator shall reasonably dispose of any merchantable materials and shall sell any merchantable materials of the structure and credit the proceeds against the cost of the removal or demolition. The Code Administrator shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the demolition, the Code Compliance Director shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-446(6).

Section 4. The Cost of removal or demolition and any landfill fees associated therewith constitutes a lien against the real property upon which the cost was incurred. The amount of the lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be hazardous to the public health, safety and welfare.

Section 6. This ordinance shall become effective upon its adoption.

The foregoing Ordinance 12-59, 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 ----- 2012: YES: . NO:. ABSENT: . ABSTAIN: .

Mayor James D. O'Geary

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

Attachment 3



City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430-5701



Agenda Item: _____

Council Meeting: 10 Sept 12 Regular Meeting

September 5, 2012

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

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

RE: **CAF: 12-A-108**

Consideration of Approval of Resolution 12-77, Granting a Ninety (90) Day Extension to Allow the Owner of the Property Located at 315 Charles Street to Secure the Structure and Improve the Property.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

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

Recommendation

- Approval of Resolution 12-77, Granting a Ninety (90) Day Extension to Allow the Owner of the Property Located at 315 Charles Street to Secure the Structure and Improve the Property.

Executive Summary

Luis Medina and wife, Veronica Medina are the owners of 315 Charles Street. They are requesting an extension to secure the structures, improve the appearance of the property, and delay the approval of the demolition ordinance. The ninety (90) day extension is expected to give the owners enough time to secure structures and abate the property. During this extension period, the property is expected to sell to an investor that can repair or demolish the structures and bring them into compliance with the City Code and other applicable codes that may apply. The resolution and Stay Agreement attached affirms the extension and delay of approval of the

CAF 12-A-108: 10 September 2012

Page 1 of 12

demolition ordinances with additional abatement timeline. The purpose of the delay for approval of demolition ordinances is because when a demolition ordinance has been approved by the City Council, it may prevent an investor or bank from funding an investment / project such as this. Therefore, the preference of the City Council, on August 27, 2012 during the Work Session, is to allow a ninety (90) day extension and delay approval of demolition ordinances.

Enclosures:

1. Resolution 12-77
2. Ordinance 12-60
3. Pictures of Structures

RESOLUTION 12-77

A RESOLUTION GRANTING A 90 DAY EXTENSION TO ALLOW THE OWNER OF THE PROPERTY LOCATED AT 315 CHARLES STREET TO SECURE THE STRUCTURE AND IMPROVE THE PROPERTY

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 the Key Strategic Objectives as follows: **KSO 4 (Action Plan 4-1):** Improve housing stock by aggressive code enforcement; *and*

WHEREAS, the property of 315 Charles Street is deteriorated or dilapidated and creating blight for the neighborhood where vagrants are entering the structures and creating conditions of a fire hazard; *and*

WHEREAS, the conditions of the above dwelling and property are in violation of the City Codes Chapter 21 Minimum Housing, Chapter 21-A Abandoned Structure, Chapter 23 Weeds, and other applicable codes *and*

WHEREAS, the owners have requested an extension to secure the structures, improve the appearance of the property, and delay the approval of the demolition ordinances from the City Council. The owners are proposing to maintain the lawns; re-secure the units, remove the burnt sheds behind the properties, and commit to repairing or demolishing the property/structure in accordance with the City Code and other applicable codes that may apply.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE an extension of ninety (90) days and will delay the approval of Ordinance 12-60 under the condition that the owners will do each of the following terms:

- a. Maintain the lawns and remove any trash or debris two (2) times within a month,
- b. Re-secure all windows and doors, preventing vagrants from entering the structures, with boards that are cut to fit the opening and paint all boards within the first 30 days.
- c. Remove burnt sheds behind the property within the first forty-five (45) days
- d. Commit to seeing that the property is completely repaired or demolished within ninety (90) days as set forth in the attached Agreement, being more fully articulated in **Attachment A** to this Resolution.

On December 10, 2012, the ninety (90) day extension will expire and the City Council will revisit the approval of Ordinance 12-60.

The foregoing Resolution 12-77, 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_, pp. **, CAF 12-A-108*

STATE OF NORTH CAROLINA

COUNTY OF VANCE

AGREEMENT TO STAY
ENFORCEMENT OF MINIMUM
HOUSING CODE AND/OR
ABANDONED STRUCTURES
ORDINANCE

Vance County Tax Parcel 0073 04006

THIS AGREEMENT, made and entered into this the **10th** day of **September** 2012 by and between the City of Henderson, North Carolina, a municipal corporation ("City") and

Luis Medine and Veronica Medina, (with a mailing address of 309 Fritz Way; Cibolo, Texas 78108) ("Owners")

WITNESSETH:

WHEREAS, the Owners own certain property, and the improvements thereon, located at **315 Charles Street**, Henderson, North Carolina, and more particularly described in the deed recorded in Deed Book **1103** Page **482** of the Vance County Registry ("the Property"); and

WHEREAS, the City of Henderson has determined that the Property is in violation of the Minimum Housing Ordinance and the Abandoned Structures Ordinance of the City of Henderson, Chapters 21 and 21A, respectively, of the City Code, and has ordered the Owners of the Property to vacate and close the Property and repair or demolish the Property to bring it into compliance with the respective City Code; and

WHEREAS, the Owners are in the process of obtaining methods for the improvement of the Property and have requested the City to stay the enforcement of proceedings under the Minimum Housing Code or Abandoned Structure Ordinance to facilitate the rehabilitation of the Property; and

WHEREAS, the Owners hereby commit to rehabilitating the above property so that it will fully comply with the applicable City Code provisions; and

WHEREAS, the City is willing to agree to stay enforcement of demolition proceedings under the City Codes subject to the Owners' Agreement to proceed with the rehabilitation of the Property in accordance with the Agreement attached.

NOW, THEREFORE, for and in consideration of the premises and the mutual terms and conditions herein set forth the parties do hereby agree as follows:

1. The Owners agree to take all action necessary to commence the rehabilitation of the Property within forty (40) days from the date of this agreement. After commencement of the work the Owners agree to proceed in a timely and expeditious manner to bring

the Property into substantial compliance with the City's Codes by **December 10, 2012**, in accordance with the following schedule:

- a. Maintain the lawns and remove any trash or debris two (2) times within a month hereafter, and
- b. Re-secure all windows and doors, preventing vagrants from entering the structures, with boards that are cut to fit the opening and paint all boards within the first 30 days hereafter, and
- c. Remove burnt sheds behind the properties within the first forty-five (45) days hereafter, and
- d. Within the first forty **(40)** days, the Owners shall repair/replace all defective existing foundation (piers, sills, guides), clean and remove any debris and public nuisances (trash, overgrowth) on the Property as required (*according to Code Compliance Department specification*) and
- e. Within fifty **(50)** days hereafter, the Owners shall complete repair of all defective roof framing, roof sheathing and felt, flashing, boxing, fascias, permanent roof and chimney; and
- f. Within sixty **(60)** days hereafter, the Owners shall complete all required repairs to the outside windows and doors, siding and/or brick veneer, porches, exterior trim and exterior paint (prime);
- g. Within seventy **(70)** days hereafter, the Owners shall complete any required rough-in plumbing, rough in wiring, rough-in heating/cooling ductwork
- h. Within eighty **(80)** days hereafter, the Owners shall complete all required repairs to the insulation (floors, walls & ceilings) interior walls, floors and ceilings (sheetrock/paneling impervious flooring in kitchen and bath room areas), interior paint (prime);
- i. By **December 10, 2012** (ninety **(90)** after the date of this Agreement), the Owners shall complete all required repairs to the bathroom finishes, plumbing (baths and kitchen), water heater, interior paint (including fixtures & trim) and exterior paint. (Accessory building has no plumbing or electricity.)

The Owners shall obtain all necessary permits for the work and complete the work in accordance with all applicable federal, state and local laws, ordinances and regulations.

2. So long as the Owners are in compliance with this Agreement, the City agrees to stay and forbear from any further enforcement proceedings under the Minimum Housing Code and/ Abandoned Structures Ordinance or under that Ordinance 12-60. Upon the Owners' compliance with all of the requirements of the applicable code, the City

Manager shall recommend to the City Council that such Ordinance 12-60 be tabled or repealed in its entirety.

3. The Owners specifically understand and agree that the failure to meet any of the compliance deadlines in the Agreement shall be cause for the City to continue with proceedings under the Minimum Housing Code and/or Abandoned Structures Ordinance, as appropriate. In the event that the Owners fail to meet such deadlines, and the City thereafter determines that it is desirable to take additional action under the City's Codes, the City agrees to provide written notice of such determination to any Owner's lender (as indicated in the records on file in the Vance County Registry). The lender shall have thirty (30) days after the receipt of such notice to provide written notice to the City of the lender's intention to commence foreclosure of the Property and/or cure the failure. After receipt of such written notice, the City shall allow the lender a reasonable time to complete the foreclosure of the Property and/or cure the failure prior to the continuance of proceedings under the City's Codes.
4. In the event the Owners (and any lender) fail to meet any compliance deadlines in this Agreement the Owners do hereby agree for herself/himself and her/his successors and assigns to accept service of any notices, complaints and orders under the Minimum Housing Code and/or Abandoned Structures Ordinance by first-class mail. The Owners hereby waive any requirements for service as set forth in G.S. 160A-445 and in the Henderson City Code. Also in such event, the City Council can proceed (without further process) with the consideration and/or passage of Ordinance 12-60 relative to the demolition of the structure located on the above property (after mailing notice to the Owners at the Owners' last known address at least 10 days before the Ordinance is again to be considered by the City Council).
5. Owners further agree and hereby permit the Code Compliance Officer/Housing Inspectors for the City of Henderson to enter upon the Property at reasonable times for the purposes of inspecting the work and condition of the Property until such time as the Property is brought into compliance with all City Codes and Ordinances.
6. The Owners agree that the promises and assurances made by the City in this agreement constitute good and sufficient consideration for the promises made by Owners in this Agreement.
7. The Owners' obligations shall run with the land and impose a continuing obligation on the holder of the title of the Property to comply with the terms and conditions of all of the City's Codes of Ordinances.
8. This agreement shall be binding upon the heirs, trustees or successors and assigns of the parties.
9. It is agreed that the City's failure to insist on the strict performance of any provisions of this agreement or to exercise any right based upon a breach thereof, or the

acceptance of any performance during such breach, shall not constitute a waiver of any rights under this agreement.

10. This agreement shall not constitute a waiver of any governmental authority or right of the City.

11. In the event this Agreement is not signed by both Owners, duly notarized, and returned to the City Manager of the City of Henderson by September 25, 2012, then this Agreement shall be null and void ab initio.

12. This agreement constitutes the entire understanding of the parties.

IN WITNESS WHEREOF, the City and the Owners have caused this agreement to be duly executed on the day and year first above written.

CITY OF HENDERSON

By: _____ (SEAL)
Ray Griffin, City Manager

By: _____ (SEAL)
Corey K. Williams, Code Administrator

STATE OF NORTH CAROLINA
COUNTY OF VANCE

I, the undersigned Notary Public of the County and State aforesaid, certify that **Ray Griffin, City Manager** of the City of Henderson, and **Corey K. Williams, Code Administrator** for the City of Henderson, a municipal corporation, personally appeared before me this day, acknowledging to me that they each voluntarily signed the foregoing instrument on behalf of said municipal corporation for the purposes therein expressed and in the capacity indicated.

Witness my hand and notarial stamp or seal this ____ day of _____, 2012.

_____(SEAL)
Notary Public
My Commission Expires: _____

We each understand and consent to the terms of this Agreement:

OWNERS

_____(SEAL)
Luis Medina

_____(SEAL)
Veronica Medina

STATE OF _____
COUNTY OF _____

I, the undersigned Notary Public of the County and State aforesaid, certify that **Luis Medina and wife, Veronica Medina**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this ____ day of _____, **2012**.

Witness my hand and notarial stamp or seal this ____ day of _____, 2012.

_____(SEAL)
Notary Public
My Commission Expires:_____

ORDINANCE 12-60

AN ORDINANCE DIRECTING THE CODE COMPLIANCE DIRECTOR TO REMOVE OR DEMOLISH THE STRUCTURE HEREIN DESCRIBED AS HAZARDOUS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, The City Council finds that all owners and parties of interest (whether known or unknown) in the structure described herein are the following (including spouses):

Luis Medina and wife, Veronica Medina

WHEREAS, The City Council of the City of Henderson finds that the structure described herein is hazardous to the health, safety and welfare of the residents of the City under the City Abandoned Structure Ordinance, and that all of the procedures of the Abandoned Structures Ordinance have been complied with; *and*

WHEREAS, the owners of this structure have been given a reasonable opportunity to bring the structure up to the standards of the Abandoned Structure Ordinance in accordance with G.S. 160A-443(5) pursuant to an order issued by the Code Administrator on **January 5, 2012** and the owners have failed to comply with the order; *and*

WHEREAS, the structure should be removed or demolished, as directed by the Code Administrator, and should be placarded by placing thereon a notice prohibiting use for human habitation.

NOW, “THEREFORE, BE IT ORDAINED by the City Council of the City of Henderson, that:

Section 1. The Code Administrator is hereby authorized and directed to place a placard containing the legend;

“This building is hazardous to the public health, safety and welfare; the use or occupation of this building for human habitation is prohibited and unlawful” on the structure located at the following address:

315 Charles Street / Deed Book 1103 Page 482 Vance County Register of Deeds / Vance County Tax Parcel 0073 04006 in the City of Henderson, N.C.

Section 2. The Code Administrator is hereby authorized and directed to proceed to remove or demolish the above described structure in accordance with his/her order to the owners thereof dated the 5th day of **January 2012** and in accordance with the Abandoned Structures Ordinance and G.S. §160A-443.

Section 3. Upon completion of the required removal or demolition, the Code Administrator shall reasonably dispose of any merchantable materials and shall sell any merchantable materials of the structure and credit the proceeds against the cost of the removal or demolition. The Code Administrator shall certify the remaining balance to the Tax Collector. If a

surplus remains after sale of the demolition, the Code Compliance Director shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. §160A-446(6).

Section 4. The Cost of removal or demolition and any landfill fees associated therewith constitutes a lien against the real property upon which the cost was incurred. The amount of the lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter §160A.

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be hazardous to the public health, safety and welfare.

Section 6. This ordinance shall become effective upon its adoption.

The foregoing Ordinance 12-60, 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 ----- 2012: YES: . NO:. ABSENT: . ABSTAIN: .

Mayor James D. O'Geary

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney



City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430-5701



Agenda Item: _____

Council Meeting: 10 Sept 12 Regular Meeting

September 5, 2012

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

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

RE: CAF: 12-A-109

Consideration of Approval of Resolution 12-78, Granting a Ninety (90) Day Extension to Allow the Owner of the Property Located at 318 Rowland Street to Secure the Structure and Improve the Property.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

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

Recommendation

- Approval of Resolution 12—78, Granting a Ninety (90) Day Extension to Allow the Owner of the Property Located at 318 Rowland Street to Secure the Structure and Improve the Property.

Executive Summary

Luis Medina and wife, Veronica Medina are the owners of 318 Rowland Street. They are requesting an extension to secure the structures, improve the appearance of the property, and delay the approval of the demolition ordinances. The ninety (90) day extension is expected to give the owners enough time to secure structures and abate the property. During this extension period, the property is expected to sell to an investor that can repair or demolish the structures and bring them into compliance with the City Code and other applicable codes that may apply. The resolution and Stay Agreement attached affirms the extension and delay of approval of the

CAF 12-A-109: 10 September 2012

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demolition ordinance with additional abatement timeline. The purpose of the delay for approval of demolition ordinances is because when a demolition ordinance has been approved by the City Council, it may prevent an investor or bank from funding an investment/project such as this. Therefore, the preference of the City Council, on August 27, 2012 during the Work Session, is to allow a ninety (90) day extension and delay approval of demolition ordinance.

Enclosures:

1. Resolution 12-78
2. Ordinance 12-61
3. Pictures of Structures

RESOLUTION 12-78

A RESOLUTION GRANTING A 90 DAY EXTENSION TO ALLOW THE OWNER OF THE PROPERTY LOCATED AT 318 ROWLAND STREET TO SECURE THE STRUCTURE AND IMPROVE THE PROPERTY

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 the Key Strategic Objectives as follows: **KSO 4 (Action Plan 4-1):** Improve housing stock by aggressive code enforcement; *and*

WHEREAS, the property of 318 Rowland Street is deteriorated or dilapidated and creating blight for the neighborhood where vagrants are entering the structures and creating conditions of a fire hazard; *and*

WHEREAS, the conditions of the above dwelling and property are in violation of the City Codes Chapter 21 Minimum Housing, Chapter 21-A Abandoned Structure, Chapter 23 Weeds, and other applicable codes *and*

WHEREAS, the owners have requested an extension to secure the structures, improve the appearance of the property, and delay the approval of the demolition ordinances from the City Council. The owners are proposing to maintain the lawns; re-secure the units, remove the burnt sheds behind the properties, and commit to repairing or demolishing the property/structure in accordance with the City Code and other applicable codes that may apply.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE an extension of ninety (90) days and will delay the approval of Ordinance 12-61 under the condition that the owners will do each of the following terms:

- a. Maintain the lawns and remove any trash or debris two (2) times within a month,
- b. Re-secure all windows and doors, preventing vagrants from entering the structures, with boards that are cut to fit the opening and paint all boards within the first 30 days.
- c. Remove burnt sheds behind the property within the first forty-five (45) days
- d. Commit to seeing that the property is completely repaired or demolished within ninety (90) days as set forth in the attached Agreement, being more fully articulated in **Attachment A** to this Resolution.

On December 10, 2012, the ninety (90) day extension will expire and the City Council will revisit the approval of Ordinance 12-61.

The foregoing Resolution 12-78, upon motion of Council Member ** and second by Council Member **, and having been submitted to a roll call vote received the following votes and was ***** on this the *** day of ***** 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_, pp. **, CAF 12-A-109*

STATE OF NORTH CAROLINA

COUNTY OF VANCE

AGREEMENT TO STAY
ENFORCEMENT OF MINIMUM
HOUSING CODE AND/OR
ABANDONED STRUCTURES
ORDINANCE

Vance County Tax Parcel 0073 04002

THIS AGREEMENT, made and entered into this the **10th** day of **September** 2012 by and between the City of Henderson, North Carolina, a municipal corporation ("City") and

Luis Medine and Veronica Medina, (with a mailing address of 309 Fritz Way; Cibolo, Texas 78108) ("Owners")

WITNESSETH:

WHEREAS, the Owners own certain property, and the improvements thereon, located at **318 Rowland Street**, Henderson, North Carolina, and more particularly described in the deed recorded in Deed Book **1103** Page **482** of the Vance County Registry ("the Property"); and

WHEREAS, the City of Henderson has determined that the Property is in violation of the Minimum Housing Ordinance and the Abandoned Structures Ordinance of the City of Henderson, Chapters 21 and 21A, respectively, of the City Code, and has ordered the Owners of the Property to vacate and close the Property and repair or demolish the Property to bring it into compliance with the respective City Code; and

WHEREAS, the Owners are in the process of obtaining methods for the improvement of the Property and have requested the City to stay the enforcement of proceedings under the Minimum Housing Code or Abandoned Structure Ordinance to facilitate the rehabilitation of the Property; and

WHEREAS, the Owners hereby commit to rehabilitating the above property so that it will fully comply with the applicable City Code provisions; and

WHEREAS, the City is willing to agree to stay enforcement of demolition proceedings under the City Codes subject to the Owners' Agreement to proceed with the rehabilitation of the Property in accordance with the Agreement attached.

NOW, THEREFORE, for and in consideration of the premises and the mutual terms and conditions herein set forth the parties do hereby agree as follows:

1. The Owners agree to take all action necessary to commence the rehabilitation of the Property within forty (40) days from the date of this agreement. After commencement of the work the Owners agree to proceed in a timely and expeditious manner to bring

the Property into substantial compliance with the City's Codes by **December 10, 2012**, in accordance with the following schedule:

- a. Maintain the lawns and remove any trash or debris two (2) times within a month hereafter, and
- b. Re-secure all windows and doors, preventing vagrants from entering the structures, with boards that are cut to fit the opening and paint all boards within the first 30 days hereafter, and
- c. Remove burnt sheds behind the properties within the first forty-five (45) days hereafter, and
- d. Within the first forty **(40)** days, the Owners shall repair/replace all defective existing foundation (piers, sills, guides), clean and remove any debris and public nuisances (trash, overgrowth) on the Property as required (*according to Code Compliance Department specification*) and
- e. Within fifty **(50)** days hereafter, the Owners shall complete repair of all defective roof framing, roof sheathing and felt, flashing, boxing, fascias, permanent roof and chimney; and
- f. Within sixty **(60)** days hereafter, the Owners shall complete all required repairs to the outside windows and doors, siding and/or brick veneer, porches, exterior trim and exterior paint (prime);
- g. Within seventy **(70)** days hereafter, the Owners shall complete any required rough-in plumbing, rough in wiring, rough-in heating/cooling ductwork
- h. Within eighty **(80)** days hereafter, the Owners shall complete all required repairs to the insulation (floors, walls & ceilings) interior walls, floors and ceilings (sheetrock/paneling impervious flooring in kitchen and bath room areas), interior paint (prime);
- i. By **December 10, 2012** (ninety **(90)** after the date of this Agreement), the Owners shall complete all required repairs to the bathroom finishes, plumbing (baths and kitchen), water heater, interior paint (including fixtures & trim) and exterior paint. (Accessory building has no plumbing or electricity.)

The Owners shall obtain all necessary permits for the work and complete the work in accordance with all applicable federal, state and local laws, ordinances and regulations.

2. So long as the Owners are in compliance with this Agreement, the City agrees to stay and forbear from any further enforcement proceedings under the Minimum Housing Code and/ Abandoned Structures Ordinance or under that Ordinance 12-61. Upon the Owners' compliance with all of the requirements of the applicable code, the City

Manager shall recommend to the City Council that such Ordinance 12-61 be tabled or repealed in its entirety.

3. The Owners specifically understand and agree that the failure to meet any of the compliance deadlines in the Agreement shall be cause for the City to continue with proceedings under the Minimum Housing Code and/or Abandoned Structures Ordinance, as appropriate. In the event that the Owners fail to meet such deadlines, and the City thereafter determines that it is desirable to take additional action under the City's Codes, the City agrees to provide written notice of such determination to any Owner's lender (as indicated in the records on file in the Vance County Registry). The lender shall have thirty (30) days after the receipt of such notice to provide written notice to the City of the lender's intention to commence foreclosure of the Property and/or cure the failure. After receipt of such written notice, the City shall allow the lender a reasonable time to complete the foreclosure of the Property and/or cure the failure prior to the continuance of proceedings under the City's Codes.
4. In the event the Owners (and any lender) fail to meet any compliance deadlines in this Agreement the Owners do hereby agree for herself/himself and her/his successors and assigns to accept service of any notices, complaints and orders under the Minimum Housing Code and/or Abandoned Structures Ordinance by first-class mail. The Owners hereby waive any requirements for service as set forth in G.S. 160A-445 and in the Henderson City Code. Also in such event, the City Council can proceed (without further process) with the consideration and/or passage of Ordinance 12-61 relative to the demolition of the structure located on the above property (after mailing notice to the Owners at the Owners' last known address at least 10 days before the Ordinance is again to be considered by the City Council).
5. Owners further agree and hereby permit the Code Compliance Officer/Housing Inspectors for the City of Henderson to enter upon the Property at reasonable times for the purposes of inspecting the work and condition of the Property until such time as the Property is brought into compliance with all City Codes and Ordinances.
6. The Owners agree that the promises and assurances made by the City in this agreement constitute good and sufficient consideration for the promises made by Owners in this Agreement.
7. The Owners' obligations shall run with the land and impose a continuing obligation on the holder of the title of the Property to comply with the terms and conditions of all of the City's Codes of Ordinances.
8. This agreement shall be binding upon the heirs, trustees or successors and assigns of the parties.
9. It is agreed that the City's failure to insist on the strict performance of any provisions of this agreement or to exercise any right based upon a breach thereof, or the

acceptance of any performance during such breach, shall not constitute a waiver of any rights under this agreement.

10. This agreement shall not constitute a waiver of any governmental authority or right of the City.

11. In the event this Agreement is not signed by both Owners, duly notarized, and returned to the City Manager of the City of Henderson by September 25, 2012, then this Agreement shall be null and void ab initio.

12. This agreement constitutes the entire understanding of the parties.

IN WITNESS WHEREOF, the City and the Owners have caused this agreement to be duly executed on the day and year first above written.

CITY OF HENDERSON

By: _____ (SEAL)
Ray Griffin, City Manager

By: _____ (SEAL)
Corey K. Williams, Code Administrator

STATE OF NORTH CAROLINA
COUNTY OF VANCE

I, the undersigned Notary Public of the County and State aforesaid, certify that **Ray Griffin, City Manager** of the City of Henderson, and **Corey K. Williams, Code Administrator** for the City of Henderson, a municipal corporation, personally appeared before me this day, acknowledging to me that they each voluntarily signed the foregoing instrument on behalf of said municipal corporation for the purposes therein expressed and in the capacity indicated.

Witness my hand and notarial stamp or seal this ____ day of _____, 2012.

_____(SEAL)
Notary Public
My Commission Expires: _____

We each understand and consent to the terms of this Agreement:

OWNERS

_____(SEAL)
Luis Medina

_____(SEAL)
Veronica Medina

STATE OF _____
COUNTY OF _____

I, the undersigned Notary Public of the County and State aforesaid, certify that **Luis Medina and wife, Veronica Medina**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this ____ day of _____, **2012**.

Witness my hand and notarial stamp or seal this ____ day of _____, 2012.

_____(SEAL)

Notary Public
My Commission Expires:_____

ORDINANCE 12-61

AN ORDINANCE DIRECTING THE CODE COMPLIANCE DIRECTOR TO REMOVE OR DEMOLISH THE STRUCTURE HEREIN DESCRIBED AS HAZARDOUS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, The City Council finds that all owners and parties of interest (whether known or unknown) in the structure described herein are the following (including spouses):

Luis Medina and wife, Veronica Medina

WHEREAS, The City Council of the City of Henderson finds that the structure described herein is hazardous to the health, safety and welfare of the residents of the City under the City Abandoned Structure Ordinance, and that all of the procedures of the Abandoned Structures Ordinance have been complied with; *and*

WHEREAS, the owners of this structure have been given a reasonable opportunity to bring the structure up to the standards of the Abandoned Structure Ordinance in accordance with G.S. 160A-443(5) pursuant to an order issued by the Code Administrator on **January 5, 2012** and the owners have failed to comply with the order; *and*

WHEREAS, the structure should be removed or demolished, as directed by the Code Administrator, and should be placarded by placing thereon a notice prohibiting use for human habitation;

NOW, “THEREFORE, BE IT ORDAINED by the City Council of the City of Henderson, that:

Section 1. The Code Administrator is hereby authorized and directed to place a placard containing the legend;

“This building is hazardous to the public health, safety and welfare; the use or occupation of this building for human habitation is prohibited and unlawful” on the structure located at the following address:

318 Rowland Street / Deed Book 1103 Page 482 Vance County Register of Deeds / Vance County Tax Parcel 0073 04002 in the City of Henderson, N.C.

Section 2. The Code Administrator is hereby authorized and directed to proceed to remove or demolish the above described structure in accordance with his/her order to the owners thereof dated the 5th day of **January 2012** and in accordance with the Abandoned Structures Ordinance and G.S. 160A-443.

Section 3. Upon completion of the required removal or demolition, the Code Administrator shall reasonably dispose of any merchantable materials and shall sell any merchantable materials of the structure and credit the proceeds against the cost of the removal or demolition. The Code Administrator shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the demolition, the Code Compliance Director shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-446(6).

Section 4. The Cost of removal or demolition and any landfill fees associated therewith constitutes a lien against the real property upon which the cost was incurred. The amount of the lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be hazardous to the public health, safety and welfare.

Section 6. This ordinance shall become effective upon its adoption.

The foregoing Ordinance 12-58, 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 ----- 2012: YES: . NO:. ABSENT: . ABSTAIN: .

Mayor James D. O'Geary

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

Attachment 3







Office of the City Manager

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

Phone 252.430.5701 : Fax 252.492.7935 : E-mail rgriffin@ci.henderson.nc.us

www.ci.henderson.nc.us

6 September 2012

TO: Mayor O'Geary and Members of City Council

FR: Ray Griffin, City Manager

RE: FY13 Airport Funding

Ladies and Gentlemen:

Councilmember Rainey has received a call from the City's Airport Authority member, Mr. David, Thomas, inquiring why the City's FY13 appropriation is less than requested and less than provided by the other three regional partners—Vance County, Granville County and Oxford. Mr. Thomas advises these additional funds are needed in order to provide the necessary match for a State grant providing for airport facility improvements.

The Recommended Budget provided for the requested \$28,800. During budget deliberations and as part of the process to delete the recommended two cents property tax increase, or \$164,000, and reduce the fund balance appropriation by \$41,000, many line items were adjusted down. The combined total of the reductions to the Recommended Budget was \$205,000. Consequently, the airport budget was reduced to last year's (FY12) appropriation, or \$26,100.

Mr. Rainey has requested this item be placed on the Agenda for discussion.

City Council Action Form

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



Agenda Item: _____

Council Meeting: 10 Sept 12 Regular Meeting

28 August 2012

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

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

RE: CAF: 12-93

Consideration of Approval of Resolution 12-64, Approving the Submission of the Application for an Urban Progress Zone Designation.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- **KSO 3:** Enhanced Economic Development- To Create New Jobs and Investment, Expand the Tax Base and Increase the Per Capita Income.

Recommendation:

- Approval of Resolution 12-64, Approving the Submission of the Application for an Urban Progress Zone Designation

Executive Summary

The City of Henderson has the opportunity to apply for an Urban Progress Zone designation. In 2006 the NC General Assembly passed legislation that created a new tax credit program called Article 3J Credits. There are three types of tax credits provided under this program. 1) Credits for creating jobs, 2) Credits for investing in business property, and 3) Credits for investments in real property for only tier 1 counties. Vance County is a tier 1 county. These credits may be combined to offset up to 50% of the taxpayer's state income and franchise taxes. Municipalities with a population of at least 10,000 have the ability to define qualifying areas of poverty as Urban Progress Zones. We are applying to create zones in three census tracts: 960500, 960700 and 960900 within the City.

Enclosure:

1. Resolution 12-64
2. Article 3J Credit Summary
3. Urban Progress Zone Map

RESOLUTION 12-64
A RESOLUTION
APPROVING DESIGNATION OF
THE NORTH CAROLINA URBAN PROGRESS ZONE

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 12 Core Values; *and*

WHEREAS, this Resolution addresses one KSO as follows: **KSO 3**, Enhanced Economic Development—To create new jobs and investment, expand the tax base and increase the per capita income; *and*

WHEREAS, The Henderson City Council recognizes the need to improve the economic viability of the City of Henderson; *and*

WHEREAS, the North Carolina Department of Commerce created Urban Progress Zones to encourage and enhance economic development within areas of high poverty; *and*

WHEREAS, qualifying enterprises and activities receive significant tax credits for job creation and investment in machinery and equipment; *and*

WHEREAS, the North Carolina Department of Commerce established criteria for the creation of an Urban Progress Zone including a minimum of 20% population below the poverty level and minimum population requirements for the census tract and municipality; *and*

WHEREAS, city and county staff has researched the census tract information to determine eligibility under the Urban Progress Zone criteria and found that Census Tracts 960500, 960700, and 960900 meet the criteria

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL that they designate the above described Census Tract 960500, 960700, and 960900 as a North Carolina Urban Progress Zone and directs the Planning Director to make application, being more fully articulated in **Attachment A** to this Resolution, to the North Carolina Department of Commerce.

The foregoing Resolution, 12-64, introduced by Council Member ** and seconded by Council Member ** on this the ** day of ** 2012, and having been submitted to a roll call vote, was ** by the following votes: YES. NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

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

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

URBAN PROGRESS ZONE (UPZ)

To receive a written determination, this form must be completed, signed, and submitted to the Office of the Secretary at:

Via First Class Mail
North Carolina Department of Commerce
Office of the Secretary
c/o Will Best, CDD
4313 Mail Service Center
Raleigh, NC 27699-4313



Via Express Mail
North Carolina Department of Commerce
Office of the Secretary
c/o Will Best, CDD
100 E. Six Forks Rd, 2nd Floor
Raleigh, NC 27605

The Applicant (unit of **municipal** government) hereby requests that the Secretary of the Department of Commerce make a written determination that the area (census tract(s) and/or block group(s)) outlined below satisfies the conditions and limitations to qualify as an Urban Progress Zone (UPZ), pursuant to §143B-437.09.

Note: Zones become effective on January 1, 2007 or the date that the written determination is signed by the Secretary of Commerce, whichever is later, and remain in effect through December 31 of the subsequent year. Once a zone is effective, it may not be rescinded or amended by the applicant.

I. Applicant Information (the Applicant must be a unit of municipal government)

Name of Municipality (Applicant) City of Henderson	Total Area of Applicant (square miles) 13	Using the most recent annual population estimate certified by the State Budget Officer, provide the Applicant's population: 15,386
Street Address 134 Rose Avenue		Applicant's Designated Contact Person for the UPZ (Name & Title) Erris Dunston
Henderson, NC 27536		Phone 252-430-5721
		Fax 252-492-7935
		Email Address edunston@ci.henderson.nc.us

II. Census Tract (CT)/Block Group (BG) Data

Using **2000 Census data**, provide the following information for each **contiguous** census tract and/or block group included in the proposed UPZ. Please follow the detailed instructions on pages 3 & 4 of the Guidelines exactly. The application will be returned if wrong statistics are used.

A. The following census tracts (CT) and/or block groups (BG) are entirely located within the proposed UPZ.

Note: If you plan on including a census tract or block group that is not entirely located within the proposed zone (i.e., when the municipal boundary dissects the census tract or block group), you must list it in section II. B. below.

1. Census Tract Number	2. Are all block groups in the census tract included in the proposed zone?	3. Block Group Number	4. Total Area (sq. miles)	5. Total Population	6. Total Population Below Poverty Level	7. Percentage of Population Below Poverty Level	8. Area that is zoned as nonresidential (sq. miles)	9. Percentage that is zoned as nonresidential	10. Does the CT or BG abut a CT or BG with at least 20% poverty?	The census tract or block group is eligible to be included in this zone?
960500	Yes	ALL	2.45	4,245	1,278	30.11%	0.77	31.43%	N/A	Yes
960700	Yes	ALL	1.27	4,288	1,803	42.05%	0.40	31.50%	N/A	Yes
960800	Yes	ALL	2.98	1,438	785	54.59%	0.07	2.35%	N/A	Yes
	No								0	
		FALSE							0	
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B. The following census tracts and/or block groups are NOT entirely located within the proposed UPZ.

Note: If the entire census tract or block group is located within the proposed zone, you must list it in section II. A. above.

1. Census Tract Number	2. Are all block groups in the census tract included in the proposed zone?	3. Block Group Number	4. Total Area - (sq. miles) within the city	5. Total Population entire CT/BG	6. Total Population Below Poverty Level entire CT/BG	7. Percentage of Population Below Poverty Level entire CT/BG	8. Area that is zoned as nonresidential (sq. miles) within the city	9. Percentage that is zoned as nonresidential within the city	10. Does the CT or BG abut a CT or BG with at least 20% poverty?	The census tract or block group is eligible to be included in this zone?
		FALSE							0	
		FALSE							0	
		FALSE							0	
		FALSE							0	
		FALSE							0	
		FALSE							0	
		FALSE							0	
		FALSE							0	
		FALSE							0	
		FALSE							0	

III. Zone Eligibility and Description

A. Total area of the proposed zone (sq. miles) 6.70

B. Does the municipality have an approved UPZ or have another pending application for a UPZ? no

Total area of that zone(s) (Note: if there is more than one current zone or pending application, be sure to total the area of all): N/A

C. Combined total area of the proposed zone, all current zones, and all pending zones: 6.70

Percent of total municipal area: 50.91%

D. In order to qualify, the total area of the proposed zone outlined in the tables above, all current zones, and all other pending zones may not exceed 15% of the total area of the municipality, unless the smallest possible area in the municipality satisfying all of the conditions of § 143B-437.09(a) exceeds fifteen percent (15%) of the total area of the municipality.

Since the total area of all zones exceeds 15% of the total area of the municipality, check the box highlighted in yellow to certify that the proposed UPZ represents the smallest possible area in the municipality that satisfies all of the conditions of § 143B-437.09(a).



E. Total area of the proposed zone that is zoned as nonresidential (sq. miles): 1.24

Percent of the total area of the zone: 18.51%

F. Provide a detailed description of the boundaries of the area that would comprise the zone.

The Urban progress zone includes commercial properties along Parham Road from North Garnett Street to Interstate 8 Street. North Garnett Street from Parham Road going south to Dabney Drive include properties along the cross streets Partin Street, Parker Street, Main Street, Kittrell Street, John Street, Rock Spring Street, Hamilton Street, Andrews Aver Young Street, Montgomery Street, Breckenridge Street, Pettigrew Street, Orange Street, Horner Street, Spring Street, E Street, and Jennette Avenue. Dabney Drive from Dorsey Avenue to 158 Bypass. Property along Beckfor Drive from Dal Lane. Beckford Drive from south of Parrish Mill Rd north to Ramsey Street. Andrews Avenue from just west of the Inter US 1 interchange. Williams Street from Main Street to Old Epsom Road including the cross street: Rock Spring Street, A Mitchell Street, Montgomery Street, Winder Street, Harrell Street, Arch Street, Peachtree Street, down to Old Epsom R properties along Yadkin Street, Wakefield Avenue, Mitchell Street, College Street, Zene Street, Americal Road, Lenora S Street and Victory Street. Alexander Avenue from Nicholas Street to Short Street.

IV. Acknowledgements and Signature

☒ Check the box to acknowledge the following:

1. All census tracts and block groups listed above are contiguous and are at least partially located within the primary corporate limits of the municipality;
2. No census tract or block group listed above is located within a currently approved UPZ or included in another pending application for a UPZ;
3. Attached is a map showing the census tracts and block groups that would comprise the zone;
4. Attached is a zoning map for the municipality with the proposed zone clearly delineated upon it; and
5. Attached is an official resolution of the governing body of the municipality requesting the designation of the area as an UPZ.

Signature of Chief Elected Official

Note: Unsigned, incomplete, or inaccurate applications will be returned to the Applicant.

a. Name of Chief Elected Official

b. Title

I certify that the information provided in this application was prepared following a diligent inquiry into the facts and, to the best of my knowledge, is true, complete and correct.

(Signature of Chief Elected Official)

(Date)

E

UPZ Application, V 2 - 08/07

CREDITS FOR GROWING BUSINESSES (ARTICLE 3J CREDITS)

In July, 2006, the NC General Assembly passed legislation (House Bill 2170) that created a new tax credit program, Article 3J Credits. Article 3J provides three types of tax credits to eligible taxpayers that undertake qualifying activities in North Carolina: 1) Credit for Creating Jobs, 2) Credit for Investing in Business Property, and 3) Credit for Investment in Real Property (tier 1 only). These credits may be combined to offset up to 50% of the taxpayer's state income and franchise tax liability, and unused credits may be carried forward for up to five years (15-year carry-forwards apply to the Credit for Investing in Real Property and 20-year carry-forwards exist for taxpayers that invest at least \$150 million over a two-year period).

Article 3J Credits should not be confused with William S. Lee Credits. Although these tax credit programs are similar, they are not the same. Article 3J is not a revision to the Lee Act; it replaces the Lee Act. The distinction is subtle, but significant.

In general terms, Lee Credits are repealed for taxable years beginning on or after January 1, 2007 and Article 3J Credits take effect for taxable years beginning on or after January 1, 2007.

County Tier Designations (§143B-437.08)

The Department of Commerce annually ranks the state's 100 counties based on economic well-being and assigns a tier designation to each. The 40 most distressed counties are designated as tier 1, the next 40 are tier 2, and the 20 least distressed are tier 3. This tier system is incorporated into various state programs, including Article 3J Credits, to encourage economic activity in the less prosperous areas of the state.

Urban Progress Zones (UPZ) and Agrarian Growth Zones (AGZ)

Municipalities with a population of at least 10,000 have the ability to define qualifying areas of poverty as Urban Progress Zones. Counties that do not have a municipality with a population of at least 10,000, have the ability to define qualifying areas of poverty as Agrarian Growth Zones. Projects located within these zones receive enhanced Article 3J Credits.

Eligibility (§105-129.83)

To qualify for Article 3J Credits, the following eligibility requirements must be met:

1. The primary activity at the business establishment must be an eligible type of business, which includes:
aircraft maintenance and repair; air courier services hub; company headquarters that creates at least 75 new headquarters jobs; customer service call centers; electronic shopping and mail order houses; information technology and services; manufacturing; motorsports facility; motorsports racing team; research and development; warehousing; and wholesale trade.
2. The average wage of all full-time workers employed by the taxpayer at the establishment during the taxable year must meet or exceed the applicable wage standard of the county in which the establishment is located. Note: There is no wage standard for taxpayers located in a tier one county.
3. The taxpayer must offer qualifying health insurance for all full-time positions at the establishment and pay at least fifty percent (50%) of employee premiums.

4. The taxpayer must not have received any significant environmental violations with the North Carolina Department of Environment and Natural Resources within the prior five years.
5. The taxpayer must not have received any "willful" or "failure to abate" serious OSHA violations at the establishment within the prior three years.
6. The taxpayer may not have overdue taxes.

Credit for Creating Jobs (§105-129.87)

Eligible taxpayers that meet a minimum threshold of new full-time jobs created during the taxable year may claim a credit for each new job created. The credit is taken in equal installments over four years following the year the jobs are created. The job threshold and the credit amount per job are determined by the tier designation of the county in which the jobs are created.

	County Tier Designation			UPZ/AGZ
	1	2	3	
Job Threshold	5	10	15	5
Credit per Job	\$12,500	\$5,000	\$750	+ \$1,000*

* If the job is filled by a resident of the zone or a long-term unemployed worker, add an additional \$2,000.

Credit for Investing in Business Property (§105-129.88)

Eligible taxpayers may claim a credit based on a percentage of the cost of capitalized tangible personal property that is placed in service during the taxable year, in excess of an applicable threshold. This credit is taken in equal installments over four years, beginning the year after the property is first placed in service. The credit percentage and threshold are based on the tier designation of the county where the property is placed in service.

	County Tier Designation			UPZ/AGZ
	1	2	3	
Threshold	\$0	\$1million	\$2million	\$0
Credit %	7%	5%	3.5%	7%

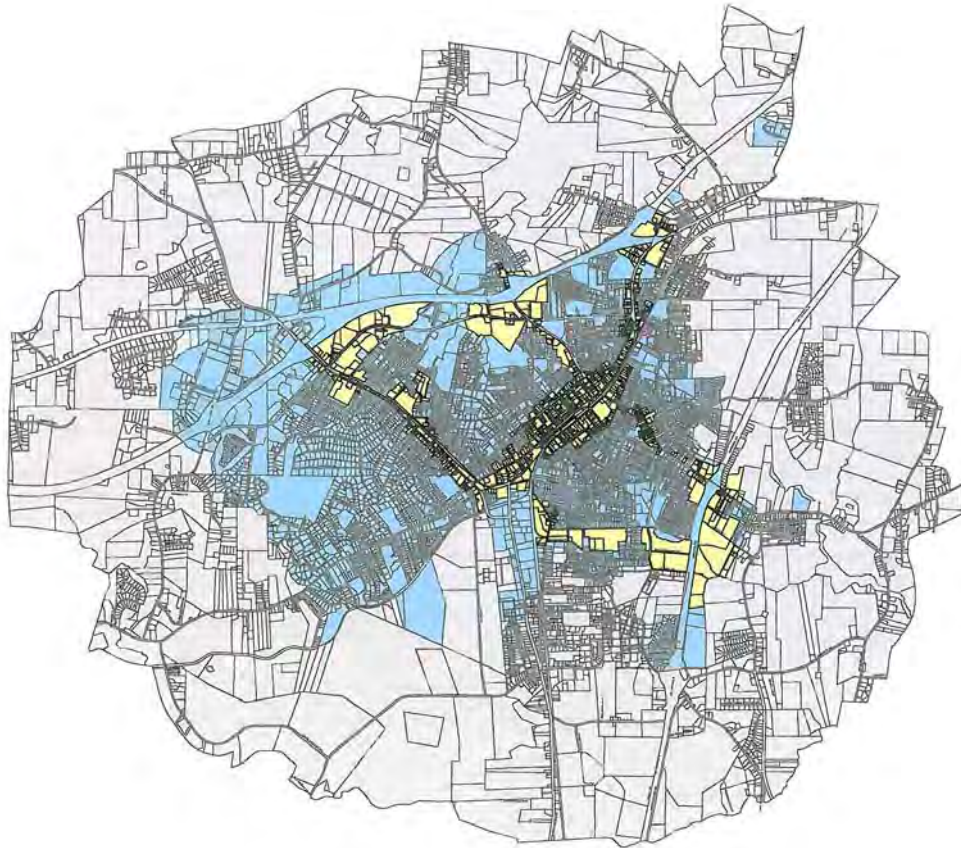
Credit for Investment in Real Property (§105-129.89)

Eligible taxpayers that invest at least \$10 million in real property within a three-year period and create at least 200 new jobs within two years at an establishment located in a tier 1 county are allowed a credit equal to 30% of the eligible real property investment. This credit is taken in equal installments over seven years, beginning the year after the property is used in an eligible business. To qualify for this credit, the taxpayer must obtain a written determination from the Department of Commerce.

This summary is not meant to be exhaustive. Taxpayers should review the Article 3J statutes prior to claiming credits. Taxpayers that are uncertain about their eligibility or ineligibility to claim credits after reviewing the Article 3J statutes should consult with the Department of Revenue. No application is required to claim Article 3J credits.

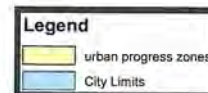


City of Henderson Urban Progress Zones



City total acreage 8,419

Urban Progress Zone total acreage 1,018



City Council Action Form

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



Agenda Item:

Council Meeting: 10 Sept 12 Regular Meeting

28 August 2012

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

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

RE: CAF: 12-A-88

Consideration Approval of Resolution 12-71, Authorizing the Execution of a Contract with Environmental Engineering & Technology (EE&T) for Engineering /Inspection Services in Conjunction with a State Revolving Fund Loan for the High Service Pump Replacement and New Warren County Meter Vault for the Regional Water System.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- KSO-5: Provide Reliable, Dependable and Environmentally Compliant Infrastructure System.
- KSO-8: Provide Financial Resourcing: To Provide Sufficient Funds for Municipal Operations and Capital Outlay Necessary to Meet the Needs of Citizens, Customers and Mandates of Regulatory Authorities.

Recommendation:

- Approve Resolution 12-71, Authorizing the Execution of a Contract with Environmental Engineering & Technology (EE&T) for Engineering /Inspection Services in Conjunction with a State Revolving Fund Loan for the High Service Pump Replacement and New Warren County Meter Vault for the Regional Water System.

Executive Summary

On 23 July 2012 the City Council approved Resolution 12-59, accepting the 0% interest loan from the NC Drinking Water State Revolving Fund to replace an existing 400Hp Finished water pump with a new 1000Hp Finished water pump in order to ensure redundancy and efficiency of

CAF 12-A-88: 10 September 2012

Page 1 of 16

pumping capacity. The plans and specifications have been updated by EE&T. It was originally part of the 20 MGD project. This contract for services related to the high service pump replacement will include preparation of the bid documents, bidding the project and oversight during the construction of the project in accordance with the state regulations.

The proposal was submitted and reviewed by the staff relative to the number of hours proposed to perform this work and then resubmitted as attached. \$53,268 was budgeted in the grant/loan application to perform this work. Their original proposal to perform this work was \$44,871. After negotiations with EE&T on the scope of work to be performed, the fee was reduced to \$37,100 for the high service pump work.

Also included is a contract for the work associated with the Warren County Meter Vault relocation. The Warren County Water Meter Relocation Project has been delayed due to problems with obtaining the property needed outside of the NCDOT right of way. The City Attorney has advised that we can proceed with the project based on previous negotiation and acceptance of the price for the easement. The work to be done by EE&T will be assisting us with the bid documents and bid phase as necessary. The informal bidding process will be used. Inspections and construction administration will be handled by the Engineering Department. The total cost for this service by EE&T is \$3,000.

Enclosures:

1. Resolution 12-71
2. Resolution 12-59

RESOLUTION 12-71

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH ENVIRONMENTAL ENGINEERING AND TECHNOLOGY (EE&T) FOR ENGINEERING/INSPECTION SERVICES FOR THE KLRW HIGH SPEED PUMP REPLACEMENT AND THE WARREN COUTNY METER VAULT REPLACEMENT

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

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

WHEREAS, the City Council approved the acceptance of the loan for the High Service Pump Replacement via Resolution 12-59 on 23 July 2012; *and*

WHEREAS, the City Council has previously approved the funding for the Warren County Meter Vault Relocation Project; *and*

WHEREAS, EE&T prepared the plans for the High Service Pump Replacement and Warren County Meter Vault Relocation; *and*

WHEREAS, additional services are needed during the bidding and construction of the projects.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY AUTHORIZE the execution of the contract with EE&T for engineering services related to the High Service Pump Replacement and New Warren County Meter Vault relocation project in the amount of \$40,100, being more fully articulated in **Attachment A** and **Attachment B**, respectively to this resolution.

The foregoing Resolution 12-71, introduced by Councilmember ***** and seconded by Councilmember ***** on this the *** day of ***** 2012, and having been submitted to a roll call vote, was ***** by the following votes: YES: NO: ABSTAIN: ABSENT:

James D. O'Geary, Mayor

ATTEST:

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

John H. Zollicoffer, Jr., City Attorney
(Reference: Minute Book 42, p. *** CAF 12-A-88)

**AGREEMENT
BETWEEN
CITY OF HENDERSON, NORTH CAROLINA
AND
ENVIRONMENTAL ENGINEERING & TECHNOLOGY, INC.
FOR
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT made as of August 13, 2012 between City of Henderson, North Carolina (“OWNER”) and Environmental Engineering & Technology, Inc. (“ENGINEER”).

OWNER and ENGINEER in consideration of their mutual covenants herein agree in respect of the performance or furnishing of professional engineering services by ENGINEER with respect to the Project and the payment for those services by OWNER as set forth below. Execution of this Agreement by ENGINEER and OWNER constitutes OWNER’s written authorization to ENGINEER to proceed on the date first above written. This Agreement will become effective on the date first above written.

SECTION 1—BASIC SERVICES OF ENGINEER

The following scope items are to be completed by the ENGINEER for the High Service Pump Replacement Project. These scope items, as detailed in Section 2 below, may be modified or added to as amended by letter to this Agreement agreed to by the OWNER and ENGINEER.

1. Complete the required design documents for advertising and bidding the project.
2. Provide advertising and bid assistance to the Owner.
3. Provide construction administration (CA) services for the duration of the project.
4. For Items 1, 2, and 3 above, provide assistance to the Owner with the DBE Program requirements for the project.

SECTION 2—DEFINITION OF SERVICES OF ENGINEER

2.1. Prepare Bid-Ready Design Documents

2.1.1. Utilizing the Plans and Specifications prepared by ENGINEER and recently approved by the State, the ENGINEER will prepare the necessary front end documents, including the Bid Form, other necessary Division 1 specifications, and State and Federal DBE forms, in order to complete the Design Documents and make “bid ready”.

2.1.2. ENGINEER will provide the bid ready documents to the OWNER for review and submission to the State for final approval.

2.1.3. ENGINEER will prepare a construction cost estimate for the proposed work.

2.1.4. ENGINEER will conduct one (1) site visit at the Plant to review the Design Documents, and, if necessary, discuss with OWNER. ENGINEER will schedule with OWNER.

2.1.5. ENGINEER will provide the OWNER with four (4) hard copies of the bid-ready Design Documents and a CD/DVD with electronic drawing files (PDF).

The duties and responsibilities of ENGINEER during the Prepare Bid-Ready Design Documents Phase as set forth in this paragraph 2.1 are as indicated in Section 1 or as amended thereto.

2.2. Advertising and Bidding Phase

2.2.1. ENGINEER will assist the OWNER with advertising for and obtaining bids for the Project.

2.2.2. In addition to the required advertising and solicitation resources per the DBE program guidelines, the OWNER, with assistance as needed from ENGINEER, will advertise in local and regional media outlets. ENGINEER will notify regional Plans Rooms. ENGINEER will distribute electronic files of the Design Documents on a CD/DVD, which will be requested by Contractors and Vendors.

2.2.3. ENGINEER will prepare bid tabulation sheets and assist the OWNER with evaluating the bids received, and can assist with preparing required documents for compliance with DBE guidelines. ENGINEER will provide the OWNER with a written recommendation of award.

2.2.4. If necessary, ENGINEER will prepare and distribute addenda required prior to the submission of bids.

2.2.5. If required or requested, ENGINEER is prepared to attend a pre-bid meeting for the Project. ENGINEER would prepare and distribute an agenda and meeting minutes.

2.2.6. ENGINEER will prepare and assist as needed for any documentation or correspondence required for bidding.

2.2.7. ENGINEER will provide assistance during the Advertising and Bidding Phase in order to comply with the DBE Program requirements, which will primarily consist of, but not limited to, preparing the required documentation and correspondence to DBE Program officials for Owner review and processing.

2.2.8. ENGINEER will prepare the Contract and required Bonds for signing upon award of bid.

The duties and responsibilities of ENGINEER during the Advertising and Bidding Phase as set forth in this paragraph 2.2 are as indicated in Section 1 or as amended thereto.

2.3. Construction Administration Phase

2.3.1. ENGINEER will furnish the OWNER with four (4) hard copies of the Conformed Design Documents, and up to five (5) hard copies to the Contractor.

2.3.2. EE&T will consult with and advise the Owner during construction when requested.

2.3.3. ENGINEER will review required submittals provided by the Contractors and Vendors for compliance with the Contract Documents. ENGINEER will prepare responses to the submittals provided and maintain a tracking spreadsheet for submittals.

2.3.4. ENGINEER will review requests for information (RFI) submitted by the Contractor. ENGINEER will prepare responses to the RFI provided and maintain a tracking spreadsheet for RFI.

2.3.5. ENGINEER will review change orders submitted by the Contractor or requested by the OWNER. ENGINEER will prepare the documentation required for processing, and maintain a tracking spreadsheet for change orders.

2.3.6. Upon project completion, ENGINEER will consolidate as-built drawings and information to prepare Record Drawings. Four (4) hard copies and electronic files (PDF) of the Record Drawings will be furnished to the OWNER on a CD/DVD.

2.3.7. ENGINEER will assist as required for any project documents required for State records.

2.3.8. ENGINEER will provide assistance during the Construction Administration Phase in order to comply with the DBE Program requirements, which will primarily consist of, but not limited to, preparing the required documentation and correspondence to DBE Program officials for OWNER review and processing.

2.3.9. Following notice from Contractor that Contractor considers the entire work ready for its intended use, ENGINEER and OWNER, accompanied by Contractor, shall conduct an inspection to determine if the work is substantially complete. If after considering any objections of OWNER, ENGINEER considers the work substantially complete, ENGINEER shall deliver a certificate of Substantial Completion to OWNER and Contractor.

2.3.10. ENGINEER shall conduct a final inspection to determine if the completed work of Contractor is acceptable so that ENGINEER may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, ENGINEER shall also provide a notice that the work is acceptable to the best of ENGINEER's knowledge, information and belief and based on the extent of the services performed and furnished by ENGINEER under this Agreement.

2.3.11 *Limitation of Responsibilities.* ENGINEER shall not be responsible for the acts or omissions of any Contractor, or of any subcontractor, any supplier, or of any other person or organization performing or furnishing any of the work. ENGINEER shall not be responsible for

Contractor's failure to perform or furnish the work in accordance with the Contract Documents. Excepted from the above limitations are matters covered in Section 6.1 hereof.

2.3.12. *Duration of Construction Phase.* The Construction Phase will commence with the execution of the construction contract for the Project or any part thereof and will terminate upon written recommendation by ENGINEER of final payment.

2.3.13. ENGINEER will be at the Plant for up to five (5) site visits. This includes a site visit for the project kickoff meeting, a site visit for final inspection, and up to three (3) additional site visits for period inspection of the progress of work.

The duties and responsibilities of ENGINEER during the Construction Phase as set forth in this paragraph 2.3 are as indicated in Section 1 or as amended thereto.

SECTION 3—PAYMENT FOR SERVICES

The fee for the services described herein shall not exceed \$37,100.00.

Additional site visits requested and approved by the OWNER beyond those included with above scope of work shall be an additional \$420.00 per visit.

Other task items requested and approved by the OWNER will be billed on a time and material basis or a maximum fee amount will be negotiated and appended hereto at time of authorization to proceed.

SECTION 4—TERMINATION

The OWNER, by written notice to the ENGINEER, may suspend or terminate the services to be performed by the ENGINEER under this Contract. In the event of termination, ENGINEER will be paid for work done up to the date of termination, and ENGINEER will make available to the OWNER all data, design drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated or created by the ENGINEER performing this contract.

SECTION 5—REUSE OF DOCUMENTS

All documents including Drawings and Specifications provided or furnished by ENGINEER (or ENGINEER's Consultants) pursuant to this Agreement are instruments of service in respect of the Project, and ENGINEER and ENGINEER's Consultants, as appropriate, shall retain an ownership and property interest therein (including the right of reuse by and at the discretion of ENGINEER and ENGINEER's Consultants, as appropriate) whether or not the Project is completed. OWNER may make and retain copies for information and reference in connection with the use and occupancy of the Project by OWNER and others; however, such documents are not intended or represented to be suitable for reuse by OWNER or others on extensions of the Project or on any other project. Any such reuse without written verification or adaptation by ENGINEER and ENGINEER's Consultants, as appropriate, for the specific purpose intended

will be at OWNER's sole risk and without liability or legal exposure to ENGINEER, or to ENGINEER's Consultants from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle ENGINEER to further compensation at rates to be agreed upon by OWNER and ENGINEER.

SECTION 6—ALLOCATION OF RISKS-INDEMNIFICATION

6.1 To the fullest extent permitted by law, ENGINEER shall indemnify and hold harmless OWNER, OWNER's officers, directors, partners, employees and agents from and against any and all claims, costs, losses and damages (including but not limited to all fees and charges of engineers, architects, attorneys and other professionals and all court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of ENGINEER'S services under this Agreement.

6.2 To the fullest extent permitted by law, OWNER shall indemnify and hold harmless ENGINEER, ENGINEER's officers, directors, partners, employees and agents and ENGINEER's Consultants from and against any and all claims, costs, losses and damages (including but not limited to all fees and charges of engineers, architects, attorneys and other professionals and all court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of OWNER or OWNER's officers, directors, partners, employees, agents and OWNER's consultants with respect to this agreement or the project.

6.3 In addition to the indemnity provided under paragraph 6.2 of this Agreement, and to the fullest extent permitted by law, OWNER shall indemnify and hold harmless ENGINEER and its officers, directors, partners, employees, and agents and ENGINEER's Consultants from and against all claims, costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys and other professionals and all court or arbitration or other dispute resolution costs) caused by, arising out of or relating to the presence, discharge, release, or escape of Asbestos, PCBs, Petroleum, Hazardous Waste, or Radioactive Material, at, on, under or from the Project Site.

SECTION 7—INSURANCE

ENGINEER shall procure and maintain insurance for protection from claims under workers' compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees or of any person other than such employees, and from claims or damages because of injury to or destruction of property including loss of use resulting therefrom. ENGINEER shall list OWNER as an additional insured on ENGINEER's general liability insurance policy.

ENGINEER shall also procure and maintain professional liability insurance for protection from claims arising out of performance of professional services caused by a negligent error, omission or act for which the insured is legally liable; such professional liability insurance will provide for coverage in an amount of not less than \$2,000,000. Certificates indicating that such insurance is in effect will be delivered to OWNER.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on their respective behalves by their duly authorized respective officers.

CITY OF HENDERSON

APPROVED AS TO LEGAL FORM:

By_____

James D. O'Geary
Mayor

John H. Zollicoffer, Jr.
City Attorney for the City of Henderson

ENVIRONMENTAL ENGINEERING
& TECHNOLOGY, INC.

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

By_____

David A. Cornwell, Ph.D., P.E., BCEE
President

Katherine C. Brafford
City of Henderson
Finance Director

**AGREEMENT
BETWEEN
CITY OF HENDERSON, NORTH CAROLINA
AND
ENVIRONMENTAL ENGINEERING & TECHNOLOGY, INC.
FOR
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT made as of August 13, 2012 between City of Henderson, North Carolina (“OWNER”) and Environmental Engineering & Technology, Inc. (“ENGINEER”).

OWNER and ENGINEER in consideration of their mutual covenants herein agree in respect of the performance or furnishing of professional engineering services by ENGINEER with respect to the Project and the payment for those services by OWNER as set forth below. Execution of this Agreement by ENGINEER and OWNER constitutes OWNER’s written authorization to ENGINEER to proceed on the date first above written. This Agreement will become effective on the date first above written.

SECTION 1—BASIC SERVICES OF ENGINEER

The following scope items are to be completed by the ENGINEER for the Warren County Water Meter Vault Project. These scope items, as detailed in Section 2 below, may be modified or added to as amended by letter to this Agreement agreed to by the OWNER and ENGINEER.

1. Complete the required design documents for advertising and bidding the project.

SECTION 2—DEFINITION OF SERVICES OF ENGINEER

2.1. Prepare Bid-Ready Design Documents

2.1.1. Utilizing the Plans and Specifications prepared by ENGINEER and recently approved by the State, the ENGINEER will prepare the necessary front end documents, including the Bid Form, other necessary Division 1 specifications, and State and Federal DBE forms, in order to complete the Design Documents and make “bid ready”.

2.1.2. ENGINEER will provide the bid ready documents to the OWNER for final review and approval.

2.1.3. ENGINEER will prepare a construction cost estimate for the proposed work.

2.1.4. Upon approval by OWNER, ENGINEER will provide the OWNER with four (4) hard copies of the bid-ready Design Documents and a CD/DVD with electronic drawing files (PDF). The duties and responsibilities of ENGINEER during the Prepare Bid-Ready Design Documents Phase as set forth in this paragraph 2.1 are as indicated in Section 1 or as amended thereto.

SECTION 3—PAYMENT FOR SERVICES

The fee for the services described herein shall not exceed \$3,000.00.

Other task items requested and approved by the OWNER will be billed on a time and material basis or a maximum fee amount will be negotiated and appended hereto at time of authorization to proceed.

SECTION 4—TERMINATION

The OWNER, by written notice to the ENGINEER, may suspend or terminate the services to be performed by the ENGINEER under this Contract. In the event of termination, ENGINEER will be paid for work done up to the date of termination, and ENGINEER will make available to the OWNER all data, design drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated or created by the ENGINEER performing this contract.

SECTION 5—REUSE OF DOCUMENTS

All documents including Drawings and Specifications provided or furnished by ENGINEER (or ENGINEER's Consultants) pursuant to this Agreement are instruments of service in respect of the Project, and ENGINEER and ENGINEER's Consultants, as appropriate, shall retain an ownership and property interest therein (including the right of reuse by and at the discretion of ENGINEER and ENGINEER's Consultants, as appropriate) whether or not the Project is completed. OWNER may make and retain copies for information and reference in connection with the use and occupancy of the Project by OWNER and others; however, such documents are not intended or represented to be suitable for reuse by OWNER or others on extensions of the Project or on any other project. Any such reuse without written verification or adaptation by ENGINEER and ENGINEER's Consultants, as appropriate, for the specific purpose intended will be at OWNER's sole risk and without liability or legal exposure to ENGINEER, or to ENGINEER's Consultants from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle ENGINEER to further compensation at rates to be agreed upon by OWNER and ENGINEER.

SECTION 6—ALLOCATION OF RISKS-INDEMNIFICATION

6.1 To the fullest extent permitted by law, ENGINEER shall indemnify and hold harmless OWNER, OWNER's officers, directors, partners, employees and agents from and against any and all claims, costs, losses and damages (including but not limited to all fees and charges of engineers, architects, attorneys and other professionals and all court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of ENGINEER'S services under this Agreement.

6.2 To the fullest extent permitted by law, OWNER shall indemnify and hold harmless ENGINEER, ENGINEER's officers, directors, partners, employees and agents and ENGINEER's Consultants from and against any and all claims, costs, losses and damages (including but not limited to all fees and charges of engineers, architects, attorneys and other

professionals and all court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of OWNER or OWNER's officers, directors, partners, employees, agents and OWNER's consultants with respect to this agreement or the project.

6.3 In addition to the indemnity provided under paragraph 6.2 of this Agreement, and to the fullest extent permitted by law, OWNER shall indemnify and hold harmless ENGINEER and its officers, directors, partners, employees, and agents and ENGINEER's Consultants from and against all claims, costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys and other professionals and all court or arbitration or other dispute resolution costs) caused by, arising out of or relating to the presence, discharge, release, or escape of Asbestos, PCBs, Petroleum, Hazardous Waste, or Radioactive Material, at, on, under or from the Project Site.

SECTION 7—INSURANCE

ENGINEER shall procure and maintain insurance for protection from claims under workers' compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees or of any person other than such employees, and from claims or damages because of injury to or destruction of property including loss of use resulting therefrom. ENGINEER shall list OWNER as an additional insured on ENGINEER's general liability insurance policy.

ENGINEER shall also procure and maintain professional liability insurance for protection from claims arising out of performance of professional services caused by a negligent error, omission or act for which the insured is legally liable; such professional liability insurance will provide for coverage in an amount of not less than \$2,000,000. Certificates indicating that such insurance is in effect will be delivered to OWNER.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on their respective behalves by their duly authorized respective officers.

CITY OF HENDERSON

APPROVED AS TO LEGAL FORM:

By _____
James D. O'Geary
Mayor

John H. Zollicoffer, Jr.
City Attorney

ENVIRONMENTAL ENGINEERING
& TECHNOLOGY, INC.

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

By _____
David A. Cornwell, Ph.D., P.E., BCEE
President

Katherine C. Brafford
City Finance Director

RESOLUTION 12-59

ACCEPTANCE OF A LOAN FROM THE NC DRINKING WATER STATE REVOLVING FUND FOR REPLACEMENT OF HIGH SPEED PUMP AT KERR LAKE REGIONAL WATER PLANT

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

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

WHEREAS, the Federal Safe Drinking Water Act Amendments of 1996 and the NC Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water system improvements, *and*

WHEREAS, the City received an offer of acceptance of a loan for a water system project (project number WIF-1692); *and*

WHEREAS, the City deems it in the best interest to complete this work in order to provide reliable, dependable and environmentally compliant infrastructure systems, *and*

WHEREAS, the amount of the loan is \$1,129,000 for twenty years with a .00% interest rate; *and;*

WHEREAS, the finished water pump, controls, valves and piping for redundancy would be for funding at the Kerr Lake Regional Water Plant and consistent with future construction of the 20 MGD project.

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

1. That the City of Henderson (Applicant) will arrange financing for all remaining costs of the project.
2. That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. That the City Council (governing body) of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Henderson to make scheduled repayment of the loan, to withhold from the City of Henderson any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

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

The foregoing Resolution 12-59 introduced by Council Member Kearney and seconded by Council Member Rainey on this the 23rd day of July 2012, and having been submitted to a roll call vote, was APPROVED by the following votes: YES: Coffey, Inscocoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

(Reference: Minute Book 42, p. 532.)

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the foregoing is a true and exact copy of *Resolution 12-59*, adopted by the Henderson, City Council in Regular Session on 23 July 2012 (*See Minute Book 42, p. 532.*). This Resolution is recorded in *Resolution Book # 3*, pp. 13.

Witness my hand and corporate seal of the City, this 24th day of July 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: 10 Sept 12 Regular Meeting

28 August 2012

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

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

RE: CAF: 12-18

Consideration of Approval of Resolution 12-05, Consideration of Declaring the Old First National Bank Building on Garnett Street as Surplus Property and Authorizing the Solicitation of Proposals from Realtors to Market and Sell said Building

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

KSO 5: Economic Development; Action Plan 3-5: Redevelop Downtown

Recommendation:

- Approval of Resolution 12-05, Consideration of Declaring the Old First National Bank Building on Garnett Street as Surplus Property and Authorizing the Solicitation of Proposals from Realtors to Market and Sell said Building

Executive Summary:

The Land Planning Committee met on 22 August to discuss the disposition of the old bank building. It continues to be vacant and in a deteriorated condition. The Committee unanimously recommends Council consider declaring the property surplus and authorizing the City Manager to solicit proposals from realtors for its marketing and sale.

Enclosures:

1. Resolution 12-05
2. Land Planning Committee Minutes, 22 Aug 12 Meeting

R E S O L U T I O N 12-05

A RESOLUTION OF THE HENDERSON CITY COUNCIL DECLARING THE OLD FIRST NATIONAL BANK BUILDING ON GARNETT STREET AS SURPLUS PROPERTY AND AUTHORIZING THE SOLICITATION OF PROPOSALS FROM REALTORS TO MARKET AND SELL SAID BUILDING

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 12 Core Values; *and*

WHEREAS, this Resolution addresses one of the Key Strategic Objectives as follows: KSO 3: Economic Development; Action Plan 3-5: Redevelop Downtown; *and*

WHEREAS, the old First National Bank building is owned by the City of Henderson and plans to utilize for a proposed rail passenger station has not materialized; the building is vacant and in a deteriorated condition; *and*

WHEREAS, the Land Planning Committee has recommended to City Council to declare the property surplus and to have said property professionally marketed and ultimately sold, including any public-private partnerships that may be advantageous to both the City and prospective developer.

NOW, THEREFORE BE IT RESOLVED by the Henderson City Council that it does hereby declare the old First National Bank Building located at 213 South Garnett Street to be surplus and available for disposition and/or sale as deemed appropriate by the City Council; *and*

BE IT FURTHER RESOLVED, that the City Manager is authorized to solicit proposals from realtors and brokers to market and sale the property, with said marketing and sale to be flexible to consider viable public-private partnerships that the Council may find advantageous to both the City and prospective developer.

BE IT FURTHER RESOLVED, that the City of Henderson will share any net profits from the sale of the building and property with the County of Vance in accordance with agreement already in place between the City and County that provided for the transfer of the County's ownership interest in the property to the City via Resolution 11-16 approved by City Council on 10 January 2011.

The foregoing Resolution 12-05, introduced by Council Member ** and seconded by Council Member ** on this the 10th day of September 2012, and having been submitted to a roll call vote, was *** by the following votes: YES: . NO: . ABSTAIN: . None. : .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney
(Reference: *Minute Book 42, p..)*
Resolution 11-16)

Minutes
Land Planning Committee
Wednesday, 22 August 2012

Members Present:

Mayor O'Geary, Councilmembers Inscoe, Peace-Jenkins and Brown.

Members Absent:

Councilmember Daeke

Others Present:

City Manager Ray Griffin

Call to Order

Vice-Chairman Inscoe called the meeting to order at 4 p.m. in the Large Council Room, City Hall. He advised those present there was only one item of business to be conducted—Disposition of the old bank building owned by the City.

Old Bank Building

Mr. Inscoe provided a brief history of the building and since it has been determined it is no longer in consideration for the proposed rail passenger station, it is time for the City to consider disposing of the property. General discussion ensued and the consensus of the committee was to try and market the building for sale or donation to a developer that would redevelop the property via a public/private partnership.

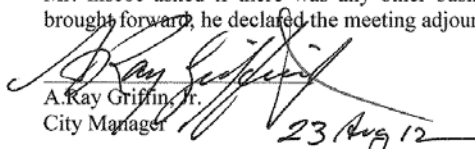
Ms. Peace-Jenkins moved for Committee to recommend to Council to declare the old SNB Bank Building on Garnett Street as surplus and to authorize the City Manager to solicit bids from realty firms regarding marketing strategies and costs for selling the building. Motion seconded by Mr. Brown and approved unanimously by the Committee.

Jointly Held Properties with County

Mr. Inscoe asked Mr. Griffin for a brief update on the negotiations with the County regarding jointly held properties obtained via foreclosure process. Mr. Griffin advised a meeting has been scheduled for 5 September and he is hopeful the City and County attorneys will be able to finalize wording for an inter-local agreement that would provide for the City's transfer of its share of such properties to the County with the expectation any proceeds would be shared on a 50/50 basis. The model for this concept has been previously agreed to via the old bank building and old armory properties.

Adjournment

Mr. Inscoe asked if there was any other business to come before the Committee. There being none brought forward, he declared the meeting adjourned at 4:40 p.m.


A. Ray Griffin, Jr.
City Manager

23 Aug 12

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430-5701



Agenda Item: _____

Council Meeting: 10 Sept 12 Regular Meeting

28 August 2012

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

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

RE: CAF: 12-110

Consideration of Approval of Ordinance 12-62, Demolition of 587 Beckford Drive.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

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

Recommendation

- Approval of Ordinance 12-62, Demolition of 587 Beckford Drive.

Executive Summary

The structure located at 587 Beckford Drive is owned by Portia Denise Steed and husband David Steed. The structure meets the requirements of section 21A (Abandoned Structure) of City Code. The proper enforcement procedures have been followed in accordance with section 21A and North Carolina General Statutes §160A-429,443 and 445. City Attorney John Zollicoffer reviewed the enforcement process and there are no foreseen problems at this time. In order to proceed with the enforcement process, an Ordinance of Demolition needs to be approved by the City Council.

Enclosures:

1. Ordinance 12-62
2. Pictures of Structures

ORDINANCE 12-62

AN ORDINANCE DIRECTING THE CODE COMPLIANCE DIRECTOR TO REMOVE OR DEMOLISH THE STRUCTURE HEREIN DESCRIBED AS HAZARDOUS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, The City Council finds that all owners and parties of interest (whether known or unknown) in the structure described herein are the following (including spouses):

Portia Denise Steed and husband David Steed

WHEREAS, The City Council of the City of Henderson finds that the structure described herein is hazardous to the health, safety and welfare of the residents of the City under the City Abandoned Structure Ordinance, and that all of the procedures of the Abandoned Structures Ordinance have been complied with; *and*

WHEREAS, the owners of this structure have been given a reasonable opportunity to bring the structure up to the standards of the Abandoned Structure Ordinance in accordance with G.S. 160A-443(5) pursuant to an order issued by the Code Administrator on **April 20, 2012** and the owners have failed to comply with the order; *and*

WHEREAS, the structure should be removed or demolished, as directed by the Code Administrator, and should be placarded by placing thereon a notice prohibiting use for human habitation.

NOW, “THEREFORE, BE IT ORDAINED by the City Council of the City of Henderson, that:

Section 1. The Code Administrator is hereby authorized and directed to place a placard containing the legend;

“This building is hazardous to the public health, safety and welfare; the use or occupation of this building for human habitation is prohibited and unlawful” on the structure located at the following address:

587 Beckford Drive / Deed Book 704 Page 711 Vance County Register of Deeds / Vance County Tax Parcel 0101 02018 in the City of Henderson, N.C.

Section 2. The Code Administrator is hereby authorized and directed to proceed to remove or demolish the above described structure in accordance with his/her order to the owners thereof dated the **20th** day of **April 2012** and in accordance with the Abandoned Structures Ordinance and G.S. 160A-443.

Section 3. Upon completion of the required removal or demolition, the Code Administrator shall reasonably dispose of any merchantable materials and shall sell any merchantable materials of the structure and credit the proceeds against the cost of the removal or demolition. The Code Administrator shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the demolition, the Code Compliance Director shall deposit the

surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-446(6).

Section 4. The Cost of removal or demolition and any landfill fees associated therewith constitutes a lien against the real property upon which the cost was incurred. The amount of the lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be hazardous to the public health, safety and welfare.

Section 6. This ordinance shall become effective upon its adoption.

The foregoing Ordinance 12-62, 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 ----- 2012: YES: . NO:. ABSENT: . ABSTAIN: .

Mayor James D. O'Geary

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

CAF 12-110
Attachment 2
587 Beckford



City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430-5701



Agenda Item: _____

Council Meeting: 10 Sept 12 Regular Meeting

28 August 2012

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

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

RE: CAF: 12-111

Consideration of Approval of Ordinance 12-63, Demolition of 707 Marshall Street.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

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

Recommendation

- Approval of Ordinance 12-63, Demolition of 707 Marshall Street.

Executive Summary

The structure located at 707 Marshall Street is owned by Roberta Kingsberry Crudup, Heirs. Photographs below indicate signs of frequent use of vagrants, conditions creating fire hazards and deterioration. The structure meets the requirements of section 21A (Abandoned Structure) of City Code. The proper enforcement procedures have been followed in accordance with section 21A and North Carolina General Statutes §160A-429,443 and 445. City Attorney John Zollicoffer reviewed the enforcement process and there are no foreseen problems at this time. In order to proceed with the enforcement process, an Ordinance of Demolition needs to be approved by the City Council.

Enclosures:

1. Ordinance 12-63
2. Pictures of Structures

ORDINANCE 12-63

AN ORDINANCE DIRECTING THE CODE COMPLIANCE DIRECTOR TO REMOVE OR DEMOLISH THE STRUCTURE HEREIN DESCRIBED AS HAZARDOUS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, The City Council finds that all owners and parties of interest (whether known or unknown) in the structure described herein are the following (including spouses):

Roberta Kingsberry Crudup, Heirs

WHEREAS, The City Council of the City of Henderson finds that the structure described herein is hazardous to the health, safety and welfare of the residents of the City under the City Abandoned Structure Ordinance, and that all of the procedures of the Abandoned Structures Ordinance have been complied with; *and*

WHEREAS, the owners of this structure have been given a reasonable opportunity to bring the structure up to the standards of the Abandoned Structure Ordinance in accordance with G.S. 160A-443(5) pursuant to an order issued by the Code Administrator on **April 19, 2012** and the owners have failed to comply with the order; *and*

WHEREAS, the structure should be removed or demolished, as directed by the Code Administrator, and should be placarded by placing thereon a notice prohibiting use for human habitation.

NOW, “THEREFORE, BE IT ORDAINED by the City Council of the City of Henderson, that:

Section 1. The Code Administrator is hereby authorized and directed to place a placard containing the legend;

“This building is hazardous to the public health, safety and welfare; the use or occupation of this building for human habitation is prohibited and unlawful” on the structure located at the following address:

707 Marshall Street / Deed Book 481 Page 341 Vance County Register of Deeds / Vance County Tax Parcel 0091 03007 in the City of Henderson, N.C.

Section 2. The Code Administrator is hereby authorized and directed to proceed to remove or demolish the above described structure in accordance with his/her order to the owners thereof dated the **19th** day of **April 2012** and in accordance with the Abandoned Structures Ordinance and G.S. 160A-443.

Section 3. Upon completion of the required removal or demolition, the Code Administrator shall reasonably dispose of any merchantable materials and shall sell any merchantable materials of the structure and credit the proceeds against the cost of the removal or demolition. The Code Administrator shall certify the remaining balance to the Tax Collector. If a

surplus remains after sale of the demolition, the Code Compliance Director shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-446(6).

Section 4. The Cost of removal or demolition and any landfill fees associated therewith constitutes a lien against the real property upon which the cost was incurred. The amount of the lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be hazardous to the public health, safety and welfare.

Section 6. This ordinance shall become effective upon its adoption.

The foregoing Ordinance 12-63, 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 ----- 2012: YES: . NO:. ABSENT: . ABSTAIN: .

Mayor James D. O'Geary

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

Attachment 2
707 Marshall Street



City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252.430-5701



Agenda Item: _____

Council Meeting: 10 Sept 12 Regular Meeting

28 August 2012

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

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

RE: CAF: 12-112

Consideration of Approval of Ordinance 12-64, Demolition of 710 Marshall Street.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

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

Recommendation

- Approval of Ordinance 12-64, Demolition of 710 Marshall Street.

Executive Summary

The structure located at 710 Marshall Street is owned by American General Financial Service Inc. The structure meets the requirements of section 21A (Abandoned Structure) of City Code. The proper enforcement procedures have been followed in accordance with section 21A and North Carolina General Statutes §160A-429,443 and 445. City Attorney John Zollicoffer reviewed the enforcement process and there are no foreseen problems at this time. In order to proceed with the enforcement process, an Ordinance of Demolition needs to be approved by the City Council.

Enclosures:

1. Ordinance 12-64
2. Pictures of Structures

ORDINANCE 12-64

AN ORDINANCE DIRECTING THE CODE COMPLIANCE DIRECTOR TO REMOVE OR DEMOLISH THE STRUCTURE HEREIN DESCRIBED AS HAZARDOUS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, The City Council finds that all owners and parties of interest (whether known or unknown) in the structure described herein are the following (including spouses):

American General Financial Service Inc.

WHEREAS, The City Council of the City of Henderson finds that the structure described herein is hazardous to the health, safety and welfare of the residents of the City under the City Abandoned Structure Ordinance, and that all of the procedures of the Abandoned Structures Ordinance have been complied with; *and*

WHEREAS, the owners of this structure have been given a reasonable opportunity to bring the structure up to the standards of the Abandoned Structure Ordinance in accordance with G.S. 160A-443(5) pursuant to an order issued by the Code Administrator on **April 23, 2012** and the owners have failed to comply with the order; *and*

WHEREAS, the structure should be removed or demolished, as directed by the Code Administrator, and should be placarded by placing thereon a notice prohibiting use for human habitation.

NOW, “THEREFORE, BE IT ORDAINED by the City Council of the City of Henderson, that:

Section 1. The Code Administrator is hereby authorized and directed to place a placard containing the legend;

“This building is hazardous to the public health, safety and welfare; the use or occupation of this building for human habitation is prohibited and unlawful” on the structure located at the following address:

710 Marshall Street / Deed Book 1152 Page 0315 Vance County Register of Deeds / Vance County Tax Parcel 0091 03008 in the City of Henderson, N.C.

Section 2. The Code Administrator is hereby authorized and directed to proceed to remove or demolish the above described structure in accordance with his/her order to the owners thereof dated the **23rd** day of **April 2012** and in accordance with the Abandoned Structures Ordinance and G.S. 160A-443.

Section 3. Upon completion of the required removal or demolition, the Code Administrator shall reasonably dispose of any merchantable materials and shall sell any merchantable materials of the structure and credit the proceeds against the cost of the removal or demolition. The Code Administrator shall certify the remaining balance to the Tax Collector. If a

surplus remains after sale of the demolition, the Code Compliance Director shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-446(6).

Section 4. The Cost of removal or demolition and any landfill fees associated therewith constitutes a lien against the real property upon which the cost was incurred. The amount of the lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be hazardous to the public health, safety and welfare.

Section 6. This ordinance shall become effective upon its adoption.

The foregoing Ordinance 12-64, 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 ----- 2012: YES: . NO:. ABSENT: . ABSTAIN: .

Mayor James D. O'Geary

ATTEST:

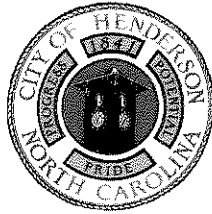
Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

CAF 12-112
Attachment 2
710 Marshall





Office of the City Manager

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

*Phone 252.430.5701 : Fax 252.492.7935 : E-mail rgriffin@ci.henderson.nc.us
www.ci.henderson.nc.us*

5 September 2012

TO: Mayor O'Geary and Members of City Council

FR: Ray Griffin, City Manager

RE: Declaration of Surplus Property

Ladies and Gentlemen:

Pursuant to Resolution 09-10, property identified in the attached memo dated 15 August 2012 from Edna Vaught, Fiscal Compliance Officer, is declared surplus and will be auctioned on Gov-Deals. No action is required of Council; however, it is felt appropriate to advise Council of said declaration and to offer opportunity for questions and/or objections to the proposed sale.

Memo

To: Ray Griffin, Henderson City Manager
From: Edna Vaught, Fiscal Compliance Officer
CC: Frank Frazier, Henderson Assistant City Manager
Kathy Brafford, Finance Director
Date: 8/15/2012
Re: Equipment to be Declared Surplus

Mr. Griffin,

Within this memo is a listing of equipment that is no longer in use in the various departments. In accordance with the policy as approved by the City Council, I am asking that the listed items be reviewed and sign off on as surplus. Listed items will then be advertised on the GovDeals website in order to liquidate said items. All proceeds are to be collected and appropriately placed as revenue by the Finance Director.

Thank you for your time and assistance.

Respectfully,

Edna Vaught

Police Department

ASSET NUMBER	SERIAL NUMBER	ITEM
B1146	USB587267	HP LASERJET PRINTER
B1710	S2650876YA	NEC ACCUSYNC 17 INCH MONITOR
B1711	2650879YA	NEC ACCUSYNC MONITOR
B1710	2650876YA	NEC ACCUSYNC MONITOR
	CN-04P121-478042AL-	
N/A	L032	DELL MONITOR
N/A	CNN4220FQ9	COMPAQ MONITOR
B1697	2BKSA02787	PANASONIC CF28 MDT COMPUTER

B1997	343CFA063	MOTOROLA ML850 MDT COMPUTER
B1971	343CFC0506	MOTOROLA ML850 MDT COMPUTER
B1853	7PYZQ31	DELL LAPTOP COMPUTER
B1698	2BKSA02250	PANASONIC CF28 MDT COMPUTER
B1993	343CFC0510	MOTOROLA ML850 MDT COMPUTER
B1996	343CF0509	MOTOROLA ML850 MDT COMPUTER
B1990	343CFA0059	MOTOROLA ML850 MDT COMPUTER
B1695	2BKSA02777	PANASONIC CF28 MDT COMPUTER
B1994	343CFA0058	MOTOROLA ML850 MDT COMPUTER
B1995	343CFA0056	MOTOROLA ML850 MDT COMPUTER
B1870	CNF4161967	HP LAPTOP COMPUTER
B1696	2BKSA02298	PANASONIC CF28 MDT COMPUTER
B1666	1HKSA11435	PANASONIC CF27 RUGGEDIZED LAPTOP
B1667	1HKSA11418	PANASONIC CF27 RUGGEDIZED LAPTOP
B1684	1FKYA03946	PANASONIC CF27 RUGGEDIZED LAPTOP
N/A	S64BP3112M	HPDESK JET 450
B1872	N/A	DESKTOP COMPUTER
B1874	N/A	DESKTOP COMPUTER
B1875	N/A	BUSINESS COMPUTER SYSTEMS DESKTOP
B1972	N/A	DESKTOP COMPUTER
B1877	N/A	DESKTOP COMPUTER
B1706	6X27-KM87.ROB1	COMPAQ EV DESKTOP COMPUTER
B1377		WHEELEN DASHMEISER STROBE LIGHT
B1378		WHEELEN DASHMEISER STROBE LIGHT
B1379		WHEELEN DASHMEISER STROBE LIGHT
B1380		WHEELEN DASHMEISER STROBE LIGHT
B1381		WHEELEN DASHMEISER STROBE LIGHT
B1382		WHEELEN DASHMEISER STROBE LIGHT
B1383		WHEELEN DASHMEISER STROBE LIGHT
B1384		WHEELEN DASHMEISER STROBE LIGHT
B1385		WHEELEN DASHMEISER STROBE LIGHT
B1376		WHEELEN DASHMEISER STROBE LIGHT
N/A		WHEELEN 9M STROBE LIGHTBAR
N/A		WHEELEN 9M STROBE LIGHTBAR
B1580		FEDERAL SIGNAL STROBE LIGHTBAR
B1464		FEDERAL SIGNAL STROBE LIGHTBAR
B1463		FEDERAL SIGNAL STROBE LIGHTBAR
B1462		FEDERAL SIGNAL STROBE LIGHTBAR
B1461		FEDERAL SIGNAL STROBE LIGHTBAR
B1460		FEDERAL SIGNAL STROBE LIGHTBAR

B1459	FEDERAL SIGNAL STROBE LIGHTBAR
B1458	FEDERAL SIGNAL STROBE LIGHTBAR
B1457	FEDERAL SIGNAL STROBE LIGHTBAR
B1858	WHELLEN 9M LIGHTBAR
B1857	WHELLEN 9M LIGHTBAR
B1856	WHELLEN 9M LIGHTBAR
B1357	WHELLEN 9M LIGHTBAR
B1358	WHELLEN 9M LIGHTBAR
B1359	WHELLEN 9M LIGHTBAR
B1360	WHELLEN 9M LIGHTBAR
B1361	WHELLEN 9M LIGHTBAR
B1362	WHELLEN 9M LIGHTBAR
B1363	WHELLEN 9M LIGHTBAR
B1364	WHELLEN 9M LIGHTBAR
B1365	WHELLEN 9M LIGHTBAR
B1373	WHELLEN 9M LIGHTBAR
B1374	WHELLEN 9M LIGHTBAR
B1375	WHELLEN 9M LIGHTBAR
B1549	WHELLEN 9M LIGHTBAR
B1458	WHELLEN 9M LIGHTBAR
B1457	LIGHTBAR/SUREB CONTROL
B1523	LIGHTBAR/SUREB CONTROL
B1522	SIREN/LIGHT CONTROL
B1521	WHELLEN DASHMOUNT STROBE LIGHTS
B1372	WHELLEN DASHMOUNT STROBE LIGHTS
B1371	FEDERAL SIGNAL SWITCH BOXES
B1367	FEDERAL SIGNAL SWITCH BOXES
B1366	FEDERAL SIGNAL SIREN/LIGHT CONTROL
B1644	FEDERAL SIGNAL SIREN/LIGHT CONTROL
B1644	FEDERAL SIGNAL SIREN/LIGHT CONTROL
B1643	FEDERAL SIGNAL SIREN/LIGHT CONTROL
B1642	FEDERAL SIGNAL SIREN/LIGHT CONTROL

Public Services

Four Old Monitors

Asset Number –D0511

Asset Number –F0198

N/A for second two

Keyboards

No Asset Numbers

Printer

No Asset Number

Set of Shelves

Engineering

One CPU and Monitor

Asset Number BB-1876 & B-1875

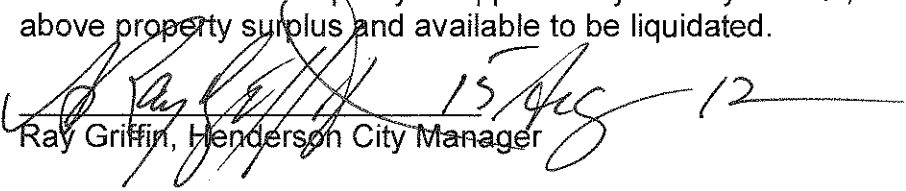
Monitor

Asset Number G-0777

Laminator

Asset Number A-0903

In accordance with the policy as approved by the City Council, I do hereby declare the above property surplus and available to be liquidated.

 15 Aug 12
Ray Griffin, Henderson City Manager

Meetings and Events Calendar

<i>Date</i>	<i>Time</i>	<i>Event</i>	<i>Location</i>
Sept 11 th	3:00 PM	Henderson Appearance Committee	City Council Chambers
Sept 13 th	12:00 PM	Henderson-Vance Parks & Recreation Commission	Aycock Recreation Center
Sept 20 th	7:00 PM	Human Relations Commission	City Council Chambers
Sept 24 th	6:00 PM	City Council Meeting Work Session to Follow	City Council Chambers
Sept 28 th	10:00 AM	Henderson-Vance E911 Advisory Board Meeting	E 911 Operation Center
Oct 1 st	3:30 PM	Henderson Planning Board	City Council Chambers
Oct 2 nd	3:30 PM	Henderson Zoning Board of Adjustments	City Council Chambers
Oct 8 th	9:30 AM	KLRWS Advisory Board Meeting	City Hall Large Conference Room
Oct 8 th	6:00 PM	City Council Regular Meeting	City Council Chambers
Oct 9 th	3:00 PM	Henderson Appearance Committee	City Council Chambers
Oct 11 th	12:00 PM	Henderson-Vance Parks & Recreation Commission	Aycock Recreation Center
Oct 18 th	7:00 PM	Human Relations Commission	City Council Chambers
Oct 22 nd	Cancelled	City Council Meeting CANCELLED	CANCELLED DUE TO NCLM CONFERENCE
Nov 5 th	3:30 PM	Henderson Planning Board	City Council Chambers
Nov 6 th	3:30 PM	Henderson Zoning Board of Adjustments	City Council Chambers
Nov 8 th	12:00 PM	Henderson-Vance Parks & Recreation Commission	Aycock Recreation Center
Nov 12 th	5:00 PM	Library Board of Trustees	H. Leslie Perry Memorial Library Board Room
Nov 12 th		City Hall Closed Veterans Day / City Council Meeting Cancelled	Happy Veterans Day 
Nov 13 th	3:00 PM	Henderson Appearance Committee	City Council Chambers
Nov 15 th	7:00 PM	Human Relations Commission	City Council Chambers
Nov 22nd & Nov 23rd		CITY HALL CLOSED Thursday the 22nd & Friday the 23rd HAPPY THANKSGIVING	
Nov 26 th	6:00 PM	City Council Meeting Work Session to Follow	City Council Chambers
Nov 30 th	10:00 AM	Henderson-Vance E911 Advisory Board Meeting	E 911 Operation Center

Last Updated: 9/7/2012 9:18 AM



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: SEPTEMBER 4, 2012

FIRE SUPPRESSION AND RESCUE ACTIVITY REPORT FOR: AUGUST , 2012

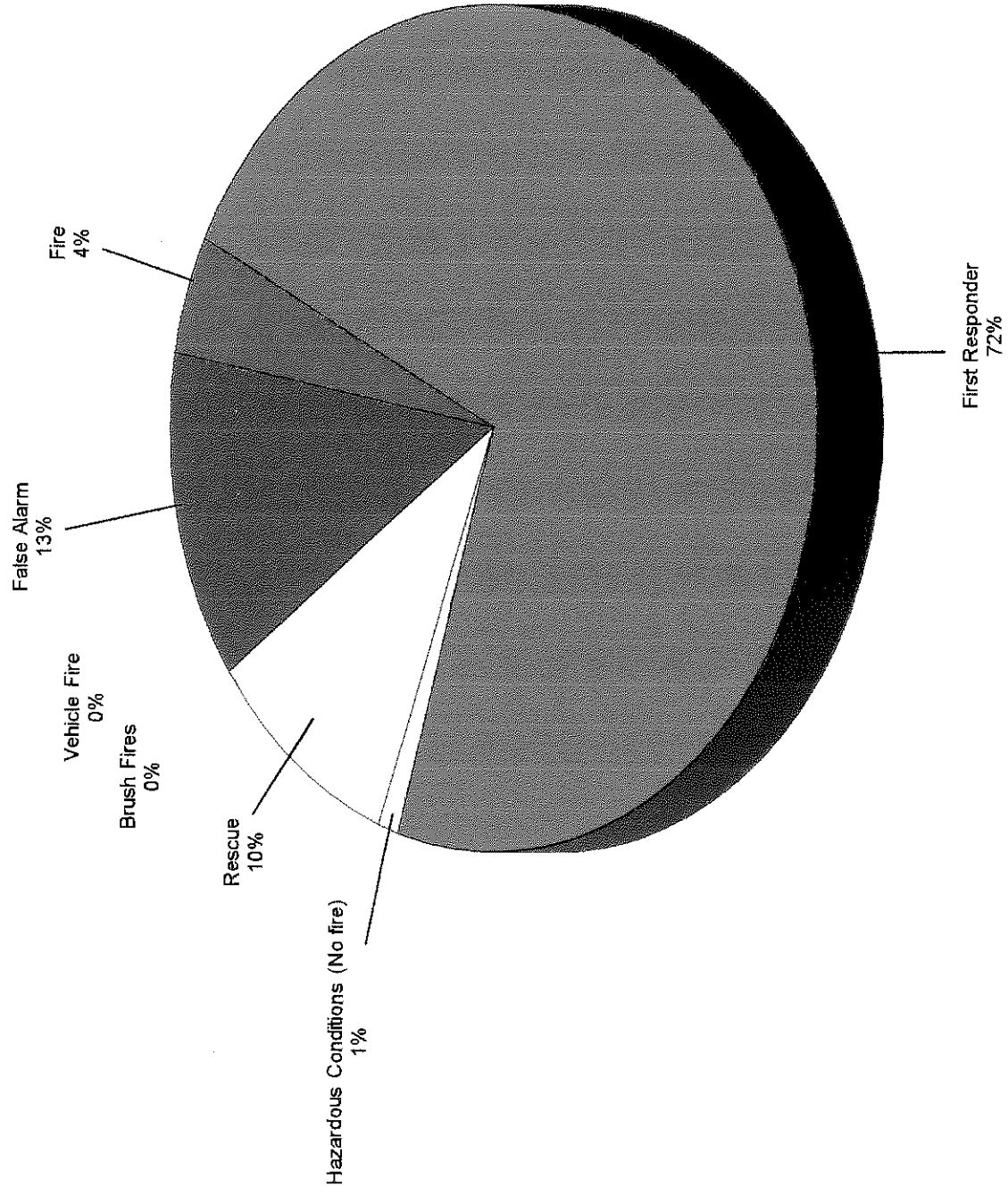
TYPE OF CALL	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
PRIVATE DWELLINGS (1 or 2 Family), Including Mobile Homes	4	4	44
APARTMENTS (3 or More Families)	1	0	8
HOTELS AND MOTELS	0	0	0
ALL OTHER RESIDENTIAL (Dormitories, Boarding Houses, Tents, etc.)	0	0	1
PUBLIC ASSEMBLY (Church, Restaurant, Clubs, etc.)	0	1	4
SCHOOLS AND COLLEGES	0	0	0
HEALTH CARE AND PENAL INSTITUTIONS (Hospitals, Nursing Homes, Prisons, etc.)	0	0	2
STORES AND OFFICES	0	0	3
INDUSTRY, UTILITY, DEFENSE, LABORATORIES, MANUFACTURING	0	0	0
STORAGE IN STRUCTURES (Barns, Vehicle storage Garages, General Storage, etc.)	0	0	0
OTHER STRUCTURES (Outbuildings, Bridges, etc.)	0	0	0
WORKING STRUCTURE FIRE	1	3	11
FIRES IN HIGHWAY VEHICLES (Autos, Trucks, Buses, etc.)	0	2	23
FIRES IN OTHER VEHICLES (Planes, Trains, Ships, Construction or Farm Vehicles)	0	0	0

FIRE OUTSIDE OF STRUCTURES WITH VALUE INVOLVED, BUT NOT VEHICLES (Outside Storage, Crops, Timber, etc.)	0	0	1
FIRES IN BRUSH, GRASS, WILD LAND (Excluding Crops and Timber) With No Value Involved	0	3	16
FIRES IN RUBBISH, INCLUDING DUMPSTERS (Outside structures), With No Value Involved	2	3	22
ALL OTHER FIRES	1	0	4
RESCUE	19	19	161
FIRST RESPONDER	144	178	1345
FALSE ALARM RESPONSES (Malicious or Unintentional False Calls, Malfunctions, Bomb Scares)	25	13	135
MUTUAL AID OR ASSISTANCE RESPONSES	0	3	8
HAZARDOUS MATERIALS RESPONSES (Spills, Leaks, etc.)	1	2	22
OTHER HAZARDOUS RESPONSES (Arcing wires, Bomb Removal, Power Line Down, etc.)	1	6	25
ALL OTHER RESPONSES (Smoke Scares, Lock-Outs, Animal Rescues, etc.)	0	1	11
TOTALS	199	238	1846

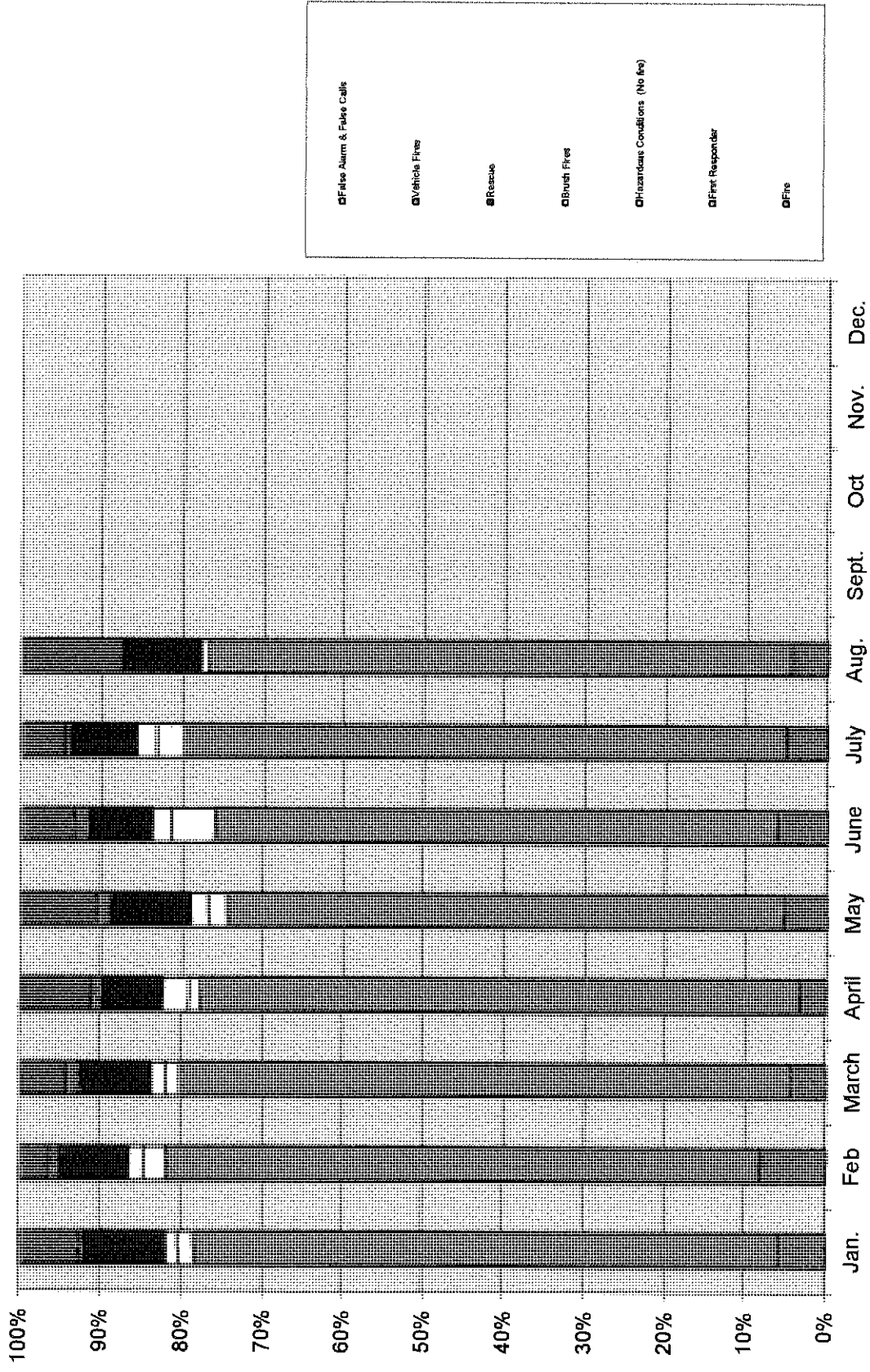
	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
Total Fire Incidents With Property and/or Contents Loss	5	6	60
Total of Property and Contents Value Saved	\$ 225,300.00	\$ 169,722.00	\$ 9,710,171.00

	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
FIRE CASUALTIES FIREFIGHTER-DEATH	0	0	0
FIRE CASUALTIES FIREFIGHTER - INJURIES	0	0	1
FIRE CASUALTIES CIVILIAN - DEATH	0	0	0
FIRE CASUALTIES CIVILIAN - INJURIES	0	0	1

Incident Summary For August 2012



YEAR TO DATE SUMMARY BY MONTH FOR 2012



INSPECTION ACTIVITIES REPORT FOR: AUGUST, 2012

INSPECTIONS	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
ASSEMBLY	14	13	58
BUSINESS	22	41	191
EDUCATIONAL	2	0	6
HAZARDOUS	0	0	0
INDUSTRIAL	3	1	6
INSTITUTIONAL	0	0	2
MERCANTILE	10	21	91
RESIDENTIAL	1	5	27
STORAGE	1	1	3
DAY CARE	1	2	12
HOME CARE	0	0	0
FOSTER CARE	4	0	15
VACANT	0	7	27
TOTALS	58	91	438

	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
CODE VIOLATIONS	66	151	644
FOLLOW UP INSPECTIONS	17	23	127

FIRE PREVENTION ACTIVITY REPORT FOR YEAR OF: 2012

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	TOTALS
Service Calls to Residents	10	15	9	5	11	7	12	6					75
Smoke Alarms Installed	4	7	1	5	8	4	6	0					35
Batteries Installed in Smoke Alarms	6	4	8	11	5	4	10	8					56
Fire Extinguisher Classes	0	0	0	0	0	1	0	2					3
School / Daycare Presentations	3	1	2	1	2	3	4	2					18
Community / Civic Group Presentations	3	1	0	1	3	1	2	3					14
Station Tours	2	0	5	1	2	3	4	0					17
Total Participants in Fire & Life Safety Programs	200	50	150	400	500	350	450	400					2500
Community / Business Displays	0	0	0	4	1	2	1	1					9
Child Safety Seat Clinics	0	0	1	0	0	1	0	0					2
Child Safety Seats Inspected	8	11	7	20	10	6	9	15					86
Child Safety Seats Distributed	2	4	0	5	0	1	4	2					18

MONTHLY CITATION REPORT FOR THE MONTH OF: August 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					1
Dabney West Mall					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		8	65
Walgreens					0
TOTALS	0	4	0	8	67

TRAINING DIVISION PRODUCTIVITY - AUGUST 2012

Henderson Fire Department

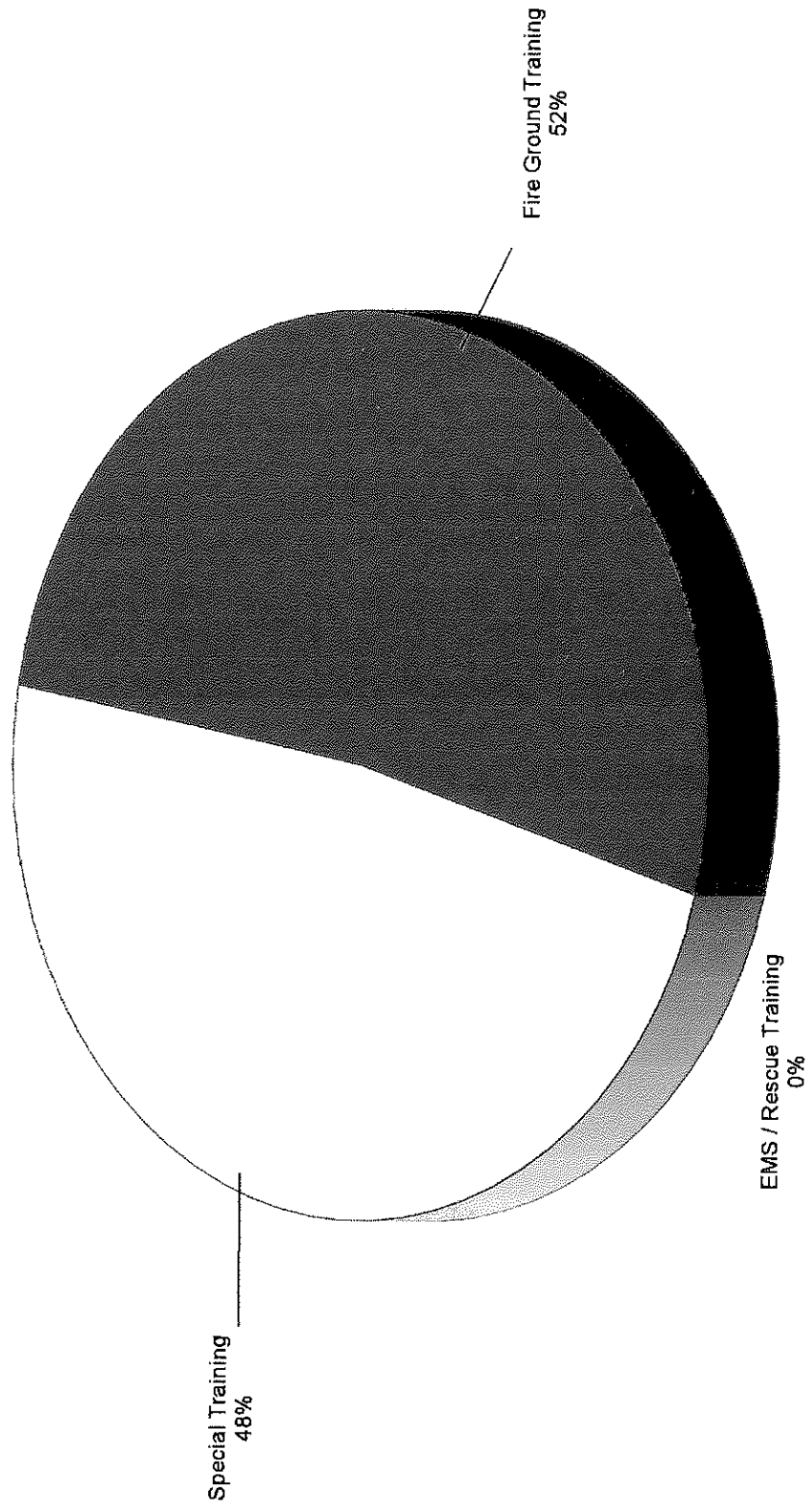
Types of Courses Taught	Course Hours Taught	Man-hours of Training
Fire Ground Training	86	582.5
EMS / Rescue Training	0	0
Special Training	60	543

Totals	146	1125.5
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	Course Hours Taught	Man-hours of Training
PREVIOUS MONTH TOTAL	153.5	1143.5

YEAR - TO - DATE TOTAL	1265.25	9531.75
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Training Hours by Category - August 2012



Fire Department Regulatory Compliance

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

HENDERSON-VANCE COUNTY 911

NUMBER OF CALLS REPORT BY COMPLAINT (ALL UNITS)
TIME PERIOD: 7/21/2012 09:00:00 Through 8/20/2012 23:59:59

TOTAL

5,928

DEPARTMENT	COMMENT	TOTAL	COUNTY	CITY	STATE	OTHER
DATA WITH NO DEPARTMENT		201				201
AFTON VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	4	4			
AMERICAN RED CROSS	Other Dispatch	3				3
BEARPOND VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	38	38			
COKEBURY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	23	23			
CSX RAILROAD	Other Dispatch	3				3
DREWRY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	7	7			
EMBARQ	Other Dispatch	1				1
EPSOM VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	8	8			
HENDERSON FIRE DEPARTMENT-STA 1	City Dispatch	297		297		
HENDERSON FIRE DEPARTMENT-STA 2	City Dispatch	119		119		
HENDERSON POLICE DEPARTMENT	City Dispatch	2,792		2,792		
HENDERSON STREET DEPT	City Dispatch	2		2		
HENDERSON WATER DEPARTMENT	City Dispatch	21		21		
HICKSBORO VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	20	20			
KITTRELL VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	13	13			
NORTH CAROLINA DEPT OF PARKS	State Dispatch	4			4	
NORTH CAROLINA DEPT OF TRANSPORTATION	State Dispatch	19			19	
NORTH CAROLINA DIVISION OF MOTOR VEHICLES	State Dispatch	0			0	
NORTH CAROLINA FORESTRY SERVICE	State Dispatch	6			6	
NORTH CAROLINA MAGISTRATE OFFICE	State Dispatch	0			0	
NORTH CAROLINA MEDICAL EXAMINER	State Dispatch	1			1	
NORTH CAROLINA PROBATION & PAROLE	State Dispatch	1			1	
NORTH CAROLINA STATE HIGHWAY PATROL	State Dispatch	57			57	
NORTH CAROLINA UNDERWATER RECOVERY	Other Dispatch	0			0	
NORTH CAROLINA WILDLIFE	State Dispatch	4			4	
PROGRESS ENERGY	Other Dispatch	17				17
PUBLIC SERVICE GAS	Other Dispatch	2				2
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	515	217	294		4
VANCE COUNTY ANIMAL CONTROL	County Dispatch	99	99			
VANCE CO DEPT OF SOCIAL SERVICES	County Dispatch	2	2			
VANCE COUNTY EMERGENCY MANAGEMENT	City & County Dispatch	1	1			
VANCE COUNTY FIRE DEPARTMENT	County Dispatch/FIRE	86	86			
VANCE COUNTY RESCUE SQUAD	County Dispatch	25	25			
VANCE COUNTY SHERIFF DEPARTMENT	County Dispatch	2,289	2,289			
WAKE ELECTRIC COOPERATIVE	Other Dispatch	0				0
WATKINS VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	12	12			
TOTALS		6,707	2,859	3,525	92	231

Signature:

Prepared by: William J. Reavis, Assistant Director

Signature:

Reviewed by Brian K. Short, Director

09/05/2012

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 07/21/2012

Last Date: 08/20/2012

<i>Complaint</i>		<i>Number</i>
911HU	911 HANG UP CALL	95
ABAND	ABANDONED OR JUNKED CARS	1
ABDOM-EMD	ABDOMINAL PAIN OR PROBLEMS	25
ABNV	ABANDONED VEHICLE	2
ACC-PD	ACCIDENT PROPERTY DAMAGE	80
ACC-PI	ACCIDENT PERSONAL INJURY	26
ALARM	ALARM RESIDENCE OR BUSINESS	279
ALARMFALSE	ALARM FALSE	130
ALARMMED	ALARM MEDICAL	3
ALLERG-EMD	ALLERGIC REACTION / ENVENOMATIC	4
ANIMAL-EMD	ANIMAL BITE / ATTACK	4
ANIM	ANIMAL COMPLAINT/VISCIOUS ANIMAL	92
ARMED SUSP	ARMED SUSPECT (MAN WITH A GUN)	10
ARRE	ARREST	3
ASAG	ASSIST OTHER AGENCY	19
ASMO	ASSIST MOTORIST	93
ASSAULIP-EMD	ASSAULT OR SEXUAL ASSAULT - IN PI	6
ASSAULT-EMD	ASSAULT OR SEXUAL ASSAULT	56
BACKPAIN-EMD	BACK PAIN (NON-TRAUMATIC)	8
BE MV	BREAKING AND ENTERING TO A MOTOR	42
BON	BONDING	26
BONDSET	BOND SET	3
BREATH-EMD	BREATHING PROBLEMS	54
BURG-IP	BURGLARY/B&E IN PROGRESS	3
BURGLARY	BURGLARY	66
BURNS-EMD	BURNS (SCALDS) OR EXPLOSIONS (E)	1
CARBON-EMD	CARBON MONOXIDE / INHALATION / H.	1
CAR	CARELESS AND RECKLESS DRIVER	43
CARDIAC-EMD	CARDIAC/RESPIRATORY ARREST OR	8
CHASE	CHASE	5
CHESTPAI-EMD	CHEST PAIN	46
CHILD-ABU	CHILD ABUSE OR NEGLECT	3
CHOKING-EMD	CHOKING	4
CIVDIS	CIVIL DISPUTE	112
COMTHR	COMMUNICATING THREATS	11
CONTROLBURN	CONTROLLED BURN	1
CONVULS-EMD	CONVULSIONS / SEIZURES	25
DIABETIC-EMD	DIABETIC PROBLEMS	20
DIRTRF	DIRECTING TRAFFIC/TRAFFIC CONTR	10
DISO	DISORDERLY PERSON	89
DOMEIP/W	DOMESTICE DISPUTE - IN PROGRESS	3
DOM-PROB	DOMESTIC PROBLEM	102
DROWNING-EMD	DROWNING (NEAR DROWNING) / DIVI	1
DRUGALC	DRUG OR ALCOHOL COMPLAINT	33
DRUNKDRIV	DRUNK DRIVER	10
DVO	DOMESTIC VIOLENCE ORDER	24
EMERG TRANS	EMERGENCY TRANSPORT	2
ESCO	ESCORT	181
EVICION	EVICION CARRIED OUT	31
FALLS-EMD	FALLS (SUBJECT FALLEN)	47
FIGHT	FIGHT	34
FIGHT-IP/W	FIGHT IN PROGRESS/W-WEAPONS	2

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 07/21/2012

Last Date: 08/20/2012

Complaint		Number
FIRE AL	FIRE ALARM	38
FIRE BRU	BRUSH/GRASS FIRE	7
FIRE ELEC	ELECTRICAL FIRE	6
FIRE GRE	GREASE FIRE	1
FIRE SMOKE	SMOKE REPORT	2
FIRE STRUC	STRUCTURE FIRE	13
FIRE VEHI	VEHICLE FIRE	7
FRAUD	FRAUD/FORGERY	32
GASLEA	GAS LEAK	3
HARR	HARRASSMENT/THREATS	45
HEADACHE-EMD	HEADACHE	6
HEART-EMD	HEART PROBLEMS - AICD	4
HEAT/CLD-EMD	HEAT / COLD EXPOSURE	2
HEMORR-EMD	HEMORRHAGE / LACERATION	20
HOMEINV	HOME INVASION	1
HRPD	HIT & RUN PD	32
ILL-DUMP	ILLEGAL DUMPING	46
INDEXPO	INDECENT EXPOSURE	1
INSPECTION	FIRE INSPECTION	52
INTPERS	INTOXICATED PERSON	20
INVE	INVESTIGATE ---- AT	766
IPV	IMPROPERLY PARKED VEHICLE	3
JUV	JUVENILE PROBLEMS	45
LARCIP	LARCENY IN PROGRESS	4
LARC	LARCENY - ALREADY OCCURRED	173
LIVEST	LIVESTOCK IN ROADWAY	1
LOIT	LOITERING COMPLAIN	15
LOST	LOST PROPERTY	6
LOUD	LOUD MUSIC	108
MEDICAL	MEDICAL	14
MEN	MENTAL SUBJECT	78
MISS	MISSING PERSON	5
OPEN	OPEN DOOR/WINDOW	13
OVERDOSE-EMD	OVERDOSE / POISONING (INGESTION)	4
PDAMG	PROPERTY DAMAGE ALREADY OCCUI	110
PDMGIP	PROPERTY DAMAGE IN PROGRESS	1
PREGNANT-EMD	PREGNANCY/CHILDBIRTH/MISCARRIA	12
PROW	PROWLER	36
RACE	RACING/HIGH SPEED DRIVING	3
RECFPI	RECOVERED/FOUND PROPERTY	22
ROBARM	ROBBERY ARMED	4
ROBSA	ROBERY STRONG ARM	1
RUN	RUNAWAY	3
SHOP	SHOPLIFTER	20
SHOTS	SHOTS FIRED	41
SICK-EMD	SICK PERSON	94
STABBING-EMD	STABBING / GUNSHOT / PENETRATING	1
STOLV	STOLEN VEHICLE	19
STROKE-EMD	STROKE (CVA)	7
SUBINCUS	SUBJECT IN CUSTODY	25
SUICIDE-EMD	SUICIDE / PSYCHIATRIC / ABNORMAL	4
SUMMONS	CIVIL / CRIMINAL SUMMONS	380

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 07/21/2012

Last Date: 08/20/2012

<i>Complaint</i>		<i>Number</i>
SUPSUB	SUSPICIOUS SUBJECT	105
SURR	SURRENDER	9
SUSPAC	SUSPICIOUS PACKAGE	1
SUSVEH	SUSPICIOUS VEHICLE	103
TEST	TEST CALL	74
Traffic Stop	VEHICLE STOP	661
TRANSPORT	TRANSPORT	2
TRAUMA-EMD	TRAUMATIC INJURY (SPECIFY IN NARI	8
TREEDWN	TREE DOWN	12
TRES	TRESPASSING SUSPECT	103
UNAUTHVEH	UNAUTHORIZED USE VEHICLE	7
UNCONC-EMD	UNCONCIOUS / FAINTING OR NEAR	30
UNKNOWN-EMD	UNKNOWN PROBLEM (MAN DOWN)	4
WARRANT	WARRANT	443
WATER	WATER RELATED PROBLEM	25
WRIT	WRIT OF EXECUTION	5
XRAY	COURTHOUSE X RAY DUTY	1

Report Total: 5928

HENDERSON-VANCE CO 911

Number Of Calls Report by Department (All Units)

First Date: 07/21/2012

Jurisdiction: HEN-VAN

Last Date: 08/20/2012

	<i>Department</i>	<i>Number</i>
1	Data with no Department.	201
2	AFTO	4
3	ARC	3
4	BVFD	38
5	CSX	3
6	CVFD	23
7	DOT	19
8	DSS	2
9	DVFD	7
10	EM	1
11	EMS	515
12	EVFD	8
13	FOR	6
14	GAS	2
15	HFD1	297
16	HFD2	119
17	HPD	2792
18	HVFD	20
19	KVFD	13
20	ME	1
21	PARK	4
22	PE	17
23	PROB	1
24	RIDG	1
25	SHP	57
26	STRE	2
27	TVFD	14
28	VCAC	99
29	VCFD	86
30	VCR	25
31	VCSO	2289
32	WATE	21
33	WILD	4
34	WVFD	12

Total: 5928

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