



AGENDA

Henderson City Council Regular Meeting

Monday, 8 October 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)* 24 September 2012 Short Regular Meeting [*See Notebook Tab 1*]
- b)* 24 September 2012 Work Session

VII. PUBLIC HEARING

- a)* Consideration of Denial of Ordinance 12-70, Rezoning a 1.96 +/- Tract Located on the Corner of Oxford Road and Ruin Creek Road from R15M (Moderate to Low Density Residential-HUD Code Home District) to O-I (Office Institutional Zoning District). (*CAF 12-122*) [*See Notebook Tab 2*]
 - Public Hearing
 - Ordinance 12-70
- b)* Consideration of Approval of Ordinance 12-72, Rezoning a 0.20 +/- Tract Located at 1345 N. Garnett Street and a 0.154 +/- Tract Located at 1355 N. Garnett Street from B2A (Highway Commercial “A” Zoning District) to R6 (High Density Residential Zoning District). (*CAF 12-130*) [*See Notebook Tab 3*]
 - Public Hearing
 - Ordinance 12-72

VIII. PUBLIC COMMENT PERIOD ON AGENDA ITEMS

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

IX. NEW BUSINESS

- a)* Farmers Market Progress Update – Mr. Pete Burgess. (*No handout materials*)
- b)* Consideration of Approval of Resolution 12-87, Authorizing Award of a Construction Contract for Interior Renovation Related to the Engineering Department Relocation at the Operations Center to Bridgeview Contractors, Inc. (*CAF 12-129*) [*See Notebook Tab 4*]
 - Resolution 12-87
- c)* Consideration of Approval of Ordinance 12-69, Modifying City of Henderson’s Code of Ordinances, Chapter 4, Relative to Elmwood Cemetery. (*CAF 12-125*) [*See Notebook Tab 5*]
 - Ordinance 12-69

- d) Consideration of Approval of Resolution 12-85, Relinquishing the Main Street Solutions Grant in the Amount of \$299,004 and Ordinance 12-75, FY 13, Budget Amendment #15, Closing Out the Grant Project. *(CAF 12-127) [See Notebook Tab 6]*
- Resolution 12-85
 - Ordinance 12-75
- e) Consideration of Approval of Resolution 12-88, Authorizing the Mayor and City Manager to Sign an Agreement and Documentation with Vance County, as Appropriate, Regarding the Transfer of Real Property Vis-à-Vis the Neighborhood Stabilization Program. *(CAF 12-131) [See Notebook Tab 7]*
- Resolution 12-88
- f) Consideration of Approval of Resolution 12-A-74, Rescinding Resolution 12-74 and Ordinance 12-A-67, FY 13, Budget Amendment #14, Amending the Economic Development Reserve Fund. *(CAF 12-A-83) [See Notebook Tab 8]*
- Resolution 12-A-74
- g) Consideration of Approval of Ordinance 12-73, FY 13 Budget Amendment #16, Appropriating Additional Funds to the Oxford-Henderson Aeronautics Authority. *(CAF 12-132) [See Notebook Tab 9]*
- Ordinance 12-73

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 Ordinance 12-52, Amending the Provisions for Cuts and Excavations of Streets and for Right of Way Management. *(CAF 12-95) [See Notebook Tab 10]*
- Ordinance 12-52
- b) Consideration of Approval of Resolution 12-84, Supporting the Completion of the Widening of SR 1228 (Chavasse Avenue) From US 1 Business (Raleigh Road) to SR 1143 (S. William Street). *(CAF 12-124) [See Notebook Tab 11]*
- Resolution 12-84

- c) Consideration of Approval of Resolution 12-86, Adopting the 2012 North Carolina Municipal Records Retention and Disposition Schedule. (CAF 12-128) [See Notebook Tab 12]
- Resolution 12-86
- d) Consideration of Approval of 1) Ordinance 12-71, FY 12-13 Budget Amendment #13, Amending Fund 73: Economic Development Capital Reserve Fund; and 2) Resolution 12-A-16, Authorizing an Amendment to the Capital Reserves Economic Development Fund in Regards to the North Carolina RURAL Center and Golden Leaf Foundation Grants' Applications for Water Line for Economic Development Prospect 12-2; and Authorizing an Inter-Local Agreement with Vance County for Eligibility for Said Mentioned Grants. (CAF 12-126) [See Notebook Tab 13]
- Ordinance 12-71
 - Resolution 12-A-16
- e) Consideration of Approval of Tax Releases and Refunds from Vance County for the month of August 2012. (CAF 12-120) [See Notebook Tab 14]

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

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.

XII. REPORTS

- a)** Mayor/Mayor Pro-Tem
- b)** City Manager
 - i. Declaration of Surplus Property *[See Notebook Tab 15]*
- c)** City Attorney
- d)** City Clerk
 - i. Calendar Notes and Schedule Update *[See Notebook Tab 16]*
 - ii. Various Departmental Reports
 - Henderson-Vance County 911
 - Henderson Fire Department
 - iii. Proclamations
 - National Chiropractic Health Month
 - iv. Special Called Meeting Dates
 - Monday 15 October 2012 at Noon – CDBG Public Hearing
 - Monday 29 October 2012 at 6:00 p.m. – CDBG Public Hearing

XIV. ADJOURNMENT

City Council Minutes--*DRAFT*

Regular Short Meeting

24 September 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, Human Resources Director Cathy Brown, Engineering Director Peter Sokalski, Fire Chief Danny Wilkerson, Assistant Fire Chief Steve Cordell and Fire Captain Training Inspector Fire & Life Safety Educator Jon Juntenen.

CALL TO ORDER

The 24 September 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.

Mayor O'Geary welcomed everyone to this open meeting.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. Council Member Rainey moved to accept the Agenda as presented. Motion seconded by Council Member Peace-Jenkins and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. There were no adjustments. Council Member Peace-Jenkins moved the approval of the following minutes as presented: 10 September Regular Meeting, 13 September Ride-Around and 14 September Special Called Meeting. Motion seconded by Council Member Coffey and unanimously approved.

PRESENTATIONS & RECOGNITIONS

Mayor O'Geary presented the 2011 Life Safety Achievement Award to Fire Chief Danny Wilkerson who accepted the award, along with Assistance Chief Steve Cordell and Fire Captain Training Inspector Fire & Life Safety Educator Jon Juntenen.

Mayor O'Geary then read and presented a proclamation to the Fire Chief recognizing Fire Prevention Week which is October 7 – 13, 2012. Mayor O'Geary thanked the Chief and the entire fire department for their safety efforts.

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

Authorizing the Execution of a Contract with the H. G. Reynolds Company for a Water Main Relocation and Tie-In in Conjunction with Red Bud Creek Bridge Replacement Project. (Project #BD-5105C, WBS Elements: 45351.3.3.) (Reference: CAF 12-118; Resolution 12-81)

City Manager Griffin asked Assistant City Manager Frank Frazier to update this project. Mr. Frazier reminded Council that this project was approved in 2011. He said the work has been ongoing and although the project is nearing completion, changes are needed within the water main to insure minimal disruption of service. The NCDOT received a quote from the Fred Smith Company, (\$39,725.56) which is the same company performing the bridge work and the City obtained a quote from H. G. Reynolds (\$20,990.00) for the same waterline relocation work. It is recommended that H.G. Reynolds perform the work. Mr. Frazier said this would require a little more coordination by the City. He also said the work would be performed at night to minimize service disruption. Mr. Frazier also said he is hopeful this project will be completed under budget.

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

Council Member Inscoe moved the approval of Resolution 12-81, *Authorizing the Execution of a Contract with the H. G. Reynolds Company for a Water Main Relocation and Tie-In in Conjunction with Red Bud Creek Bridge Replacement Project. (Project #BD-5105C, WBS Elements: 45351.3.3.)* Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p. 57)

Appointments to the Henderson Zoning Board of Adjustment Committee and Henderson Recreation and Parks Commission. (Reference: CAF 12-117; Resolution 12-80)

City Manager Griffin asked City Clerk McCrackin to address Council. Ms. McCrackin said the Committee met on 6 September to review three applications. Mr. Brown has been serving on the County side of the Recreation and Parks Commission; however, since the County had more applications than the City, it was felt it would be in the best interest to move Mr. Brown to the City side so the County could appoint interested individuals on their side. Ms. Coffey is currently an Alternate on the Board of Adjustment and the Boards and Commissions Committee would like approval to appoint her as a full-time member. The Committee also recommends Mr. Young and Mr. Andrews be appointed to the Recreation and Parks Commission. She said there are still seats available on several other committees. Council should ask citizens to complete an application, whether the board/committee has current openings or not as there are constant changes.

City Manager Griffin asked that the resolution be revised to include Council Member Daeke as an alternate to the Board of Adjustment filling the unexpired term of Sara Coffey.

Council Member Kearney asked if the committee had discussed and was satisfied with Mr. Young's comments regarding his Affirmation of Eligibility. Ms. McCrackin said Mr. Young met with the City Manager and the committee was satisfied with the outcome of that meeting.

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

Council Member Rainey moved the approval of Resolution 12-80 with the suggested revision, *Appointments to the Henderson Zoning Board of Adjustment Committee and Henderson Recreation and Parks Commission.* Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 39)

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 – Mr. Griffin said after the October 8th meeting the next two scheduled meetings will be cancelled due to the League meeting in October and Veterans Day in November. He said if a special meeting is needed, the Mayor will call a Special Meeting.

Mr. Griffin also said there is a meeting in Raleigh tomorrow regarding the moped issue and he has asked Police Chief Sidwell to attend. He said there are several other cities concerned with this issue and he hopes for a friendly reception to carry the issue forward.

Council Member Coffey expressed pleasure that this issue is moving forward and mentioned another serious moped accident occurred over the weekend.

Council Member Daeke mentioned he was glad for the participation and discussion during the Ride-Around. He said although many of the problems are problems Council is aware of, it was good to have them reinforced.

c) City Attorney – Attorney Zollicoffer commented on the moped issue saying he had one pull out in front of him without stopping which nearly caused a serious accident and Mayor O’Geary said he has had similar near misses.

d) City Clerk – Ms. McCrackin reminded Council of the COG Banquet September 27th in Warrenton.

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 Daye moved for adjournment. Motion seconded by Council Member Rainey and unanimously approved. The meeting adjourned at 6:18 p.m.

James D. O’Geary
Mayor

ATTEST:

Esther J. McCrackin, City Clerk

City Council Minutes--*DRAFT*
Work Session
24 September 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, and Engineering Director Peter Sokalski.

CALL TO ORDER

The 24 September 2012 Work Session of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:18 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

Beyond the Barriers Outreach Program Presentation. *(No Reference Material)*

Ms. Latezes Bridges addressed Council regarding two programs she is involved with: Beyond the Barriers Outreach and Success & Beyond. She said Success & Beyond is a global program and distributed handouts which are incorporated by reference and hereby made part of these minutes. Ms. Bridges said Beyond Barriers Outreach has served over 250 families in this area during the last two years. She stated the expenses for the nine (9) week after school/mentoring program would run approximately \$150,000, and asked Council for support at any level.

FY 13 Airport Funding.

City Manager Griffin said in response to Council's questions at the last meeting, the dollar amounts were rounded during the budget process which looked like more than actually requested from the Airport Authority. He then asked Council Member Rainey to convey the information he obtained from Mr. Thomas, the City's representative on the Airport Authority.

Mayor Pro-Tem Rainey said he had asked Mr. Thomas to be present this evening but evidently he was unable to attend. Mr. Rainey said Mr. Thomas told him the airport has received the \$2.5M grant from the NCDOT for improvements to the airport and that the grant requires a \$225,000 match. The question is why Henderson did not contribute the same amount as the other airport members (Vance County/Granville County/City of Oxford).

Council Member Kearney asked what internal controls are in place and how the City of Henderson oversees the Authority. Mr. Griffin said Mr. Thomas is the direct link and added that he will be meeting later this week with the four (4) managers regarding the airport, after which he will provide a report to Council. He said the City does not provide professional management; that it is board run. Council Member Kearney also asked how bids will be obtained and whether there was an audit report. Mr. Griffin said he believed being a public entity they would follow State statutes but he would ask during the upcoming meeting.

Council Member Kearney said his concerns come from hearing of another airport that did not follow proper procedures and wanted to make sure everything was done properly.

Council Member Coffey asked if Mr. Griffin had been able to follow up on her concerns and Mr. Griffin said he would not have a response until after the meeting later this week.

Council Member Daeke asked if a proposed budget is available. Mr. Griffin said it was included in the budget book and would make copies for Council to review along with his meeting report.

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

Amending the Provisions for Cuts and Excavations of Streets and for Right of Way Management. *(Reference: CAF 12-95)*

Minute Book 42

27 August 2012 Work Session Minutes

Page 2 of 10

City Manager Griffin asked Engineering Director Peter Sokalski to update Council on this second part of this amendment. Mr. Sokalski said City Code 16A was last updated in 2007 and was written to regulate use of the City's right-of-way areas by contractors, utility providers with and without franchises. This amendment clarifies the ordinance regarding permitting and provides an easier to understand fee schedule. Mr. Sokalski mentioned Section 4 contained the bulk of the changes.

There was no discussion and this matter will be brought forward to the next regular meeting.

Amendments to City Administrative Policy 4.13, the Pay Plan and 10.01, Types of Separation. *(Reference: CAF 12-119; Resolution 12-82)*

City Manager Griffin asked Human Resources Director Cathy Brown to present these amendments. Ms. Brown said the Administrative policy continues to be reviewed and more changes will be coming in the future; however, this amendment involves standardizing the process for employees separating from the City.

Council Member Coffey asked what happens if an employee gives a two week notice and the supervisor/department head lets the individual go before the end of the two week notice. Mr. Griffin said the two week notice would be honored. However, there was confusion on what happens if the employee gives a two week notice and chooses not to work out the two weeks. After some discussion Mr. Griffin said the policy will be re-worked and brought back to Council at a future meeting.

Supporting the Completing of the Widening of SR 1228 (Chavasse Avenue) from US 1 Business (Raleigh Road) to SR 1143 (S. William Street). *(Reference: CAF 12-124; Resolution 12-84)*

City Manager Griffin asked Assistant City Manager Frank Frazier to address Council. Mr. Frazier said this project has been delayed due to the High Speed Rail project which involved possible closing of the Chavasse Avenue crossing. The NCDOT has requested a Resolution stating the City's desire to complete this project and Mr. Frazier said it will include the widening of Chavasse with curb and gutter work.

There was no discussion and this matter will be brought forward to the next regular meeting.

Amending Fund 73: Economic Development Capital Reserve Fund; and Authorizing an Amendment to the Capital Reserves Economic Development Fund in Regards to the North Carolina RURAL Center and Golden Leaf Foundation Grants' Applications for Water Line for Economic Development Prospect 12-2; and Authorizing an Inter-Local Agreement with Vance County for Eligibility for Said Mentioned Grants. *(Reference: CAF 12-126; Resolution 12-A-16; Ordinance 12-71)*

City Manager Griffin said this amendment is a request to increase the City's portion of the inter-local agreement from \$954 to \$1,209 for extending a waterline to the new Temperature Control Solutions business (ThermoKing).

There was no discussion and this forward will be brought forward to the next regular meeting.

Meal Tax Authority via Local Act of General Assembly. *(Reference: CM 12-135)*

City Manager Griffin said he has been asked to look into a meal tax as an alternative to increasing revenue. He said a meal tax looks like an uphill battle as authority for such a tax comes from the General Assembly. He also said the tax dollars could only be used for cultural development and tourism. He asked if Council felt this would be worth pursuing.

Mayor O'Geary polled Council with the following comments:

Council Member Kearney asked if a cost/benefit analysis could be compiled. He did not want a tax to keep families from visiting area restaurants. Mr. Griffin said a County study has been done and was not sure if it could be broken down to the City level.

Council Member Coffey agreed with Mr. Kearney's comments saying she did not want to alienate patronage of local restaurants.

Council Member Inscoe agreed.

Council Member Rainey had concerns regarding the limited use of the tax dollars.

Council Member Peace-Jenkins concurred.

Council Member Brown said he would like to proceed with the study.

Council Member Daye agreed.

It was the consensus of Council to bring this matter forward at a later date.

Mayor O'Geary asked if there were any other items of business.

Council Member Coffey asked if there was anything further to report regarding Mr. French and the issue he brought to Council at the last meeting. Mr. Griffin said he had not heard anything from Mr. French since he mailed Mr. French the letter of explanation, with copies sent to Council.

Ms. Coffey also said she had tickets to Mr. Bobby Scott's KungFu event and if Council knew of any young person wishing to attend, to let her know.

Council Member Daeke reminded everyone of the Ducky Derby on Saturday. Mayor O'Geary said kids have a great time with this event.

Council Member Kearney inquired about the status of the grants Planning Director Dunston spoke of at an earlier meeting. Mr. Griffin said pros and cons will be brought to the next

meeting for a decision between whether the Capacity Grant or the Catalyst Grant will serve the City best.

Council Member Brown asked how he could have the Bridges/Mill/Pinkston/Boddie streets looked at for upgrading. Mr. Griffin said this would be a FY13-14 budget issue. Mr. Brown expressed his concern regarding the narrowness of the streets.

With no further comments, Mayor O'Geary asked if Council was ready to adjourn.

ADJOURNMENT

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Coffey and unanimously approved. The meeting adjourned at 7:16 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: 8 Oct 2012 Regular Meeting

26 September 2012

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

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

RE: CAF: 12-122

Consideration of Denial of Ordinance 12-70, Rezoning a 1.96 +/- Tract Located on the Corner of Oxford Road and Ruin Creek Road from R15M (Moderate to Low Density Residential-HUD Code Home District) to O-I (Office Institutional Zoning District).

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

Recommendation:

- Denial of Ordinance 12-70, Rezoning a 1.96 +/- Tract Located on the Corner of Oxford Road and Ruin Creek Road from R15M (Moderate to Low Density Residential-HUD Code Home District) to O-I (Office Institutional Zoning District).

Executive Summary:

On 29 August 2012 a Rezoning Application was received by the City of Henderson Zoning Administrator requesting that rezoning be considered for a 1.96 +/- tract located on the corner of Oxford Road and Ruin Creek Road from R15M to O-I. A public hearing notice was posted for 10 September 2012 by the Planning Department and this request was taken before the Planning Board on that date.

During the public hearing, there was much discussion as citizens were heard for and against this rezoning. After this discussion and much deliberation, it is felt that this rezoning is not in harmony with the existing residential neighborhood. Although the land use plan identifies this area as regional commercial, the residents of the area are concerned about this change affecting the existing character of the neighborhood. Therefore, this rezoning request is unanimously recommended for denial by the City of Henderson Planning Board.

Enclosures:

1. Ordinance 12-70
2. Planning Board Minutes, September 10, 2012
3. GIS Map
4. Area Photos

CAF 12-122: 8 October 2012

Page 1 of 9

ORDINANCE 12-70

After receiving the recommendation of the Planning Board and after a duly advertised public hearing on the same, Council Member _____ introduced the following Ordinance which was seconded by Council Member _____ and read:

AN ORDINANCE REZONING A 1.96 +/- TRACT LOCATED ON THE CORNER OF OXFORD ROAD AND RUIN CREEK ROAD FROM R15M (MODERATE TO LOW DENSITY RESIDENTIAL-HUD CODE HOME DISTRICT) TO O-I (OFFICE INSTITUTIONAL ZONING DISTRICT).

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

Section 1: That the official zoning map of the City of Henderson (incorporated by reference in City Code) is hereby amended by rezoning 1.96 acres, more or less, on the corner of Oxford Road and Ruin Creek Road (being Vance County Tax Map 0217, Block 01, Lot 007) from R15M to OI.

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

The foregoing Ordinance 12-70, upon motion of Council member _____ and seconded by Council Member _____, and having been submitted to a roll call vote and received the following votes and was **APPROVED/DISAPPROVED** on this the ____ day of _____, 2012: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 4**, p. **.*

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the foregoing Ordinance is a true and exact copy of *Ordinance 12-70*, An Ordinance Rezoning a 1.96 +/- Tract Located on The Corner of Oxford Road and Ruin Creed Road From R15M (Moderate to Low Density Residential-HUD Code Home District) to O-I (Office Institutional Zoning District), adopted by the Henderson, City Council in Regular Session on ** ** 2012 (*See Minute Book 42, p. ***). This Ordinance is recorded in *Ordinance Book # 8*, pp. **.

Witness my hand and corporate seal of the City, this ** day of *** 20**.

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



City of Henderson

Planning and Community Development Department

Post Office Box 1434 / 134 Rose Avenue / Henderson, NC 27536-1434

Phone: (252) 430-5723

FAX: (252) 492-7935

RECOMMENDATIONS FROM THE September 10, 2012 PLANNING BOARD MEETING

- **Public Hearing: Recommendation to rezone properties from B2A (Highway Commercial "A") Zoning District to R6 (High Density Residential) Zoning District located at 1345 & 1355 N. Garnett St., 0.37+/- acres, (Vance County Tax Map 0055, Block 01, Lots 022 & 023), CITY**

Based on information received by the Planning Department, Nathaniel Faucette of 1845 Summitt Road is requesting to rezone properties located at 1345 & 1355 N. Garnett Street from B2A (Highway Commercial "A") Zoning District to R6 (High Density Residential) Zoning District. This item has previous been before the Planning Board. The first meeting was July 2, 2012, but public hearing didn't take place due to lack of quorum. The second meeting was August 6, 2012 and public hearing was tabled until Mr. Faucette meet with staff regarding other alternatives of zoning.

At the September 10, 2012 Planning Board Meeting, the item was introduced by Zoning Administrator Sherry Moss. Moss reviewed contents of agenda packet. The public hearing was opened. Chairman Mike Rainey requested anyone wishing to speak public hearing to come forward. There was no one present to speak against public hearing. Nathaniel Faucette was present to speak in favor of public hearing. Moss brought the board up to date. She addressed the alternatives that were discussed with City Attorney Zollicoffer and Mr. Faucette didn't have anything to add to that. The public hearing was closed.

Motioned by Vice Chairman Horace Bullock to **APPROVE** request for rezoning from B2A to R6; Second by Board Member Jimmie Ayscue; 7-0 vote; **AYES**: Michael Rainey, Horace Bullock, Marguerite Aduze, Jimmie Ayscue, Arthur Henderson, Phil Walters, and Ricky Easter; **NOES**: None; **ABSENT**: None

- **Public Hearing: (PB07-12) Recommendation to rezone property from R15M (Moderate to Low Density Residential-HUD Code Home) Zoning District to OI (Office-Institutional) Zoning District located on corner of Oxford Rd./Hwy 158 Business & Ruin Creek Road, 1.96+/- acres, (Vance County Tax Map 0217, Block 01, Lot 007), ETJ**

Item was introduced by Zoning Administrator Sherry Moss. Moss reviewed contents of agenda packet. Moss stated the petitioner is present. The public hearing was opened. Chairman Michael Rainey questioned whether or not the property constitutes spot zoning. Moss replied no. Chairman Rainey asked if this would be in the middle of R15M. Moss answered yes and added according to the Future Land Use Plan, the property is located in Regional Commercial. Chairman Rainey asked what's allowed in the OI zoning district. Moss replied residential and office uses are allowed. Chairman Rainey questioned the lot size. Moss replied the lot size requirement of OI is smaller than the existing R15M lot size requirement. Moss then addressed the board what Regional Commercial meant. The public hearing was opened. Chairman Rainey request that anyone in favor of public hearing to come forward.

George Harvin (Rosemyr Corporation; 960 Bernstein Rd, Williamsboro Community, Vance County) was present to speak on public hearing. Harvin showed everyone a survey of the two acres which is divided into two lots, an aerial that shows the institutional uses that surround the area, and the Land Use Plan that shows that the site is in the middle of the Land Use Plan. Harvin stated the Rosemyr Corporation has owned the land some time and added most of the land was deeded to Central Baptist Church and this is the remainder of that property; it's two acres at the intersection of US Business and Ruin Creek Road. Harvin stated it's a long and narrow piece. It doesn't lend itself to a lot of development. The topographical shows that it's fairly severe trapped. It has drainage that runs down one side of it and it falls considerably on top of the hill to the bottom. Rosemyr Corporation had some people look at the site for multi-family, but it just doesn't lend itself to multi-family. The Rosemyr Corporation, in its request, would like to consider building its office, which is located on the second floor of the downtown Henderson building. Harvin added what they visualize, is a 5,000 square foot building that will sit up on stilts above the drainage and have some parking under it and maintain as much of the natural trees. Harvin stated they don't have any building plans, but with the Land Use Plan being developed, they thought this was the opportunity to bring their request forward to the Planning Board.

Chairman Rainey addressed Harvin, whether or not they grant the request, the board can't base it on the anticipation of what may go on the property. Chairman Rainey asked is it two phases. Harvin answered they have no development plans for the site at this moment but will like the flexibility, if they have to move out of downtown, then they will like someplace to go. Chairman Rainey asked Harvin how long he had property for sale. Harvin answered 10-15 years. Chairman Rainey asked how many people have looked at it. Harvin answered one. The people, who looked at it, want to put some apartments, but it wasn't enough usable land on the site. Harvin clarified the property is one tract, but two lots and stated it's not quite two acres. Its 1.96 acres with the two lots combined. Chairman Rainey asked what other uses in OI, other than residential is allowed. Planning Director Erris Dunston replied OI is a transitional zone, so it is transitional between business and residential and it gives you some flexibility.

Chairman Rainey requested that anyone that opposes this request, to come forward. Mr. Thompson (2000 Ruin Creek Road) was present to speak against request. He stated he has a lot of concerns about having an office. He doesn't know can be put there. There are no plans. Once the board passes this, other things can be done. Mr. Thompson added they have a wonderful neighborhood on their end, one of the best in Vance County and stated they don't need the other end with an office and more traffic. They have a quiet neighborhood, they watch out for each other, and they walk up and down to keep it clean. Mr. Thompson questioned if the board agree to the zoning, what is to say that a year from now they go back in and spot zone that again and make it something else. He addressed the board that they are all against this and the concern the traffic that it is going to create. They have a quiet neighborhood and don't want more traffic down there.

Anita Duke (2176 Ruin Creek Road) lives up the road from Central Baptist Church and has lived there for 25 years. Duke stated she is familiar with the intersection and know that it a dangerous curve. She also stated the traffic that's going through there, makes it a difficult intersection. At night when it's rainy, the fog gets in that area and that can make it very dangerous. Duke added that she would like to keep the property the way it is now and requested the board to consider those thoughts.

Tommy Haithcock (25 Car Circle, Henderson) stated his concern is that the property has been marketed for over four years falsely as a commercial property. It was in the ETJ to begin with, which made it residential. Haithcock added that he had a copy of the listing when it was on the market in 2008 and 2009, clearly stating that it is a commercial property. It was listed as commercial unimproved. Haithcock stated it is his opinion as a realtor, based on his training, if you spot zone a property, to make it worth more, it's illegal. He stated he believe this is illegal. He asked does it have to be two acres for it not to be spot zoning? Planning Director Erris Dunston replied no and it doesn't have to be over two acres as long as it is conforming with the Land Use Plan. Dunston added you couldn't take just one little piece and put industrial there, but this is a transitional zone. So there are residential uses allowed in this zone as well as very light commercial uses. It is not a full business zone. It is considered a transition. If you put a transition next to a residential, all you're doing is increasing the intensity of the zoning, but it is not spot zoning. It is within reason. Haithcock stated the attorney needs to be involved in this. Dunston stated it is illegal if it is not within reason. Haithcock stated he don't think this is within reason. Dunston replied this is in conjunction with the Land Use Plan. The Land Use Plan is a duly adopted plan; it's a plan that serves as a guide to the city that encourages this property to be zoned as regional commercial. The rezoning and marketing of the property was further discussed. Haithcock ending by stating it's a beautiful place, a great place to live, and not a place for offices.

Mary Pilgrim (2495 Ruin Creek Road) stated it's a beautiful place. It's all kind of wildlife out there because it's wood. She stated the trees and the wildlife is important to her and she doesn't want to change it.

Donald Strickland (4080 Hwy 158 Business) stated he agrees with Ms. Pilgrim and added they have the most to lose in this deal because they are the ones that live on that corner. Strickland

stated when more traffic comes; it will impact them more than anyone else. He added they don't need a business out there in the middle of that. That's their yard.

The public hearing was closed. Board member Phil Walters stated that he is in favor of any growth or any property that can grow. He added his concern was surrounded by R15. He stated he's not sure if it is the right use for the land according to the rest of the neighborhood.

Board member Jimmie Ayscue stated he knows this is a tough decision for everybody. He knows how things can change. It is in the ETJ. Ayscue addressed the possibility of conditional zoning and suggested getting the attorney's opinion.

Chairman Rainey asked Dunston does this constitute conditional zoning. Dunston replied it could if he went that route, but it's a much more expensive route than a rezoning. Board Member Horace Bullock asked how is the church zoned. Dunston replied the church is zoned residential, but it is allowed. Chairman Rainey added a church is allowed in any zone.

Board Member Ricky Easter stated to leave it like it is. Board Member Marguerite Anduze agreed with Easter. Easter asked if that land were ever sold to somebody else, will they have to come to the Zoning Board. Dunston replied if it's something that's not allowed in that current zoning. Chairman Rainey asked was multi-family in the R15M. Walters asked was it R15 or R15M. Moss replied R15M. Citizens stated their letter read R15. Moss clarified the application stated R15, but the zoning is R15M.

Motion was made by Board Member Ricky Easter that the request be DENIED; Second by Board Member Marguerite Anduze; 7-0 vote: All in favor of DENIED request from R15M to OI rezoning; **AYES**: Michael Rainey, Horace Bullock, Marguerite Aduze, Jimmie Ayscue, Arthur Henderson, Phil Walters, and Ricky Easter; **NOES**: None; **ABSENT**: None



Case 07-12: Rezoning – Oxford & Ruin Creek Road



City Council Action Form

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



Agenda Item: _____

Council Meeting: 8 Oct. 2012 Regular Meeting

26 September 2012

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

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

RE: CAF: 12-130

Consideration of Approval of Ordinance 12-72, Rezoning a 0.20 +/- Tract Located at 1345 N. Garnett Street and a 0.154 +/- Tract Located at 1355 N. Garnett Street from B2A (Highway Commercial "A" Zoning District) to R6 (High Density Residential Zoning District).

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

Recommendation:

- Approval of Ordinance 12-72, Rezoning a 0.20 +/- Tract Located at 1345 N. Garnett Street and a 0.154 +/- Tract Located at 1355 N. Garnett Street from B2A (Highway Commercial "A" Zoning District) to R6 (High Density Residential Zoning District).

Executive Summary:

The Planning Department received a Rezoning Application for 1345 N. Garnett Street and 1355 N. Garnett Street to be rezoned from B2A to R6. This item has previously been before the Planning Board. The first meeting was 2 July 2012, but the Public Hearing didn't take place due to lack of a quorum. The second meeting was 6 August 2012 at which time the Public Hearing was tabled until the applicant could meet with staff regarding other zoning alternatives. Once this meeting took place, a Public Hearing was held on 10 September 2012 and this matter was then deliberated by the City of Henderson Planning Board.

This rezoning is connected to existing R6 zoned properties. There are two dwellings on these tracts that were originally intended for residential use. The Planning Board is recommending the rezoning of the tracts located at 1345 N. Garnett Street and 1355 N. Garnett Street from B2A to R6.

Enclosures:

1. Ordinance 12-72
2. Planning Board Minutes September 10, 2012
3. GIS Map
4. Area Photos

CAF 12-130: 8 October 2012

Page 1 of 9

ORDINANCE 12-72

After receiving the recommendation of the Planning Board and after a duly advertised public hearing on the same, Council Member _____ introduced the following Ordinance which was seconded by Council Member _____ and read:

AN ORDINANCE REZONING A 0.20 +/- TRACT LOCATED AT 1345 N. GARNETT STREET AND A 0.154 +/- TRACT LOCATED AT 1355 N. GARNETT STREET FROM B2A (HIGHWAY COMMERCIAL "A" ZONING DISTRICT) TO R6 (HIGH DENSITY RESIDENTIAL ZONING DISTRICT).

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

Section 1: That the official zoning map of the City of Henderson (incorporated by reference in City Code) is hereby amended by rezoning 0.20 acres, more or less, at 1345 N. Garnett Street and 0.154 acres, more or less, at 1355 N. Garnett Street (being Vance County Tax Map 0055, Block 01, Lots 022 & 023) from B2A to R6.

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

The foregoing Ordinance 12-72, upon motion of Council member _____ and seconded by Council Member _____, and having been submitted to a roll call vote and received the following votes and was **APPROVED/DISAPPROVED** on this the ____ day of _____, 2012: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 4**, p. **.*

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the foregoing Ordinance is a true and exact copy of *Ordinance 12-72* An Ordinance Rezoning A 0.20 +/- Tract Located AT 1345 N. Garnett Street AND A 0.154 +/- Tract Located AT 1355 N. Garnett Street From B2A (Highway Commercial "A" Zoning District) to R6 (High Density Residential Zoning District), adopted by the Henderson, City Council in Regular Session on ** ** 20** (See *Minute Book 42*, p. **). This Ordinance is recorded in *Ordinance Book # 8*, pp. **.

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

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



City of Henderson

Planning and Community Development Department

Post Office Box 1434 / 134 Rose Avenue / Henderson, NC 27536-1434

Phone: (252) 430-5723 FAX: (252) 492-7935

RECOMMENDATIONS FROM THE September 10, 2012 PLANNING BOARD MEETING

- **Public Hearing: Recommendation to rezone properties from B2A (Highway Commercial "A") Zoning District to R6 (High Density Residential) Zoning District located at 1345 & 1355 N. Garnett St., 0.37+/- acres, (Vance County Tax Map 0055, Block 01, Lots 022 & 023), CITY**

Based on information received by the Planning Department, Nathaniel Faucette of 1845 Summitt Road is requesting to rezone properties located at 1345 & 1355 N. Garnett Street from B2A (Highway Commercial "A") Zoning District to R6 (High Density Residential) Zoning District. This item has previous been before the Planning Board. The first meeting was July 2, 2012, but public hearing didn't take place due to lack of quorum. The second meeting was August 6, 2012 and public hearing was tabled until Mr. Faucette meet with staff regarding other alternatives of zoning.

At the September 10, 2012 Planning Board Meeting, the item was introduced by Zoning Administrator Sherry Moss. Moss reviewed contents of agenda packet. The public hearing was opened. Chairman Mike Rainey requested anyone wishing to speak public hearing to come forward. There was no one present to speak against public hearing. Nathaniel Faucette was present to speak in favor of public hearing. Moss brought the board up to date. She addressed the alternatives that were discussed with City Attorney Zollicoffer and Mr. Faucette didn't have anything to add to that. The public hearing was closed.

Motioned by Vice Chairman Horace Bullock to **APPROVE** request for rezoning from B2A to R6; Second by Board Member Jimmie Ayscue; 7-0 vote; **AYES**: Michael Rainey, Horace Bullock, Marguerite Aduze, Jimmie Ayscue, Arthur Henderson, Phil Walters, and Ricky Easter; **NOES**: None; **ABSENT**: None

- **Public Hearing: (PB07-12) Recommendation to rezone property from R15M (Moderate to Low Density Residential-HUD Code Home) Zoning District to OI (Office-Institutional) Zoning District located on corner of Oxford Rd./Hwy 158 Business & Ruin Creek Road, 1.96+/- acres, (Vance County Tax Map 0217, Block 01, Lot 007), ETJ**

Item was introduced by Zoning Administrator Sherry Moss. Moss reviewed contents of agenda packet. Moss stated the petitioner is present. The public hearing was opened. Chairman Michael Rainey questioned whether or not the property constitutes spot zoning. Moss replied no. Chairman Rainey asked if this would be in the middle of R15M. Moss answered yes and added according to the Future Land Use Plan, the property is located in Regional Commercial. Chairman Rainey asked what's allowed in the OI zoning district. Moss replied residential and office uses are allowed. Chairman Rainey questioned the lot size. Moss replied the lot size requirement of OI is smaller than the existing R15M lot size requirement. Moss then addressed the board what Regional Commercial meant. The public hearing was opened. Chairman Rainey request that anyone in favor of public hearing to come forward.

George Harvin (Rosemyr Corporation; 960 Bernstein Rd, Williamsboro Community, Vance County) was present to speak on public hearing. Harvin showed everyone a survey of the two acres which is divided into two lots, an aerial that shows the institutional uses that surround the area, and the Land Use Plan that shows that the site is in the middle of the Land Use Plan. Harvin stated the Rosemyr Corporation has owned the land some time and added most of the land was deeded to Central Baptist Church and this is the remainder of that property; it's two acres at the intersection of US Business and Ruin Creek Road. Harvin stated it's a long and narrow piece. It doesn't lend itself to a lot of development. The topographical shows that it's fairly severe trapped. It has drainage that runs down one side of it and it falls considerably on top of the hill to the bottom. Rosemyr Corporation had some people look at the site for multi-family, but it just doesn't lend itself to multi-family. The Rosemyr Corporation, in its request, would like to consider building it's office, which is located on the second floor of the downtown Henderson building. Harvin added what they visualize, is a 5,000 square foot building that will sit up on stilts above the drainage and have some parking under it and maintain as much of the natural trees. Harvin stated they don't have any building plans, but with the Land Use Plan being developed, they thought this was the opportunity to bring their request forward to the Planning Board.

Chairman Rainey addressed Harvin, whether or not they grant the request, the board can't base it on the anticipation of what may go on the property. Chairman Rainey asked is it two phases. Harvin answered they have no development plans for the site at this moment but will like the flexibility, if they have to move out of downtown, then they will like someplace to go. Chairman Rainey asked Harvin how long he had property for sale. Harvin answered 10-15 years. Chairman Rainey asked how many people have looked at it. Harvin answered one. The people who looked at it, want to put some apartments, but it wasn't enough usable land on the site. Harvin clarified the property is one tract, but two lots and stated it's not quite two acres. It's 1.96 acres with the two lots combined. Chairman Rainey asked what other uses in OI, other than residential is allowed. Planning Director Erris Dunston replied OI is a transitional zone, so it is transitional between business and residential and it gives you some flexibility.

Chairman Rainey requested that anyone that opposes this request, to come forward. Mr. Thompson (2000 Ruin Creek Road) was present to speak against request. He stated he has a lot of concerns about having an office. He doesn't know can be put there. There are no plans. Once the board pass this, other things can be done. Mr. Thompson added they have a wonderful neighborhood on their end, one of the best in Vance County and stated they don't need the other end with an office and more traffic. They have a quiet neighborhood, they watch out for each other, and they walk up and down to keep it clean. Mr. Thompson questioned if the board agree to the zoning, what is to say that a year from now they go back in and spot zone that again and make it something else. He addressed the board that they are all against this and the concern the traffic that it is going to create. They have a quiet neighborhood and don't want more traffic down there.

Anita Duke (2176 Ruin Creek Road) lives up the road from Central Baptist Church and has lived there for 25 years. Duke stated she is familiar with the intersection and know that it a dangerous curve. She also stated the traffic that's going through there, makes it a difficult intersection. At night when it's rainy, the fog gets in that area and that can make it very dangerous. Duke added that she would like to keep the property the way it is now and requested the board to consider those thoughts.

Tommy Haithcock (25 Car Circle, Henderson) stated his concern is that the property has been marketed for over four years falsely as a commercial property. It was in the ETJ to begin with, which made it residential. Haithcock added that he had a copy of the listing when it was on the market in 2008 and 2009, clearly stating that it is a commercial property. It was listed as commercial unimproved. Haithcock stated it is his opinion as a realtor, based on his training, if you spot zone a property, to make it worth more, it's illegal. He stated he believe this is illegal. He asked does it have to be two acres for it not to be spot zoning? Planning Director Erris Dunston replied no and it doesn't have to be over two acres as long as it is conforming with the Land Use Plan. Dunston added you couldn't take just one little piece and put industrial there, but this is a transitional zone. So there are residential uses allowed in this zone as well as very light commercial uses. It is not a full business zone. It is considered a transition. If you put a transition next to a residential, all you're doing is increasing the intensity of the zoning, but it is not spot zoning. It is within reason. Haithcock stated the attorney needs to be involved in this. Dunston stated it is illegal if it is not within reason. Haithcock stated he don't think this is within reason. Dunston replied this is in conjunction with the Land Use Plan. The Land Use Plan is a duly adopted plan; it's a plan that serves as a guide to the city that encourages this property to be zoned as regional commercial. The rezoning and marketing of the property was further discussed. Haithcock ending by stating it's a beautiful place, a great place to live, and not a place for offices.

Mary Pilgrim (2495 Ruin Creek Road) stated it's a beautiful place. It's all kind of wildlife out there because it's wood. She stated the trees and the wildlife is important to her and she doesn't want to change it.

stated when more traffic come, it will impact them more than anyone else. He added they don't

Donald Strickland (4080 Hwy 158 Business) stated he agrees with Ms. Pilgrim and added they have the most to lose in this deal because they are the ones that live on that corner. Strickland need a business out there in the middle of that. That's their yard.

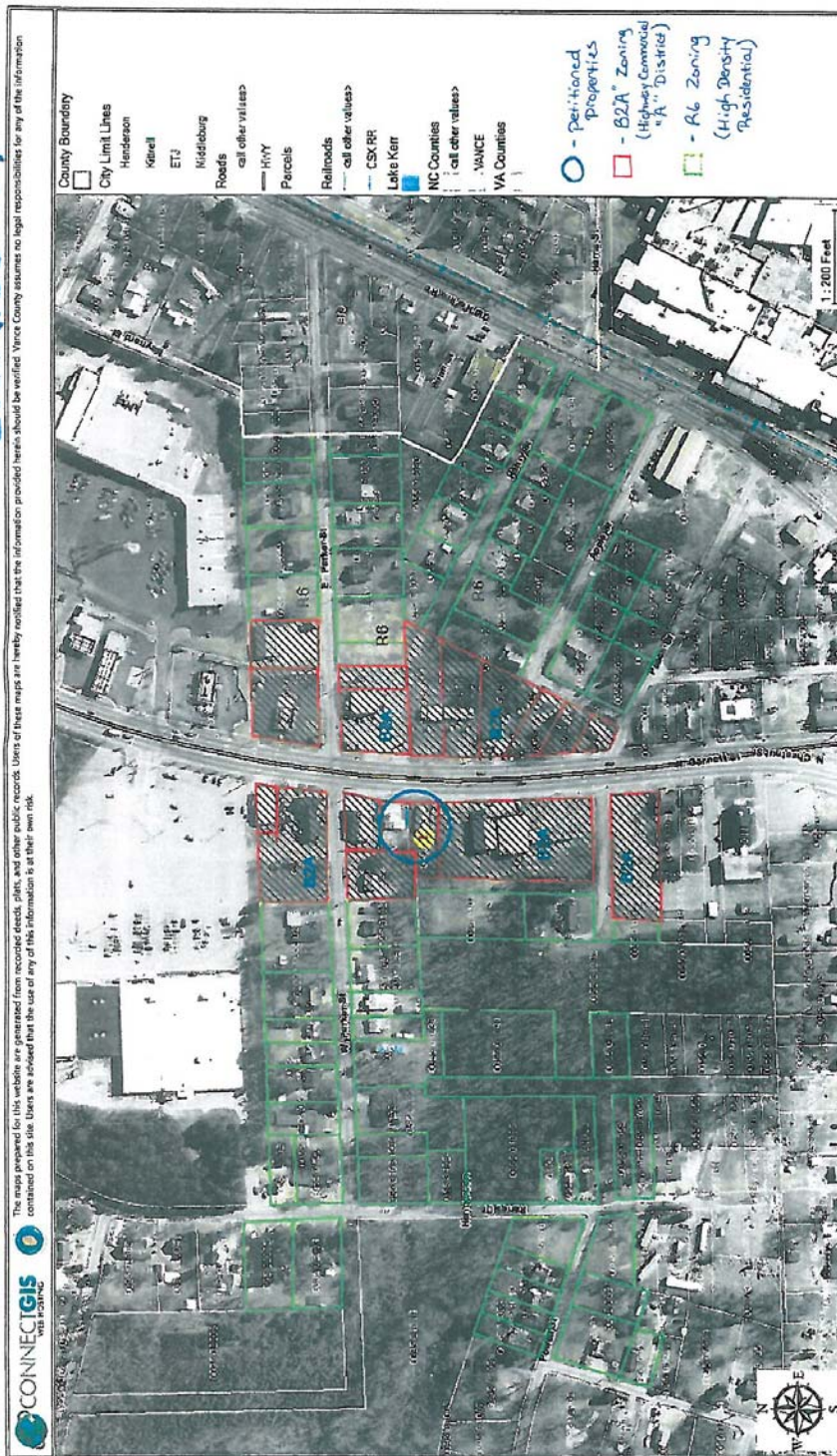
The public hearing was closed. Board member Phil Walters stated that he is in favor of any growth or any property that can grow. He added his concern was surrounded by R15. He stated he's not sure if it is the right use for the land according to the rest of the neighborhood.

Board member Jimmie Ayscue stated he knows this is a tough decision for everybody. He knows how things can change. It is in the ETJ. Ayscue addressed the possibility of conditional zoning and suggested getting the attorney's opinion.

Chairman Rainey asked Dunston does this constitute conditional zoning. Dunston replied it could if he went that route, but it's a much more expensive route than a rezoning. Board Member Horace Bullock asked how is the church zoned. Dunston replied the church is zoned residential, but it is allowed. Chairman Rainey added a church is allowed in any zone.

Board Member Ricky Easter stated to leave it like it is. Board Member Marguerite Anduze agreed with Easter. Easter asked if that land were ever sold to somebody else, will they have to come to the Zoning Board. Dunston replied if it's something that's not allowed in that current zoning. Chairman Rainey asked was multi-family in the R15M. Walters asked was it R15 or R15M. Moss replied R15M. Citizens stated their letter read R15. Moss clarified the application stated R15, but the zoning is R15M.

Motion was made by Board Member Ricky Easter that the request be DENIED; Second by Board Member Marguerite Anduze; 7-0 vote: All in favor of DENIED request from R15M to OI rezoning; **AYES**: Michael Rainey, Horace Bullock, Marguerite Aduze, Jimmie Ayscue, Arthur Henderson, Phil Walters, and Ricky Easter; **NOES**: None; **ABSENT**: None



Case 05-12: Rezoning – 1345 & 1355 N. Garnett Street



City Council Action Form

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



Agenda Item: _____

Council Meeting: 8 Oct 12 Regular Meeting

27 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—129

Consideration of Approval of Resolution 12-87, Authorizing Award of a Construction Contract for Interior Renovation Related to the Engineering Department Relocation at the Operations Center to Bridgeview Contractors, Inc.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

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

Recommendation:

- Approval of Resolution 12-87 Authorizing Award of a Construction Contract for Interior Renovation Related to the Engineering Department Relocation at the Operations Center to Bridgeview Contractors, Inc.

Executive Summary

As approved by the City Council in FY13 Budget, the Engineering Department is slated to relocate from City Hall to the Operations Center. This was proposed to consolidate and make more efficient the information exchange and operations requirements between the Engineering and Public Services Departments. The relocation will also aid with public relations to have both departments located at the same location. The work will involve the construction of new interior walls, electrical work, flooring, etc.

\$35,000 was requested and approved in FY13 for the relocation work. Based on the budget, the Engineering Department designed and then requested informal bids for construction work at the Operations Center. A total of three informal bids were returned with the following results:

Bridgeview Contractors, Inc.	\$24,640
J.L. Williams	\$28,760
H.G. Reynolds Co.	\$35,000

The lowest apparent bidder was Bridgeview Contractors, Inc, of Rocky Mount, NC. Based on discussions with the contractor, several local companies will be utilized during the construction, including electrical work and flooring which consists of approximately 40% of the overall contract. Bridgeview Contractors, Inc. was utilized for the repair of the garage door damage at the Operations Center in FY12. The work was completed successfully, on time, and within the budget without any problems.

There will be some additional costs that are related to the relocation, such as additional telephones and minor furniture needs that will pull from the same budget account.

It is the Staff's recommendation that the contract with Bridgeview Contractors, Inc. be approved for this project.

Enclosures:

1. Resolution 12—87
2. Proposal from Bridgeview Contractors, Inc.
3. Layout of Engineering Department at Operations Center

RESOLUTION 12-87

A RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT FOR INTERIOR RENOVATION RELATED TO THE ENGINEERING DEPARTMENT RELOCATION AT THE OPERATIONS CENTER TO BRIDGEVIEW CONTRACTORS, INC.

WHEREAS, the City Council conducted its Annual Planning Retreat in January 2012, and during said Retreat identified Strategic Objectives and Goals; *and*

WHEREAS, this Resolution addresses KSO 8: 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 Engineering Department will better serve the Public and Public Services Department by moving into the Operations Center; *and*

WHEREAS, \$35,000 was allotted in the FY 13 budget for construction and other related expenses at the Operations Center; *and*

WHEREAS, an informal bid was accepted for the construction of the new area for the Engineering Department with Bridgeview Contractors, Inc. being the responsible apparent low bidder at \$24,640.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE awarding of the Construction Contract with Bridgeview Contractors, Inc., being more fully articulated in **Attachment A** to this Resolution, for the new Engineering Department area at the Operations Center; *and*

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

The foregoing Resolution 12-87, upon motion of Council Member ** and second by Council Member **, and having been submitted to a roll call vote received the following votes and was ***** on this the *** day of ***** 2012: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

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

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

CONTRACT

THIS CONTRACT made and entered into this _____ day of _____, in the year 2012 by and between the City of Henderson, North Carolina, party of the first part, hereinafter called the Owner, and G. Shaun Joyner of _____ Bridgeview Contractors, Inc., party of the second part, hereinafter called the Contractor.

WITNESSETH

THAT, WHEREAS, a Contract for:

City of Henderson Operations Center – Engineering Department Offices

has recently been awarded to the Contractor by the Owner at and for a sum equal to the aggregate cost of the work to be done and labor, materials, equipment, apparatus and supplies furnished at the prices and rates respectively named therefore, in the Proposal attached hereto:

Total Bid Accepted: \$ _____

AND WHEREAS, it was one of the conditions of said Award that a formal Contract should be executed by and between the Owner and the Contractor, evidencing the terms of said award, and that the Contractor shall commence the work to be performed under this agreement on a date to be specified in a written order of the Owner, and shall fully complete all work hereunder within 60 Consecutive Calendar Days, of the date specified in the Notice to Proceed.

NOW THEREFORE, THIS CONTRACT FURTHER WITNESSETH THAT, the Contractor doth hereby covenant and agree with the Owner that they will and faithfully perform and execute such work and furnish such labor, materials, equipment, apparatus and supplies, in accordance with each and every one of the conditions, covenants, stipulations, terms and provisions contained in the Specifications and in accordance with the Plans, at and for a sum equal to the aggregate cost of the work done and labor, materials, equipment, apparatus and supplies furnished at the prices and rates respectively named therefore in the Proposal attached hereto, and will well and faithfully comply with and perform each and every obligation imposed upon them by said Plans and Specifications and the terms of said Award.

The Contractor shall promptly make payments to all persons supplying materials in the prosecution of the work, and to all laborers and others employed thereon.

The Contractor shall be responsible for all damages to the property of the Owner that may be consequent upon the normal procedure of their work or that may be caused by or result from the negligence of the Contractor, his, its or their employees or agents, during the progress of, or connected with the prosecution of the work, whether within the limits of the work or elsewhere. The Contractor must restore all property so injured to a condition as good as it was when the Contractor entered upon the work.

The Contractor shall furthermore be responsible for, and be required to make good at his, its or their expense, any and all damages of whatever nature, to persons or property, arising during the period of this Contract, caused by carelessness, neglect, or want of due precaution on the part of the Contractor, shall also indemnify and save harmless the Owner, and the officers and

agents thereof, from all claims, suits, and proceedings of every name and description which may be brought against the Owner, or the officers and agents thereof, for or on account of any injuries or damages to persons or property received or sustained by any person or persons, firm or corporation, or by or in consequence of any materials or workmanship in its construction, or by or on account of any accident, or of any other act of omission of the said Contractor, his, its or their agents, employees, servants or workmen.

It is agreed and understood that the Notice to Bidders, Information to Bidders, Instruction to Bidders, General Conditions, Supplementary Conditions, Special Project Conditions, Technical Specifications together with the enumerated Addenda, if any, the Proposal, and the Plans and/or Drawings are a part and parcel to this Contract to the same extent as if incorporated herein in full.

It is further mutually agreed between the parties hereto that if, at any time after the execution of this Agreement and the performance and payment bonds (or other approved security, if required) hereto attached for its faithful performance and payment, the Owner shall deem the surety or sureties upon such Bonds to be unsatisfactory, or if, for any reason, such Bonds cease to be adequate to cover the performance or payment of the work, the Contractor shall, at his, its or their expense, within five (5) days after the receipt of notice from the Owner to do so, furnish an additional Bond or Bonds or other approved security in such form and amount and with such surety or sureties as shall be satisfactory to the Owner. In such event no further payment to the Contractor shall be deemed to be due under this agreement until such new or additional security for the faithful performance and payment of the work shall be furnished in a manner and form satisfactory to the Owner.

And the Owner does hereby covenant and agree with the Contractor that it will pay to the Contractor, when due and payable under the terms of the Contract Documents and the Award, the sum mentioned above, and that it will well and faithfully comply with and perform each and every obligation imposed upon it by said Contract Documents and the terms of said Award.

HISTORICALLY UNDERUTILIZED BUSINESS

Please check the following:

Is your organization registered with HUB office? Yes_____ No_____

Is your organization a minority contractor, small contractor, physically handicapped contractor, a woman contractor, a disabled business enterprise, or a non-profit work center for the blind and severely disabled?

Yes_____ No_____

GENERAL CONTRACT TERMS AND CONDITIONS

1. **DEFAULT AND PERFORMANCE BOND:** In case of default by the contractor, the City may procure the articles or services from other sources and hold the contractor responsible for any excess cost occasioned thereby. The City reserves the right to require performance bond or other acceptable alternative guarantees from successful bidder without expense to the City.

In addition, in the event of default by the Contractor under this contract, the City may immediately cease doing business with the Contractor, immediately terminate for cause all existing contracts the City has with the Contractor, and de-bar the Contractor from doing future business with the City.

Upon the Contractor filing a petition for bankruptcy or the entering of a judgment of bankruptcy by or against the Contractor, the City may immediately terminate, for cause, this contract and all other existing contracts the Contractor has with the City, and de-bar the Contractor from doing future business with the City.

2. **GOVERNMENTAL RESTRICTIONS:** In the event any Governmental restrictions are imposed which necessitate alteration of the material, quality, workmanship or performance of the items offered prior to their delivery, it shall be the responsibility of the contractor to notify, in writing, the City at once, indicating the specific regulation which required such alterations. The City reserves the right to accept any such alterations, including any price adjustments occasioned thereby, or to cancel the contract.
3. **AVAILABILITY OF FUNDS:** Any and all payments to the contractor are dependent upon and subject to the availability of funds by the City for the purpose set forth in this agreement.
4. **TAXES:** Any applicable taxes shall be invoiced and shown as a separate line item.
5. **SITUS:** The exclusive ~~place~~ **venue** of this contract, its situs and forum, shall be the Courts of Vance County, North Carolina, where all matters, whether sounding in contract or tort, relating to its validity, construction, interpretation and enforcement shall be determined.
6. **GOVERNING LAWS:** This contract is made under and shall be governed and construed in accordance with the laws of the State of North Carolina.
7. **INSPECTION AT CONTRACTOR'S SITE:** The City reserves the right to inspect, at a reasonable time, the equipment/item, plant or other facilities of a prospective contractor prior to contract award, and during the contract term as necessary for City determination that such equipment/item, plant or other facilities conform with the specifications/requirements and are adequate and suitable for the proper and effective performance of the contract.
8. **PAYMENT TERMS:** Payment terms are Net not later than 30 days after receipt of correct invoice or acceptance of **conforming** goods **and services**, whichever is later.
9. **AFFIRMATIVE ACTION:** The contractor will take affirmative action in complying with all Federal and State requirements concerning fair employment and employment of people with disabilities, and concerning the treatment of all employees without regard to discrimination by reason of race, color, religion, sex, national origin or disability.
10. **CONDITION AND PACKAGING:** Unless otherwise provided by special terms and conditions or specifications, it is understood and agreed that any item offered or shipped has not been sold or used for any purpose and shall be in first class condition. All containers/packaging shall be suitable for handling, storage or shipment.
11. **STANDARDS:** All manufactured items and/or fabricated assemblies subject to operation under pressure, operation by connection to an electric source, or operation involving a connection to a manufactured, natural, or LP gas source shall be constructed and approved in a manner acceptable to the appropriate state inspector which customarily requires the label or re-examination listing or identification marking of the appropriate safety standard organization; such as the American Society of Mechanical Engineers for pressure vessels; the Underwriters Laboratories and /or National Electrical Manufacturers' Association for

electrically operated assemblies; or the American Gas Association for gas operated assemblies, where such approvals of listings have been established for the type of device offered and furnished. Further, all items furnished shall meet all requirements of the Occupational Safety and Health Act (OSHA), and state and federal requirements relating to clean air and water pollution.

12. **PATENT**: The contractor shall hold and save the City, its officers, agents and employees, harmless from liability of any kind, including costs and expenses, on account of any copyrighted material, patented or unpatented invention, articles, device or appliance manufactured or used in the performance of this contract, including use by the government.
13. **ADVERTISING**: Contractor agrees not to use the existence of this contract or the name of the City of Henderson as part of any commercial advertising.
14. **ACCESS TO PERSONS AND RECORDS**: The State Auditor and City shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions or municipal corporations in accordance with General Statute 147-64.7.
15. **ASSIGNMENT**: No assignment of the contractor's obligations nor the contractor's right to receive payment hereunder shall be permitted. However, upon written request approved by the City and solely as a convenience to the contractor, the City may:
 - a. Forward the contractor's payment check directly to any person or entity designated by the contractor, and
 - b. Include any person or entity designated by contractor as a joint payee on the contractor's payment check. In no event shall such approval and action obligate the City to anyone other than the contractor and the contractor shall remain responsible for fulfillment of all contract obligations.

The City shall have the right, at its sole discretion, to include the name of any unpaid subcontractor as a joint payee on any check owing to the contractor.

16. **INSURANCE**:

COVERAGE - During the term of the contract, the contractor at its sole cost and expense shall provide commercial insurance of such type and with such terms and limits as may be reasonably associated with the contract. As a minimum, the contractor shall provide and maintain the following coverage and limits:

- a. **Worker's Compensation** - The contractor shall provide and maintain Worker's Compensation Insurance, as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$300,000.00, covering all of contractor's employees who are engaged in any work under the contract. If any work is sublet, the contractor shall require the subcontractor to provide the same coverage for any of his employees engaged in any work under the contract.
- b. **Commercial General Liability** - General Liability Coverage on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$1,000,000.00 Combined Single Limit/\$2,000,000 aggregate.
- c. **Automobile** - Automobile Liability Insurance, to include liability coverage, covering all owned, hired and non-owned vehicles, used in connection with the contract. The minimum combined single limit shall be \$1,000,000.00 bodily injury and property damage; \$150,000.00 uninsured/under insured motorist; and \$5,000.00 medical payment.

REQUIREMENTS: Providing and maintaining adequate insurance coverage is a material obligation of the contractor and is of the essence of this contract. All such insurance shall meet all laws of the State of North Carolina. Such insurance coverage shall be obtained from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in North Carolina. The contractor shall at all times comply with the terms of such insurance policies, and all requirements of the insurer under any such insurance policies, except as they may conflict with existing North Carolina laws or this contract. The limits of coverage under each insurance policy maintained by the contractor shall not be interpreted as limiting the contractor's liability and obligations under the contract

17. **GENERAL INDEMNITY:** The contractor shall hold and save the City, its officers, agents, and employees, harmless from liability of any kind, including all claims and losses accruing or resulting to any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this contract, and from any and all claims and losses accruing or resulting to any person, firm, or corporation that may be injured or damaged by the contractor in the performance of this contract and that are attributable to the negligence or intentionally tortious acts of the contractor. The contractor represents and warrants that it shall make no claim of any kind or nature against the City's agents who are involved in the delivery or processing of contractor goods to the City. The representation and warranty in the preceding sentence shall survive the termination or expiration of this contract.
18. **PRICE ADJUSTMENTS:** No price adjustments will be allowed during the term of the contract.
19. **By City Policy,** it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any City employee. This prohibition covers those vendors and contractors who:
 - a. have a contract with any governmental or City agency; or
 - b. have performed under such a contract within the past year; or
 - c. anticipate bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to contact the City for review of this policy.

20. **WARRANTY:** All work and equipment installed/modified due to this contract shall be under warranty for at least twelve (12) months.

FURTHER AGREEMENTS

In Testimony Whereof, of the City of Henderson has caused these presents to be signed in its name by its Mayor and its Corporate seal to be hereto affixed and attested by the City Clerk, all by order of the City Council of the City of Henderson and said party of the second part, acting under and by virtue of the Authority in them vested, have hereunto set their hands and sealed, the day and year first written above.

OWNER:

ATTEST

THE CITY OF HENDERSON, NORTH CAROLINA

_____(SEAL) BY
Esther McCrackin, City Clerk

James D. O'Geary, Mayor

CONTRACTOR:

ATTEST:

BRIDGEVIEW CONTRACTORS, INC. (SEAL)

Witness

BY

G. Shaun Joyner, President
(If contractor is a corporation, a partnership, or a
joint venture, attach evidence of authority to sign.)

CERTIFICATIONS

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

Katherine C. Brafford, CPA

Date

I hereby certify that I am the duly appointed attorney for the Owner of the Project and that I have examined the foregoing instrument and ~~attached insurance documents and~~ I have approved to ~~the~~ **the** legal form of the same.

John H. Zollicoffer, Jr.

Date

CERTIFICATE OF INSURANCE
(Attach)

Bridgeview Contractors, Inc.
Commercial & Residential Contractor

PO Box 8112
Rocky Mount, NC 27804
Office/fax (252) 443-7960
Cell (252) 883-3013

Wednesday, July 25, 2012

Mr. Pete Sokalski, PE
Dept. of Engineering
City of Henderson
Henderson, NC

Re: Ops Center Engineering Office - Addition
City of Henderson
Proposal – Revised
1,298 SF Total Area

Pete;

I am pleased to provide a quote for the proposed engineering office improvements. Based on my site visit with Terry as well as sheet R-1 which shows a total of 5 new offices, I hereby propose the following improvements to be made and fee:

Proposed Work

- File building permit with Vance County
- Provide 3-5/8" metal stud wall 10' and 8' in height per drawings
- Provide 5/8" sheetrock sanded and finished (these are not fire walls)
- Provide painting with flat wall paint on new walls and on existing walls affected as new walls
- Install 4- new birch stained doors with 3 piece metal jambs, with standard hardware (non fire rated)
- Install new commercial grade carpet in new work area (< 155 SY) at an allowance of \$ 14/SY installed, owner to pick color, assumes all one run carpet
- Install standard VCT in 165 SF office
- Install new rubber base cove at new work areas
- Provide general cleanup and disposal of all our construction debris from our work

Electrical includes:

- 31-20a, 125v duplex receptacles, 2 dedicated
- 6-20a, 120v home run to existing power source, 2 dedicated
- 16 – telephone outlets (terminated to existing telephone punchblocks)
- 19 – data outlets (terminated at outlet only)
- 7 – existing light fixture relocation
- 7 – extend existing light fixture wiring to relocated fixture

Proposed Fee \$ 24,640

Serving Eastern North Carolina since 1998

bridgeviewcontractors@yahoo.com

Not Included:

- Items not mentioned above
- Data outlet terminations in server room
- Programming & number allocation of existing telephone system controls
- Plans or plan design of any kind
- Work outside of the scope area
- Sound batt insulation – can provide quote if needed
- HVAC of any kind
- Plumbing of any kind
- Ceiling work of any kind
- Items not shown on the plans or listed in electrical proposal which may be required by Vance County Inspections

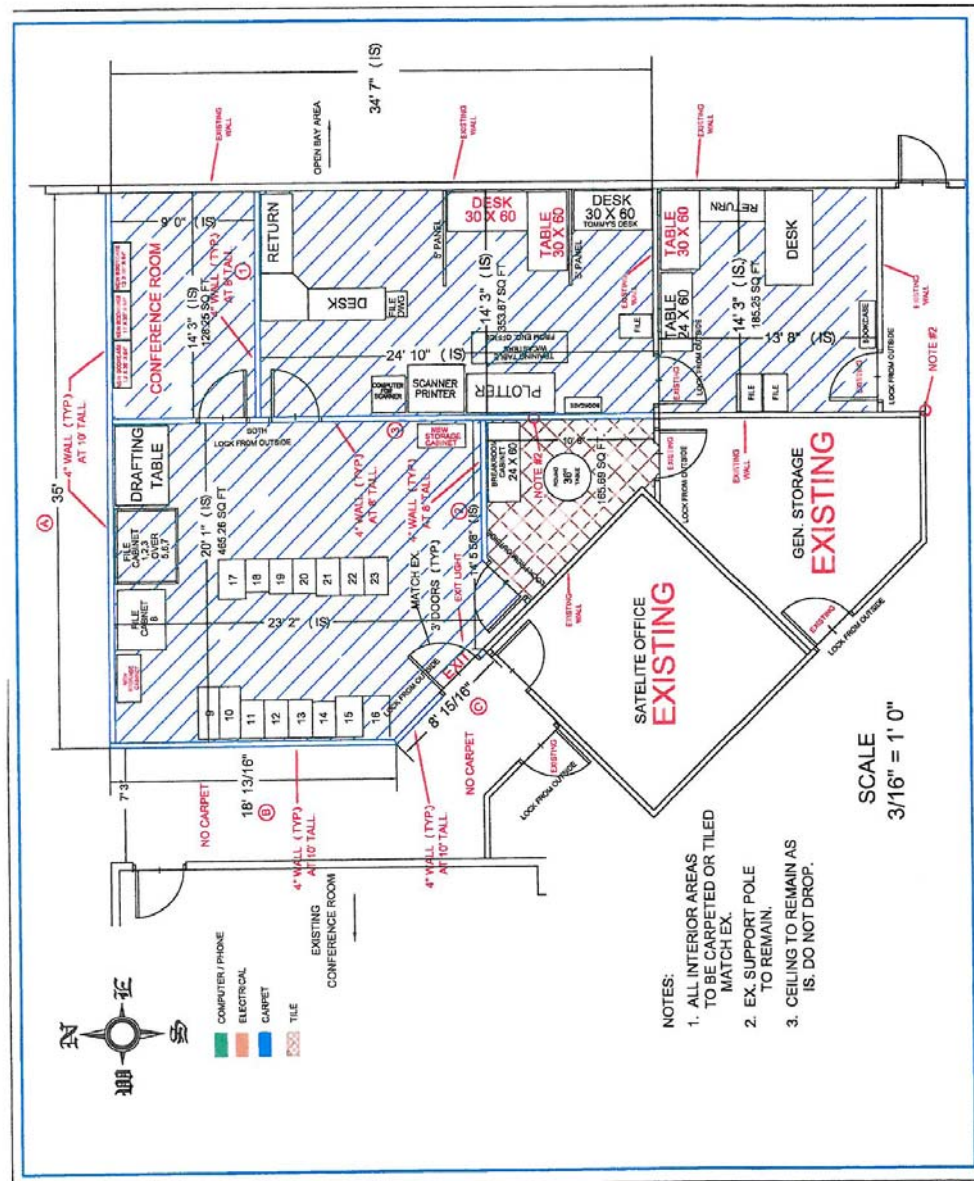
Call me if you have any questions or if you need any additional information.

Sincerely,
Bridgeview Contractors, Inc.

Shaun Joyner
President

Cc file

Sj.2012 commercial.City Henderson.Ops center Engineering Proposal rev7-21-12doc



City Council Action Form

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



Agenda Item: _____

Council Meeting: 8 Oct 12 Regular Meeting

18 September 2012

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

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

RE: CAF: 12-125

Consideration of Approval of Ordinance 12-69, Modifying City of Henderson's Code of Ordinances, Chapter 4, Relative to Elmwood Cemetery.

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- KSO 1- AP 1: Implement Process Improvement

Recommendation:

- Approval of Ordinance 12-69, Modifying City of Henderson's Code of Ordinances, Chapter 4, Relative to Elmwood Cemetery.

Executive Summary:

A revision to the Cemetery Ordinance is proposed relative to the opening and closing of graves. As a result of the privatization of these services, the City has not performed these services for over two years.

The proposed modification requires that the funeral home, or its contractor, perform the necessary backfilling after a grave settles and provide proper ground cover. There are no City personnel assigned to the cemetery, therefore it is important that this work is completed in a timely basis. Since privatization of this service, there has mainly been one contractor that has performed the opening and closing of graves.

Enclosure:

1. Ordinance 12-69
2. Chapter 4-11, City Code with revisions

CAF 12-125: 8 October 2012 Regular Meeting

Page 1 of 4

ORDINANCE 12-69

AN ORDINANCE PROVIDING FOR FUNERAL HOMES TO BE RESPONSIBLE FOR LEVELING GRAVES AFTER FUNERALS

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

Section 1. That the following two sentences be added at the end of Section 4-11 of the City Code:

“The funeral home or its contractor shall be responsible for the proper leveling and backfilling of the grave site after settling and will provide proper seeding and mulching to the disturbed area to provide proper ground cover. The material used for backfilling must be free of rocks, glass, or other materials which could be detrimental to the upkeep and proper mowing of the cemetery.”

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

The foregoing Ordinance 12-69, upon motion of Council member _____ and seconded by Council Member _____, and having been submitted to a roll call vote and received the following votes and was **APPROVED/DISAPPROVED** on this the ____ day of _____, 2012: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O’Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

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

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the foregoing Ordinance is a true and exact copy of *Ordinance 12-69 An Ordinance Providing for Funeral Homes to be Responsible for Leveling Graves After Funerals*, adopted by the Henderson, City Council in Regular Session on ** ** 2012 (*See Minute Book 4**, p. **). This Ordinance is recorded in *Ordinance Book # 8*, pp. **.

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

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

Sec.-4-11- Grave digging.

All graves will be opened and closed by the funeral home in charge of the arrangements. Plots will be located by the cemetery supervisor and marked for digging. Any fees associated with the opening and closing will be paid by the funeral home. No digging is to take place without an approved permit from the public services department cemetery supervisor and the payment of all applicable fees. Care is to be taken by the digger that no plot surrounding the digging is disturbed. No digging will take place prior to 8:00 a.m. and not later than 4:00 p.m. The funeral home shall provide the city with a certificate of liability insurance prior to any plot being opened or closed. The certificate of liability insurance is to remain in full force and effect at all times. **The funeral home or its contractor shall be responsible for the proper leveling and backfilling of the grave site after settling and will provide proper seeding and mulching to the disturbed area to provide proper ground cover. The material used for backfilling must be free of rocks, glass, or other materials which could be detrimental to the upkeep and proper mowing of the cemetery.**

(Ord. No. 11-46 § 1, 12-12-11)

City Council Action Form

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



Agenda Item: _____

Council Meeting: 2 Oct 12 Regular Meeting

8 October 2012

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

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

RE: **CAF: 12-127, Consideration of Approval of Resolution 12-85, Relinquishing the Main Street Solutions Grant in the Amount of \$299,004 and Ordinance 12-75, FY 13 BA # 15, Closing out the Grant Project.**

Ladies and Gentlemen:

Council Goals Addressed By This Item:

Recommendation:

- Approval of Resolution 12-85, Relinquishing the Main Street Solutions Grant in the Amount of \$299,004 and Ordinance 12-75, FY 13, BA#15, Closing out the Grant Project.

Executive Summary

The City of Henderson applied for, and was awarded a Main Street Solution Grant in 2010 by the North Carolina Department of Commerce Main Street Solutions Funds. These funds were awarded to the City in the amount of \$299,004 in order to improve the exterior façade of the Zene Street Warehouse, referred to locally as the REEF Project. The Downtown Development Council (DDC) is the implementing arm of this project.

The City has been advised by the DDC that it cannot meet the terms of the Grant requiring the creation of a certain number of new jobs by the March 2013 deadline. Consequently, the grant needs to be returned to the State and removed from the City's books. It is not permitted to obtain an extension.

Enclosure:

1. Resolution 12-85
2. Ordinance 12-75
3. Letter from HVDDC Chairman
4. Resolution 10-39 & 10-86

RESOLUTION 12-85

A RESOLUTION TO RELIQUISH THE MAINSTREET SOLUTIONS GRANT FUNDS

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

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

WHEREAS, The Henderson City Council authorized the application to the North Carolina Department of Commerce for a Main Street Solutions Grant in the amount of \$299,004 on 12 April 10, via Resolution 10-39, on behalf of the Henderson Vance Downtown Development Commission for a REEF Project and was awarded funds on August 17, 2010, and said grant funds accepted by the City on 13 September 2010 via Resolution 10-86; *and*

WHEREAS, this project has not proceed as planned and cannot meet the terms and conditions of the grant; *and*

WHEREAS, no funds have been expended from the grant; *and*

WHEREAS, the Henderson Vance Downtown Development Commission requests the City relinquish these funds to the North Carolina Department of Commerce Main Street Solutions Fund.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL that the City relinquish the North Carolina Department of Commerce Main Street Solutions Grant Funds in the amount of \$299,004 on behalf of the Henderson Vance Downtown Development Commission.

The foregoing Resolution 12-85, introduced by Council Member _____ and seconded by Council Member _____ on this the 8th day of October, 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. ***)

ORDINANCE 12—75
AN ORDINANCE AMENDING THE FY 12-13 BUDGET
FY 12-13 BUDGET AMENDMENT # 15
55: Grants Project Fund—Main Street Solutions Project Grant

WHEREAS, the City Council of the City of Henderson (Council) adopted its FY12-13 Operating Budget on 14 June 2012; *and*

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating as part of the year ending budget reconciliation process.

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

FUND: 55: Grants Project Fund		Ordinance 12--75			
		FY 12-13 Budget Amendment # 15			
REVENUES		Approved 13-Sep-10	Current Budget	Amendment	Revised
NC Dept Commerce Grant	55-301-458-145	\$ 299,004	\$ 299,004	\$ (299,004)	\$ -
		\$ -	\$ -	\$ -	\$ -
	Total	\$ 299,004	\$ 299,004	\$ (299,004)	\$ -
					\$ -
EXPENDITURES		Approved 13-Sep-10	Current Budget	Amendment	Revised
Department		\$ -	\$ -		\$ -
Main Street Solutions Grant		\$ -	\$ -		\$ -
Construction	55-301-510-400	\$ 299,004	\$ 299,004	\$ (299,004)	\$ -
	Departmental Total	\$ 299,004	\$ 299,004	\$ (299,004)	\$ -
					\$ -
	Variance			\$ -	

Notes:					
The Main Street Solutions Grant was accepted and its budget was established on 13 Sept 2010 via Resolution 10-86 and Ordinance 10-54. The grant funds were originally established as Fund 87; however, this was changed as part of budgetary reforms implemented during 2012 when it was reassigned as a component part of newly established Grant Fund 55. The purpose of this budget amendment is to rescind the grant and remove it from the books. No revenues have been received and no expenditures have been incurred. The grant is being returned to the State because the Downtown Deveolpment Council's effort to implement the REEF project with the Charter School as its primary tenant have not been successful. Thus, the grant requirements to establish the required number of jobs by March 2013 cannot be met. REFERENCES: CAF 12-127, Resolution 12-85; Ordinance 12-47; Ordinance 12-75 FY 13 Budget Amendment #15; CAF 10-137; Resolutions 10-39 and 10-86; Ordinance 10-54.					

The foregoing Ordinance 12-75, 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 8th day of October 2012: YES. NO:. ABSTAIN:. ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther McCrackin, City Clerk

*Reference: Minute Book 42, p ***; CAF 12-127; Resolution 12-85*

STATE OF NORTH CAROLINA - CITY OF HENDERSON

I, Esther McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 12-75 adopted by the Henderson, City Council in Regular Session on 8 October 2012. This Ordinance is recorded in *Ordinance Book 8, p *****

Witness my hand and corporate seal of the City, this 8th day of October 2012.

Esther McCrackin
City Clerk
City of Henderson, North Carolina

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

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



Henderson - Vance Downtown Development Commission

Post Office Box 1434
134 Rose Avenue
Henderson, North Carolina 27536
Phone: (252) 430-5721 Fax: (252) 492-7935

Ray Griffin, City Manager
City of Henderson
134 Rose Avenue
Henderson, NC 27536

September 27, 2012

Dear Mr. Griffin,

The City of Henderson applied for a Main Street Solutions Grant in 2010 on behalf of the Henderson Vance Downtown Development Commission for \$299,004 for the exterior façade of the Zene Street Warehouse. The Zene Street warehouse was the building to be renovated in REEF Project. The project has experienced some challenges that will not allow this grant to be used by the deadline.

At this time we wish to request that the City relinquish these funds back to the appropriate authorities for this grant. We do not wish to jeopardize any future grant opportunities for the City. We would hope that the City would be willing to apply for other grant opportunities on behalf of the Henderson Vance Downtown Development Commission. Thank you again for your support of this project.

Sincerely,

Jason L. Stewardson, Chairman
Henderson Vance Downtown Development Commission

Cc: Erris J. Dunston, Interim Executive Director

RESOLUTION 10—39

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN, ON BEHALF OF THE CITY, APPLICATIONS RELATIVE TO THE NORTH CAROLINA DEPARTMENT OF COMMERCE – MAIN STREET SOLUTIONS GRANT

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

WHEREAS, two of the Key Strategic Objectives are addressed by this request as follows: *KSO 3: Enhanced Economic Development: To create new jobs and investment, expand the tax base and increase the per capita income; 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 is seeking funds through the North Carolina Main Street Solutions Grant funds for exterior renovations, new façade's and construction of common corridor wall at the tobacco warehouse being transformed into the REEF Center.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL that it does hereby approve authorization of this application for grant funds; and

BE IT FURTHER RESOLVED BY THE HENDERSON CITY COUNCIL that it hereby authorizes the Mayor to sign on behalf of the City, future contract documents relative to the execution of the grants, subject to the City Council approving any expenditures.

The foregoing Resolution, introduced by Councilmember Mary Emma Evans and seconded by Councilmember George M. Daye on this the 12th day of April 2010, and having been submitted to a roll call vote, was approved by the following votes: Ayes: Evans, Coffey, Inscoc, Rainey, Peace, Daeke, Davis and Daye Noes: None

James D. O'Geary, Mayor

ATTEST:

Pamela E. Glover, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

RESOLUTION 10—86

A RESOLUTION ACCEPTING THE NORTH CAROLINA MAIN STREET SOLUTIONS GRANT

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

WHEREAS, two of the Key Strategic Objectives are addressed by this request as follows: KSO 3: *Enhanced Economic Development: To create new jobs and investment, expand the tax base and increase the per capita income; Action Plan 3-5; Redevelop Downtown; and KSO 8: To Provide Sufficient Funds for Municipal Operations and Capital Outlay Necessary to Meet the Needs of Citizens, Customers and Mandates of Regulatory Authorities.*

WHEREAS, the REEF Project has been in the development stages for several years, and said project will redevelop an abandoned warehouse on Zene Street that is currently owned by the Downtown Development Council; *and*

WHEREAS, the City of Henderson (City), the NC Community Development Initiative, Gateway, Inc., and the Downtown Development Council (DDC) have worked together to help make the REEF Project a success; *and*

WHEREAS, the Council authorized submission of a NC Main Street Solutions Grant (Grant) via Resolution 10-39 at its 12 April 2010 meeting, said grant to be used in conjunction with other grants awarded to the DDC for the successful redevelopment of the REEF site into a functional, multi-purpose facility that will add value to the residential neighborhood in which it is located and to downtown Henderson; *and*

WHEREAS, the City received notice of Grant award on 25 May 2010; *and*

WHEREAS, the City is not required to provide either a cash and/or in-kind grant match in order to accept and utilize the Grant; *and*

WHEREAS, grant contract documents have been received from the Department of Community Assistance and it is now appropriate to execute said documents.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT it does hereby accept the North Carolina Main Street Solutions Grant in the amount of \$299,004 and authorizes the Mayor to sign the appropriate Grant Contract documents, said documents being more fully articulated in **Attachment No. 1** to this Resolution.

The foregoing Resolution 10-86 was presented for consideration on 13 September 2010, and upon a motion by Council Member Peace-Jenkins and seconded by Council Member Coffey was APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Davis, Daye, Evans, Coffey and Rainey. NO: None. ABSTAIN: None. ABSENT: Inscoe.

James D. O'Geary, Mayor

ATTEST:

A. Ray Griffin, Jr., Interim City Clerk

Approved as to Legal Form:

John H. Zollicoffer, Jr., City Attorney

Reference: Minute Book 41, p. 644.

City Council Action Form

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



Agenda Item: _____

Council Meeting: 8 Oct 12 Regular Meeting

8 October 2012

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

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

RE: CAF: 12-131

Consideration of Approval of Resolution 12-88, Authorizing the Mayor and City Manager to Sign an Agreement and Documentation with Vance County, as Appropriate, Regarding the Transfer of Real Property vis-à-vis the Neighborhood Stabilization Program

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- KSO 4: Improve Condition of the Housing Stock

Recommendation:

- Approval of Resolution 12-88, Authorizing the Mayor and City Manager to Sign an Agreement and Documentation with Vance County, as Appropriate, Regarding the Transfer of Real Property vis-à-vis the Neighborhood Stabilization Program

Executive Summary

In 2009, the County of Vance and City of Henderson were awarded a grant through the Neighborhood Stabilization Program (NSP). The purpose of the grant is to strengthen neighborhoods by removing blight and establishing opportunities for home ownership. The County is the lead agency and Kerr-Tar Council of Governments is the administrator of the program.

In May, 2010, the City Council approved Resolution 10-55 which authorized the sale of certain jointly owned tracts to the County for the purposes of helping implement the grant program. The

City has been requested to authorize the sale of four additional lots in which it has interest to the County so that NSP work can continue. The lots in question are identified below:

- 744 Rock Springs Street (2 lots)
 - o Parcel ID: 0069 04002, and 0069 04010
- Eastway Drive
 - o Parcel ID: 0077 03003:
- 815 Harriett Street
 - o Parcel ID: 0087 02002:

The County needs to purchase the City's share of the jointly held properties in order for the grant program to proceed. The County will pay the City from NSP funds the amount of taxes owed.

City Council is requested to approve Resolution 12-88 which sets forth the Council's agreement to sell the identified properties as well as future ones that might be identified and utilized by NSP program. Additionally, the Resolution authorizes the Mayor and/or City Manager to sign the necessary documents, as appropriate, to effect the transfer of these properties to the County. Finally, the Resolution sets forth a policy position allocating the revenues from the sale of the lots to Code Enforcement for demolition of abandoned structures. This is what was done with the funds received from the sale of lots via Resolution 10-55. With this policy position articulated in the Resolution, once funds are received, a Budget Ordinance Amendment will be brought to Council for approval.

Enclosures:

1. Resolution 12-88

RESOLUTION

12—88

A RESOLUTION AUTHORIZING THE SALE OF CERTAIN PROPERTIES OF JOINTLY HELD PROPERTIES TO VANCE COUNTY, NORTH CAROLINA FOR THE PURPOSE OF IMPLEMENTING THE NEIGHBORHOOD STABILIZATION GRANT PROGRAM IN HENDERSON

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

WHEREAS, one of the Key Strategic Objectives (KSO) are addressed by this request as follows:
KSO 4: Improve Condition of the Housing Stock; and

WHEREAS, the County of Vance (County) and the City of Henderson (City), as joint applicants, received a Neighborhood Stabilization Program (NSP) Grant in 2009, with the County serving as lead applicant and Kerr-Tar Council of Governments serving as grant administrator; *and*

WHEREAS, the City is being requested to sell its interest in an additional four lots to the County for the purpose of continued NSP implementation.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE the sale of certain lots as more appropriately identified in *Attachment A* to this Resolution to the County for the purposes of the NSP program, including the sale of any future lots that may become jointly owned by the City and County that could be utilized by and benefited from the NSP program; and said transfer of interest to the County is predicated upon and conditioned upon the division of any net proceeds from the eventual sale of said properties proportionately between the County and the City; *and*

BE IT FURTHER RESOLVED that the Mayor and City Manager are authorized to sign the necessary documents to effect the transfer of said lots to the County; *and*

BE IT FURTHER RESOLVED that it is the City Council's desire to allocate any funds received from the sale of said lots to the Code Compliance for the purpose of demolition of dilapidated structures.

The foregoing Resolution 12-88, introduced by Councilmember _____ and seconded by Councilmember _____ on this the 8th day of October 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

**RESOLUTION 12-88
ATTACHMENT "A"**

Parcel	Address	Estimated Taxes Owed City / Sales Price
0069-04002	744 Rock Spring Street	\$ 243.90
0069-04010	Vacant lot behind 744 Rock Spring Street	\$ 89.86
0077-03003	Eastside Drive	\$ 455.71
0087-02002	815 Harriett Street	\$ 5,842.97

City Council Action Form

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



Agenda Item: _____

Council Meeting: 8 October 2012

2 October 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-83**

Consideration of Approval of Resolution 12-A-74 Rescinding Resolution 12-74 and Ordinance 12-A-67 FY 13 BA#14, Amending the Economic Development Reserve Fund.

Ladies and Gentlemen:

Council Retreat 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-A-74 Rescinding Resolution 12-74, *and*
- Ordinance 12-A-67, FY 13 BA#14, Amending the Economic Development Reserve Fund.

Executive Summary:

City Council unanimously approved Resolution 12-74 and Ordinance 12-67 in support of an economic development project for renovation and reopening of the motel property located at 197 Parham Road, otherwise known as the Ambassador Inn. Subsequent to Council's approval of these policy directives, the project has not been able to come to fruition and is no longer viable. It is therefore appropriate to rescind the actions taken on 27 August 2012.

Enclosures:

1. Resolution 12-A-74
2. Ordinance 12-A-67
3. CAF 12-83 and associated attachments

RESOLUTION 12-A-74

AN RESOLUTION RESCINDING RESOLUTION 12-74

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 KSO 3: Enhanced Economic Development; *and*

WHEREAS, On 27 August 2012, Council unanimously approved Resolution 12—74 in support of an economic development initiative for Mr. Tony Balthrop (Developer), ALD Hotels, LLC *dba* Henderson Hospitality, LLC for a proposed purchase and renovation of the former Ambassador Hotel located at 197 Parham Road, Henderson, NC; *and*

WHEREAS, the said economic development project did not come to fruition and is no longer viable; therefore, it is appropriate for the Council to rescind its commitment made to the Developer for this project.

NOW THEREFORE BE IT RESOLVED, BY THE HENDERSON CITY COUNCIL THAT: it hereby rescinds Resolution 12—74 and requests the City Manager to notify the Vance County Manager and Vance County Economic Development Commission of this action.

The foregoing Resolution 12-A-74, introduced by Council Member *** and seconded by Council Member *** on this the 8th day of October 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 ****

O R D I N A N C E 12—A—67

AN AMENDMENT TO THE FY 2012 – 2013 BUDGET BUDGET AMENDMENT #14

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 #14 is more fully articulated in the “**Notes**” box below.

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: 73: Economic Development Capital Reserve Fund		Ordinance 12--A--67 FY 12-13 Budget Amendment # 14			
		Approved 1 July 12	Current Budget	Amendment	Revised
REVENUES					
From General Fund	73-980-461-010	\$ 10,000	\$ 10,000	\$ -	\$ 10,000
Fund Balance Appropriation	73-990-491-000	\$ -	\$ 8,400		\$ 8,400
		\$ -	\$ -	\$ -	\$ -
	Total	\$ 10,000	\$ 18,400	\$ -	\$ 18,400
					\$ 18,400
EXPENDITURES					
<i>Non-Departmental</i>					\$ -
Capital Reserve	73-660-509-850	\$ 10,000	\$ 13,100	\$ 3,500	\$ 16,600
EDP 12-2 Thermo King	73-660-509-851	\$ -	\$ 1,000	\$ -	\$ 1,000
EDP 12-1 Appliance Store	73-660-509-852	\$ -	\$ 800	\$ -	\$ 800
EDP 12-3 Henderson Hospitality	73-660-509-853	\$ -	\$ 3,500	\$ (3,500)	\$ -
	Departmental Total	\$ 10,000	\$ 18,400	\$ -	\$ 18,400
					\$ 18,400
	Variance			\$ -	
Notes:					
The purpose of this budget amendment ordinance is to rescind action taken by Council at its 27 Aug 12 meeting relative to economic development prospect 12-3, Henderson Hospitality. The project is no longer viable and it is appropriate for Council to rescind its actions. The funds set aside for this EDP are no longer needed and moved to capital reserve. Reference: Ordinance 12-67; CAF 12-A-83; Resolution 12-A-74; CAF 12-83.					

The foregoing Ordinance 12-A-67, upon motion of Council Member *** and second by Council Member *** and having been submitted to a roll call vote and received the following votes and was *** on this the 8th day of October 2012: YES:. NO:. : None. : None.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

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

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 12—A—67 **** by the Henderson, City Council in Regular Session on 8 October 2012 (*Minute Book 42 p.****). This Ordinance is recorded in *Ordinance Book 8*, p. ***.

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

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

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: 27 August 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: 12-83

Consideration of Approval of Resolution 12-74, An Authorizing Resolution by the Henderson City Council in Support of a NC Building Restoration and Reuse Grant Program for Economic Development Prospect 12-3: ALB Hotels LLC dba Henderson Hospitality LLC; and Ordinance 12-67, FY12-13 Budget Amendment #9

Ladies and Gentlemen:

Council Retreat 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:

- Approve Resolution 12-74, An Authorizing Resolution by the Henderson City Council in Support of a NC Building Restoration and Reuse Grant Program for Economic Development Prospect 12-3: ALB Hotels LLC dba Henderson Hospitality LLC; and
- Approve Ordinance 12-67, FY12-13 Budget Amendment #9

Executive Summary:

The Henderson/Vance Economic Development Commission has requested Council to consider approving an incentive for a developer who has purchased the old, now vacant, Ambassador Inn. The incentive, not to exceed \$3,500, would match that of Vance County to provide for a Rural Center building reuse grant. There are funds within the existing budget to provide for this expense.

CAF 12-83: 27 Aug 12 Meeting
Page 1 of 7

The developer proposes to spend approximately \$1.8M in renovations to the facility and create 35 jobs with an average wage of \$16,945. These jobs will provide insurance.

The City Council has expressed concern about the Parham Road Corridor for several years and this project will surely assist in its redevelopment.

The arrangement for this incentive and Rural Center grant is the same as has been previously done with Vance County. The County will submit and administer the grant.

The Budget Ordinance serves to re-appropriate funds approved but not expended during FY11-12. Bringing these funds forward for projects underway and for which payment of the City's co-share of the local match will occur this fiscal year, will eliminate the need for future budget amendments. Thus, this part of the Ordinance is budget housekeeping. The second part of the Ordinance is to appropriate \$3,500 from the economic capital reserve to for Economic Development Prospect 12-3 (EDP: 12-3). This appropriation comes from the existing economic development reserve and has no negative impact on the General Fund.

Enclosures:

1. Resolution 12-74
2. Ordinance 12-67

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

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 KSO 3: Enhanced Economic Development; *and*

WHEREAS, In June 2004, the North Carolina General Assembly approved House Bill 1352, authorizing funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovating vacant buildings, and implementing research and demonstration projects; *and*

WHEREAS, In July 2007, the General Assembly passed House Bill 1473 to expand the Economic Infrastructure Fund and to provide funding to facilitate economic transitions in rural communities; *and*

WHEREAS, The Rural Center Building Restoration and Reuse Grants Program was created to spur economic activity and job creation by assisting in the productive reuse of vacant buildings in small, rural towns and counties; *and*

WHEREAS, Henderson and Vance County are engaged in activities to assist in the productive reuse of vacant buildings, specifically renovations to a building located at the old and now vacant Ambassador Motel site, 197 Parham Rd., Henderson, NC that will spur economic activity, reinvestment in the property and job creation through the location; *and*

WHEREAS, the developer purchasing and redeveloping the site, Mr. Tony Balthrop, ALB Hotels, LLC *dba* Henderson Hospitality, LLC, advises his project will create 35 jobs with an average wage of \$16,945 and said jobs will provide insurance for employees; additionally, the renovation investment is expected to be \$1.8 million; *and*

WHEREAS, Vance County intends to request grant assistance from the Building Restoration and Reuse Grants Program and requests the City's participation in sharing in the local match since the property in question is located within the city limits.

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

1. The City of Henderson will provide its share of 5% of the total requested grant amount, provided; however, said amount noted will not exceed \$3,500, said funds to be held by the City until such time as the project has complied with all grant project requirements.
2. The County of Vance will provide for the efficient administration, implementation and operation/maintenance of the project.
3. James D O'Geary, Mayor of the City of Henderson, and successors so titled, is hereby authorized to execute and file an application as appropriate with Vance County and NCREDC (Rural Center) for a Building Restoration and Reuse Grant.

The foregoing Resolution 12-74, introduced by Council Member Rainey and seconded by Council Member Kearney on this the 27th day of August, 2012 and having been submitted to a roll call vote, was APPROVED by the following votes: YES: Inscoc, Rainey, Peace-Jenkins, Daeke, Brown, Daye, Kearney and Coffey. 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 561

**AN AMENDMENT TO THE FY 2012 – 2013 BUDGET
BUDGET AMENDMENT #9**

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:

CAF 12-83: 27 Aug 12 Meeting
Page 5 of 7

The foregoing Ordinance 12-67, upon motion of Council Member Rainey and second by Council Member Kearney and having been submitted to a roll call vote and received the following votes and was **APPROVED** on this the 27th day of August 2012: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Reference: Minute Book 42 p. 561

**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—67 adopted by the Henderson, City Council in Regular Session on 27 August 2012 (*Minute Book 42 p. 561*). This Ordinance is recorded in *Ordinance Book 8*, p. 485.

Witness my hand and corporate seal of the City, this 28th day of August 2012.

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

Attachment A
Ordinance 12—53
FY 12-13 Budget Ordinance Amendment #9
(References: CAF: 12-83; Resolution 12-74; Ordinance 12-67)

The dual purpose of this Amendment is to achieve the following:

1. Bring forward funds appropriated but not yet expended during the FY12 Budget year. These appropriations included funding for EDP: 12-1 Appliance Store, \$800; EDP: 12-2 Thermo King, \$1,000; and Capital Reserve unspecified, \$6,600; *and*
2. Appropriate funding from Capital Reserve unspecified in the amount of \$3,500 to Henderson Hospitality LLC project for renovation of the old, now vacant Ambassador Motel on Parham Road. This funding is necessary to provide the City's share of the local match required for the Rural Center building reuse grant being prepared by the County for the motel's developer.

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: 8 Oct 12 Regular Meeting

4 October 2012

TO: The Honorable Mayor James D. O'Geary and Members of City Council
FR: A. Ray Griffin, Jr., City Manager
RE: CAF: 12-132
Consideration of Approval of Ordinance 12-73 FY13 Budget Amendment #16, Appropriating Additional Funds to the Oxford-Henderson Aeronautics Authority.

Ladies and Gentlemen:

Council Goals Addressed by this Item:

- **CV 7: Teamwork and Collaborative Efforts** -We value teamwork and collaborative efforts with our fellow workers, stakeholders, and partners and believe that through such efforts we will be better able to achieve our goals and objectives.

Recommendation:

- Approval of Ordinance 12-73, FY13 Budget Amendment #16 Appropriating Additional Funds to the Oxford-Henderson Aeronautics Authority.

Executive Summary:

I have met with Aeronautics Authority representatives and discussed the funding issue vis-à-vis the State grant matter. Based on what I have learned, I think it important for the City to increase its appropriation to the Airport to the requested amount. The primary reasons for this are as follows:

- Each of the other three partners appropriated \$28,750;
- With gas sales down and the need to provide good stewardship for Airport financials, the additional funding is needed;

Partners	FY 12 Approved	FY13 Airport Request	FY13 Recommended	FY13 Approved
Henderson	\$26,022	\$28,750	\$28,800*	\$26,100
Oxford	\$26,022	\$28,750		\$28,750
Vance County	\$26,022	\$28,750		\$28,750
Granville County	\$26,022	\$28,750		\$28,750

*\$50 increase due to rounding up to next 100.

CAF 12-132: 8 October 2012 Council Meeting

Page 1 of 51

The runway extension grants have been awarded and the local match is \$250,000. (*See Attachment No. 2*) The Airport Authority has been saving money over the past years to be able to pay for its match. The extension of the runway will allow the Authority to solicit additional plane landing business. At this point in time, many planes cannot and/or will not use a runway of the length currently at our airport.

Council requested a copy of the most recent Audit. Please refer to *Attachment No. 3* for a copy of the FY11 Audit.

A Budget Ordinance has been prepared for Council's consideration should it wish to allocate the additional funding. (*See Attachment No. 1*)

Enclosure:

1. Ordinance 12-73
2. Runway Extension Grant Letter
3. Oxford-Henderson Aeronautics Authority FY11 Audit

O R D I N A N C E 12—73

AN ORDINANCE AMENDING THE FY 12-13 BUDGET FY 12-13 BUDGET AMENDMENT # 16 10: General Fund; Aeronautics Authority Funding

WHEREAS, the City Council of the City of Henderson (Council) adopted its FY12-13 Operating Budget on 14 June 2012; *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 this FY 12-13 Budget Amendment is more fully articulated in the “**Notes**” box below.

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

FUND: 10: General Fund		Ordinance 12-73 FY 12-13 Budget Amendment # 15			
		Approved 1-Jul-12	Current Budget	Amendment	Revised
REVENUES					
		\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -
	Total	\$ -	\$ -	\$ -	\$ -
					\$ -
EXPENDITURES		Approved 1-Jul-12	Current Budget	Amendment	Revised
Contribution to Airport	10-670-509-000	\$ 26,100	\$ 26,100	\$ 2,650	\$ 28,750
Garage: Workman's Compensation Insurance	10-555-505-410	\$ 5,700	\$ 5,700	\$ (1,400)	\$ 4,300
Public Buildings: Property Insurance	10-500-505-404	\$ 4,000	\$ 4,000	\$ (1,060)	\$ 2,940
Governing Body: Advertising	10-410-505-410	\$ 3,500	\$ 3,500	\$ (190)	\$ 3,310
	Departmental Total	\$ 39,300	\$ 39,300	\$ -	\$ 39,300
					\$ 39,300
	Variance			\$ -	
Notes:					
8 October 2012 Council Meeting: CAF 12-132; Ordinance 12-73 and Council Minutes from 19 & 24 September 2012 and 8 October 2012. Airport Authority has requested Council reconsider its FY13 appropriation of \$26,100 and increase same by \$2,650, or to \$28,750. The other three regional partners have provided the \$28,750.					

The foregoing Ordinance 12-73, 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 8th day of October 2012: YES. NO:. ABSTAIN:. ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther McCrackin, City Clerk

*Reference: Minute Book 42, p ***; CAF 12-132;*

STATE OF NORTH CAROLINA - CITY OF HENDERSON

I, Esther McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 12-73 adopted by the Henderson, City Council in Regular Session on 8 October 2012. This Ordinance is recorded in *Ordinance Book 8*, p *****

Witness my hand and corporate seal of the City, this 8th day of October 2012.

Esther McCrackin
City Clerk
City of Henderson, North Carolina

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

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

1



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

August 27, 2012

Mr. David Thomas, Chairman
Oxford-Henderson Aeronautics Authority
6514 Airport Road
Oxford, NC 27565

Dear Chairman Thomas:

On behalf of Governor Beverly Eaves Perdue, Transportation Secretary Eugene A. Conti, Jr., and the NC Board of Transportation, please be advised that state funds have been allocated under the State Aid to Airports Program for the Henderson-Oxford Airport for State Fiscal Year (FY) 2012-13.

The specific work elements and funding approved is as shown below.

Project #	Description	State Funds	Local Funds
36244.34.4.1	Runway 6 Extension-Site Prep (construction)	\$1,710,000	\$190,000
36244.34.4.2	Runway 6 Extension-Pave & Light (construction)	\$540,000	\$60,000

The NCDOT-Division of Aviation appreciates your commitment and contribution to our state aviation system. With aviation partners like you, North Carolina will continue to be *First in Flight....*

Sincerely,

Richard J. Walls, P.E.
Director of Aviation

RJW/ncs
Attachment

cc: Governor Beverly Eaves Perdue
Eugene A. Conti, Jr., Secretary, NCDOT
Paul Morris, FASLA, Deputy Secretary for Transit
Kay Hagan, United States Senate
Richard Burr, United States Senate
G.K. Butterfield, United States Congress
Brad Miller, United States Congress
Chuck Watts, BOT Representative
Leigh McNairy, BOT At-Large Member

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
DIVISION OF AVIATION
1560 MAIL SERVICE CENTER
RALEIGH NC 27699-1560

TELEPHONE: 919-840-0112
FAX: 919-840-9267

LOCATION:
RDU AIRPORT
1050 MERIDIAN DRIVE
RDU NC 27623

**AERONAUTICS AUTHORITY OF THE
CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
AUDITED FINANCIAL STATEMENTS
FOR THE YEAR ENDED
JUNE 30, 2011**

David Thomas, Chairman

Joe Mahaffey, Vice-Chairman

Jimmy Burmmitt, Director

Jon Carver, Director

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
TABLE OF CONTENTS
JUNE 30, 2011**

<u>Exhibit</u>		<u>Page</u>
	Financial Section	
	Independent Auditor's Report	2-3
	Management's Discussion and Analysis	4-11
	Basic Financial Statements:	
	Government-wide Financial Statements:	
Exhibit A	Statement of Net Assets	14
Exhibit B	Statement of Activities	15
	Fund Financial Statements:	
Exhibit C	Balance Sheet-Governmental Funds	17
Exhibit C	Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Assets	18
Exhibit D	Statement of Revenues, Expenditures, and Changes in Fund Balances-Governmental Funds	19
Exhibit D	Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds to the Statement of Activities	20
Exhibit E	Statement of Revenues, Expenditures, and Changes in Fund Balance-Budget and Actual-General Fund	21
	Notes to the Financial Statements	23-32
	Schedule	
	Supplementary Information	
1	Schedule of Cash and Investment Balances	34
2	Schedule of Revenues, Expenditures and Changes in Fund Balance-Budget and Actual-Capital Project #36237.24.7.1	35
3	Schedule of Revenues, Expenditures and Changes in Fund Balance-Budget and Actual-Capital Project #36237.24.8.1	36
4	Schedule of Revenues, Expenditures and Changes in Fund Balance-Budget and Actual-Capital Project #36237.24.8.2	37
5	Schedule of Revenues, Expenditures and Changes in Fund Balance-Budget and Actual-Capital Project #36237.24.9.1	38
	Compliance Section	
	Report on Internal Control Over Financial Reporting And on Compliance and Other Matters Based On An Audit Of Financial Statements Performed In Accordance with <i>Government Auditing Standards</i>	40-41
	Schedule of Findings and Responses	42
	Corrective Action Plan	43



William L. Stark and Company

Certified Public Accountants

Independent Auditor's Report

To the Board of Directors
Aeronautics Authority of the City of Henderson, City of Oxford,
County of Granville and County of Vance
Henderson, North Carolina

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance, as of and for the year ended June 30, 2011, which collectively comprise Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance basic financial statements as listed in the table of contents. These financial statements are the responsibility of Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Governmental Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, based on our audit, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance as of June 30, 2011, and the respective changes in financial position thereof and the respective budgetary comparison for the general fund for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated January 25, 2012 on our consideration of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance's internal control over financial

reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and on the results of that testing, and not to provide an opinion on the internal control over financial reporting. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be read in conjunction with this report in considering the results of our audit.

Management's Discussion and Analysis is not a part of the basic financial statements but is supplementary information required by the Governmental Accounting Standards Board. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the basic financial statements of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance. The individual fund statements and schedules are presented for purposes of additional analysis and are not a required part of the basic financial statements. The individual fund statements and schedules have been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, are fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.

William L. Stark and Company

Certified Public Accountants

January 25, 2012

Management's Discussion and Analysis

As management of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance, we offer readers of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance financial statements this narrative overview and analysis of the financial activities of the Authority for the fiscal year ended June 30, 2011. We encourage readers to read the information presented here in conjunction with additional information that we have furnished in the Authority's financial statements, which follow this narrative.

Financial Highlights

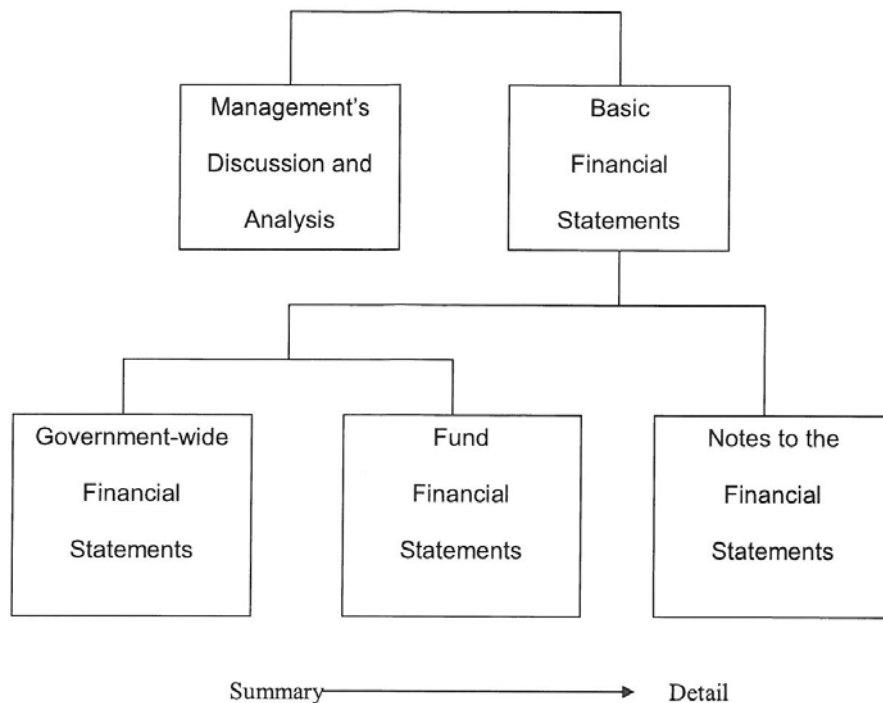
- The assets of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance exceeded its liabilities at the close of the fiscal year by \$3,464,033 (*net assets*). The Authority's total net assets increased by \$256,788, primarily due to rental of hangers, better management of operating expenses and an increase in Federal grants.
- As of the close of the current fiscal year, the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance's governmental funds reported a combined ending fund balance of \$437,191, an increase of \$77,623 in comparison with the prior year. Approximately 21.4 percent of this total amount, or \$93,706, is non-spendable or restricted. Additionally, the Authority has committed \$2,480 to be used for capital projects that are still being administered.
- At the end of the current fiscal year, unassigned fund balance for the General Fund was \$341,005 or 278 percent of total general fund expenditures for the fiscal year.

Overview of the Financial Statements

This discussion and analysis are intended to serve as an introduction to the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance's basic financial statements. The Authority's basic financial statements consist of three components; 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements (see Figure 1). The basic financial statements present two different views of the Authority through the use of government-wide statements and fund financial statements. In addition to the basic financial statements, this report contains other supplemental information that will enhance the reader's understanding of the financial condition of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance.

Required Components of Annual Financial Report

Figure 1



Basic Financial Statements

The first two statements (Exhibits A and B) in the basic financial statements are the **Government-wide Financial Statements**. They provide both short and long-term information about the Authority's financial status.

The next statements (Exhibits C through E) are **Fund Financial Statements**. These statements focus on the activities of the individual parts of the Authority's government. These statements provide more detail than the government-wide statements. There are two parts to the Fund Financial Statements: 1) the governmental funds statements; and 2) the budgetary comparison statements.

The next section of the basic financial statements is the **notes**. The notes to the financial statements explain in detail some of the data contained in those statements. After the notes, **supplemental information** is provided to show details about the Authority's activities.

Government-wide Financial Statements

The government-wide financial statements are designed to provide the reader with a broad overview of the Authority's finances, similar in format to a financial statement of a private-sector business. The government-wide statements provide short and long-term information about the Authority's financial status as a whole.

The two government-wide statements report the Authority's net assets and how they have changed. Net assets are the difference between the Authority's total assets and total liabilities. Measuring net assets is one way to gauge the Authority's financial condition.

The government-wide statements present the governmental activities, which include most of the Authority's basic services such as transportation and general government. State and federal grant funds finance most of these activities.

The government-wide financial statements are on Exhibits A and B of this report.

Fund Financial Statements

The fund financial statements provide a more detailed look at the Authority's most significant activities. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance, like all other governmental entities in North Carolina, uses fund accounting to ensure and reflect compliance (or non-compliance) with finance-related legal requirements, such as the General Statutes or the Authority's budget ordinance. All of the funds of Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance are governmental funds.

Governmental Funds – Governmental funds are used to account for those functions reported as governmental activities in the government-wide financial statements. All of the Authority's basic services are accounted for in governmental funds. These funds focus on how assets can readily be converted into cash flow in and out, and what monies are left at year-end that will be available for spending in the next year. Governmental funds are reported using an accounting method called *modified accrual accounting*. This method also has a current financial resources focus. As a result, the governmental fund financial statements give the reader a detailed short-term view that helps him or her determine if there are more or less financial resources available to finance the Authority's programs. The relationship between government activities (reported in the Statement of Net Assets and the Statement of Activities) and governmental funds is described in a reconciliation that is a part of the fund financial statements.

The Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance adopts an annual budget for its General Fund, as required by the General Statutes. The budget is a legally adopted document that incorporates input from the citizens of the Authority's member municipalities and the decisions of the Board about which services to provide and how to pay for them. It also authorizes the Authority to obtain funds from identified sources to finance these current period activities. The budgetary statement provided for the General Fund demonstrates how well the Authority complied with the budget ordinance

and whether or not the Authority succeeded in providing the services as planned when the budget was adopted. The budgetary comparison statement uses the budgetary basis of accounting and is presented using the same format, language, and classifications as the legal budget document. The statement shows four columns: 1) the original budget as adopted by the board; 2) the final budget as amended by the board; 3) the actual resources, charges to appropriations, and ending balances in the General Fund; and 4) the difference or variance between the final budget and the actual resources and charges.

Notes to the Financial Statements – The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements start on page 23 of this report.

Other Information – In addition to the basic financial statements and accompanying notes, this report includes certain supplementary information concerning the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance's activities. This information can be found in Schedules 1 through 5, which begins on page 34 of this report.

Government-Wide Financial Analysis

As noted earlier, net assets may serve over time as one useful indicator of a government's financial condition. The assets of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance exceeded liabilities by \$3,464,033 as of June 30, 2011. The Authority's net assets increased by \$256,788 for the fiscal year ended June 30, 2011. One of the largest portions (87%) reflects the Authority's investment in capital assets (e.g. land, land improvements, buildings, and equipment). The Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Of the remaining balance of \$443,696, \$82,711 is restricted for stabilization by state statute. The remaining \$360,985 is unrestricted

**Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and
County of Vance Net Assets**

Figure 2

		Governmental Activities	
		2011	2010
Current and other assets		\$ 449,575	\$ 412,888
Capital assets		3,020,337	2,825,808
Total assets		<u>\$ 3,469,912</u>	<u>\$ 3,238,696</u>
Other liabilities		<u>\$ 5,879</u>	<u>\$ 53,320</u>
Net assets:			
Invested in capital assets, net of related debt		\$ 3,020,337	\$ 2,825,808
Restricted for stabilization by state statute		82,711	11,261
Unrestricted		360,985	348,307
Total net assets		<u><u>\$ 3,464,033</u></u>	<u><u>\$ 3,185,376</u></u>

Several particular aspects of the Authority's financial operations positively influenced the total unrestricted governmental net assets:

- During the current fiscal year, the Authority received \$316,387 for capital projects, which has been a main source of revenue.
- The Authority was able to keep the hangers at full occupancy for the entire year which leads to increased revenue.

**Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and
County of Vance Changes in Net Assets**

Figure 3

	Governmental Activities		Governmental Activities	
	2011		2010	
Revenues:				
Program revenues:				
Charges for services	\$	86,560	\$	86,871
Capital grants and contributions		316,387		118,796
General revenues:				
Municipal appropriations		104,120		104,088
Investment earnings, unrestricted		305		363
Total revenues	\$	507,372	\$	310,118
Expenses:				
General government	\$	42,233	\$	50,080
Transportation		208,351		212,933
Total expenses	\$	250,584	\$	263,013
Increase in net assets	\$	256,788	\$	47,105
Net assets, July 1	\$	3,185,376	\$	3,138,271
Prior period adjustment		21,869		
Net assets, July 1 (as restated)	\$	3,207,245	\$	3,138,271
Net assets, June 30	\$	3,464,033	\$	3,185,376

Governmental activities. Governmental activities increased the Authority's net assets by \$256,788, thereby accounting for 100% of the total increase in the net assets of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance. Key elements of this increase in 2011 are as follows:

- The Authority actively pursued federal and state grant funds and matching local funds to initiate capital projects vital to the Airport's continued enhancement of its facilities and its service to the community.

Financial Analysis of the Authority's Funds

As noted earlier, the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental Funds. The focus of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance's governmental funds is to provide information on near-term inflows, outflows, and balances of usable resources. Such information is useful in assessing the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance's financing requirements. Specifically, unreserved fund balance can be a useful measure of a government's net resources available for spending at the end of the fiscal year.

The general fund is the chief operating fund of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance. At the end of the current fiscal year, unassigned fund balance of the General Fund was \$341,005, while total fund balance reached \$437,191. As a measure of the general fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. Unassigned fund balance represents 278 percent of total General Fund expenditures, while total fund balance represents 357 percent of that same amount.

At June 30, 2011, the governmental funds of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance reported a combined fund balance of \$437,191, a 22 percent increase over last year. The primary reasons for this increase full occupancy on the hangers for the year and increased Federal funding of capital projects.

General Fund Budgetary Highlights: During the fiscal year, the Authority revised its budget on one occasion. Generally, budget amendments fall into one of three categories: 1) amendments made to adjust the estimates that are used to prepare the original budget ordinance once exact information is available; 2) amendments made to recognize new funding amounts from external sources, such as Federal and State grants; and 3) increases in appropriations that become necessary to maintain services.

Capital Asset and Debt Administration

Capital assets. The Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance's capital assets for its governmental activities as of June 30, 2011, totals \$3,020,337 (net of accumulated depreciation). These assets include primarily buildings and equipment. Major asset additions during the year ended June 30, 2011, included \$280,023 of land improvements.

**Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and
County of Vance Capital Assets**

Figure 4

	Governmental Activities	
	2011	2010
Land	\$ 1,466,530	\$ 1,084,208
Construction in progress	89,203	-
Land improvements	782,136	1,009,474
Buildings	457,488	483,634
Equipment	162,581	189,635
Fencing	62,399	58,857
Total	<u>\$ 3,020,337</u>	<u>\$ 2,825,808</u>

Additional information on the Authority's capital assets can be found in note 3 of the Basic Financial Statements.

Economic Factors and Next Year's Budgets and Rates

The following key economic indicators reflect the growth and prosperity of the Authority.

- The Authority actively pursued federal and state grant funds and matching local funds to initiate capital projects vital to the Airport's continued enhancement of its facilities and its service to the community.
- The Authority will also continue its efforts to keep its 44 hangar units rented. Currently the Authority has no vacancies. The continued use of the invoicing system should also enhance the timely collection of rents.

Requests for Information

This report is designed to provide an overview of the Authority's finances for those with an interest in this area. Questions concerning any of the information found in this report or requests for additional information should be directed to the Chairman of the Board, The Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance, 6514 Airport Road, Oxford, N.C. 27565

BASIC FINANCIAL STATMENTS

GOVERNMENT-WIDE FINANCIAL STATEMENTS

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
STATEMENT OF NET ASSETS
JUNE 30, 2011**

	Governmental Activities
ASSETS	
Cash and cash equivalents	\$ 349,364
Sales tax receivable	851
Rent receivable	1,050
Accounts receivable – Municipalities	6,505
Accounts receivable – State grants	80,810
Prepaid items	10,995
Capital assets, net of depreciation	3,020,337
Total assets	\$ 3,469,912
LIABILITIES	
Accounts payable and accrued expenses	\$ 2,354
Gate deposits	975
Rent received in advance	2,550
Total liabilities	5,879
NET ASSETS	
Invested in capital assets, net of related debt	3,020,337
Restricted:	
Stabilization by State Statute	82,711
Unrestricted	360,985
Total net assets	\$ 3,464,033

The accompanying notes are an integral part of the financial statements.

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
STATEMENT OF ACTIVITIES
YEAR ENDED JUNE 30, 2011**

Functions/Programs	Expenses	Program Revenues		Net (Expense) Revenue and Changes in Net Assets
		Charges for Services	Capital Grants and Contributions	Governmental Activities
Governmental activities:				
General government	\$ 42,233	\$ -	\$ -	\$ (42,233)
Transportation	208,351	86,560	316,387	194,596
Total governmental activities	250,584	86,560	316,387	152,363
General revenues:				
Grants and contributions not restricted to specific programs				104,120
Investment earnings, unrestricted				305
Total general revenues				104,425
Change in net assets				256,788
Net assets – beginning				3,185,376
Prior period adjustment				21,869
Net assets – beginning (as restated)				3,207,245
Net assets – ending				\$ 3,464,033

The accompanying notes are an integral part of the financial statements.

FUND FINANCIAL STATEMENTS

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
BALANCE SHEET
JUNE 30, 2011**

Capital Projects Funds					
	Project # 36237.24.7.1	Major Funds Project # 36237.24.8.1	Project # 36237.24.8.2	Non-Major Fund Project # 36237.24.9.1	Total Governmental Funds
ASSETS					
Cash and cash equivalents	\$ 349,364	\$ -	\$ -	\$ -	\$ 349,364
Sales tax receivable	851	-	-	-	851
Rent receivable	1,050	-	-	-	1,050
Accounts receivable – State grants	80,810	-	-	-	80,810
Prepaid expenses	10,995	-	-	-	10,995
Total Assets	\$ 443,070	\$ -	\$ -	\$ -	\$ 443,070
LIABILITIES AND FUND BALANCE					
Liabilities:					
Accounts payable	\$ 2,354	\$ -	\$ -	\$ -	\$ 2,354
Rent received in advance	2,550	-	-	-	2,550
Gate deposits	975	-	-	-	975
Total Liabilities	5,879	-	-	-	5,879
Fund Balances:					
Nonspendable					
Prepaid items	10,995	-	-	-	10,995
Restricted					
Stabilization by State Statute	82,711	-	-	-	82,711
Committed					
Grant matching funds	2,480	-	-	-	2,480
Unassigned	341,005	-	-	-	341,005
Total Fund Balance	437,191	-	-	-	437,191
Total Liabilities and Fund Balance	\$ 443,070	\$ -	\$ -	\$ -	\$ 443,070

The accompanying notes are an integral part of the financial statements.

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
BALANCE SHEET
JUNE 30, 2011**

Amounts reported for governmental activities in the statement of net assets (Exhibit A)
are different because:

Fund Balance - Exhibit C	\$ 437,191
Capital assets used in governmental activities are not financial resources and therefore are not reported in the funds	3,020,337
Accounts receivable – Municipalities is not considered available to satisfy current liabilities and, therefore, is not reported in the funds.	<u>6,505</u>
Net assets of governmental activities:	<u><u>\$ 3,464,033</u></u>

The accompanying notes are an integral part of the financial statements.

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2011**

	Capital Projects Funds					Total Governmental Funds
	Major Funds		Non-Major Fund		Project # 36237.24.9.1	
	Project # 36237.24.7.1	Project # 36237.24.8.1	Project # 36237.24.8.2			
Revenues:						
Appropriations from municipalities	\$ 97,615	\$ -	\$ -	\$ -	\$ -	\$ 97,615
Rental income	86,560	-	-	-	-	86,560
Interest income	305	-	-	-	-	305
Air 21 grants	-	88,920	53,390	26,893	26,893	316,387
Total Revenues	184,480	88,920	53,390	26,893	26,893	500,867
Expenditures:						
Administrative	42,233	-	307	-	-	42,540
Equipment acquisition and maintenance	16,473	-	-	-	-	16,473
Buildings and grounds	63,879	-	-	-	-	63,879
Preliminary engineering and testing	-	26,931	14,048	16,572	-	57,551
Land acquisition and structure relocation	-	20,636	-	-	-	20,636
Engineering services – basic fees	-	7,602	23,744	42,750	29,881	103,977
Project inspection and quality assurance	-	-	5,550	-	-	5,550
Construction and project improvement	-	-	112,638	-	-	112,638
Total Expenditures	122,585	55,169	156,287	59,322	29,881	423,244
Excess of Revenues Over (Under) Expenditures	61,895	33,751	(9,103)	(5,932)	(2,988)	77,623
Other Financing Sources (Uses):						
Transfers from other funds	33,751	-	9,103	5,932	2,988	51,774
Transfers to other funds	(18,023)	(33,751)	-	-	-	(51,774)
Total Other Financing Sources (Uses)	15,728	(33,751)	9,103	5,932	2,988	-
Net Change in Fund Balance	77,623	-	-	-	-	77,623
Fund Balance, Beginning of Year	359,568	-	-	-	-	359,568
Fund Balance, End of Year	\$ 437,191	\$ -	\$ -	\$ -	\$ -	\$ 437,191

The accompanying notes are an integral part of the financial statements.

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2011**

Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund
Balances of the Governmental Funds to the Statement of Activities:

Net change in fund balances—total governmental funds	\$ 77,623
Revenues in the statement of activities that do not provide current financial resources are not reported as revenues in the funds.	6,505
Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlays exceeded depreciation in the current period.	<u>172,660</u>
Changes in net assets of governmental activities (page 13).	<u>\$ 256,788</u>

The accompanying notes are an integral part of the financial statements.

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
ANNUAL BUDGET AND ACTUAL—GENERAL FUND
FOR THE YEAR ENDED JUNE 30, 2011**

	General Fund			Variance With Final Positive Negative
	Original Budget	Final Budget	Actual	
Revenues:				
Appropriations from municipalities	\$ 104,088	\$ 104,088	\$ 97,615	\$ (6,473)
Rental income	86,160	86,160	86,560	400
Interest income	-	-	305	305
Total Revenues	190,248	190,248	184,480	(5,768)
Expenditures:				
Administrative	41,636	51,058	42,233	8,825
Equipment acquisition and maintenance	32,793	32,793	16,473	16,320
Buildings and grounds	64,970	68,970	63,879	5,091
Total Expenditures	139,399	152,821	122,585	30,236
Revenues Over (Under) Expenditures	50,849	37,427	61,895	24,468
Other Financing Sources (Uses):				
Transfers from other funds	-	-	33,751	33,751
Transfers to other funds	(62,830)	(37,427)	(18,023)	19,404
Total Other Financing Sources (Uses):	(62,830)	(37,427)	15,728	53,155
Appropriated fund balance	11,981	-	-	-
Net Change in Fund Balance	\$ -	\$ -	\$ 77,623	\$ 77,623
Fund Balance				
Beginning of Year—July 1			359,568	
End of Year—June 30			\$ 437,191	

The accompanying notes are an integral part of the financial statements.

NOTES TO THE FINANCIAL STATEMENTS

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011**

1. Summary of Significant Accounting Policies

The accounting policies of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance conform to generally accepted accounting principles as applicable to governments. The following is a summary of the more significant accounting policies.

A. Reporting Entity

The Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance operates an airport in Granville County, North Carolina. The Authority was established by an act of the General Assembly on March 8, 1945, to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports or landing fields for the use of airplanes and other aircraft. It was organized on July 2, 1968, and began operations in the Spring of 1971. The Authority is governed by a four-member Board of Directors, one of whom is appointed for a two-year term by each of the governing boards of the City of Henderson, City of Oxford, Granville County and Vance County.

B. Basis of Presentation, Basis of Accounting

Basis of Presentation, Measurement Focus-Basis of Accounting

Government-wide Statements: The statement of net assets and the statement of activities display information about the Authority. These statements include the financial activities of the overall government, except for fiduciary activities. Eliminations have been made to minimize the double counting of internal activities. These statements distinguish between the *governmental* and *business-type activities* of the Authority. Governmental activities generally are financed through taxes, intergovernmental revenues, and other non-exchange transactions. Business-type activities are financed in whole or in part by fees charged to external parties. The Authority has only governmental activities.

The statement of activities presents a comparison between direct expenses and program revenues for each function of the Authority's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Indirect expense allocations that have been made in the funds have been reversed for the statement of activities. Program revenues include (a) fees and charges paid by the recipients of good or services offered by the programs and (b) grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues are presented as general revenues.

Fund Financial Statements: The fund financial statements provide information about the Authority's funds. The Authority only has governmental funds. The emphasis of fund financial statements is on major governmental funds, each displayed in a separate column. The Authority has a general fund and a capital projects fund. The capital projects fund is considered to be a major fund.

The Authority reports the following major governmental funds:

General Fund. The General Fund is the general operating fund of the Authority. The General Fund accounts for all financial resources except those that are required to be accounted for in another fund. The primary revenue sources are annual allocations from Vance and Granville

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011**

Counties and the Cities of Henderson and Oxford, and the rental of hanger space. The primary expenditures other than capital outlay are for repairs and maintenance and insurance.

Capital Projects Funds. Capital Projects Funds account for financial resources to be used for the acquisition and construction of major capital facilities (other than those financed by proprietary funds and trust funds). The Authority has the following capital projects funds within its governmental fund types.

Runway Extension Justification and Environmental Assessment (#36237.24.7.1) This fund is used to account for Federal funds under the Federal Aviation Investment Reform Act (Air 21) and local matching funds to be used for the runway extension justification and environmental assessment. The Federal grant amounts to \$111,240 and requires \$12,360 in matching local funds.

Runway Extension Approach Clearing (#36237.24.8.1) – This fund is used to account for Federal funds under the Federal Aviation Investment Reform Act (Air 21) and local matching funds to be used for the runway extension approach clearing, airfield signage, NPDES permitting and FY10 project formulation. The Federal grant amounts to \$150,000 and requires \$16,667 in matching local funds.

Runway Extension (Design and Permitting) (#36237.24.8.2) – This fund is used to account for Federal funds passed through and administered by the North Carolina Department of Transportation under the provisions of the State Block Grant Program. The grant is for \$75,600 (not to exceed 90% of the final total costs) and requires a 10% local match. The approved scope of the Project consists of runway extension design and permitting.

NPDES Permitting and Airfield Signage (#36237.24.9.1) – This fund is used to account for Federal funds passed through and administered by the North Carolina Department of Transportation under the provisions of the State Block Grant Program. The grant is for \$27,000 (not to exceed 90% of the final total costs) and requires a 10% local match. The approved scope of the Project consists of NPDES permitting and airfield signage.

Measurement Focus, Basis of Accounting

In accordance with North Carolina General Statutes, all funds of the Authority are maintained during the year using the modified accrual basis of accounting.

Government-wide Financial Statements: The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Non-exchange transactions, in which the Authority gives (or receives) value without directly receiving (or giving) equal value in exchange, include grants and donations. On an accrual basis, revenues from grants and donations are recognized in the fiscal year in which all eligibility requirements have been satisfied.

Amounts reported as program revenues include 1) charges to customers or applicants for goods, services or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions. Internally dedicated resources are reported as general revenues rather than as program revenues.

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011**

Governmental Fund Financial Statements: Governmental funds are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. The Authority considers all revenues available if they are collected within 60 days after year-end. Those revenues collected after the 60 days are reported as deferred revenues at June 30, 2011. Expenditures are recorded when the related fund liability is incurred. General capital asset acquisitions are reported as expenditures in governmental funds. Under the terms of grant agreements, the Authority funds certain programs by a combination of specific cost-reimbursement grants and general revenues. Thus when program expenses are incurred, there are both restricted and unrestricted net assets available to finance the program.

All governmental funds of the Authority follow FASB Statements and Interpretations issued on or before November 30, 1989, Accounting Principles Board Opinions, and Accounting Research Bulletins, unless those pronouncements conflict with GASB pronouncements.

C. Budgetary Data

The Authority's budget is adopted annually as required by the North Carolina General Statutes. All annual appropriations lapse at the fiscal year-end except for those funds, which operate under project ordinances. All budgets are prepared using the modified accrual basis of accounting. Expenditures may not legally exceed appropriations at the functional level. The governing board must approve amendments. During the year, several immaterial amendments to the original budget were necessary. The budget ordinance must be adopted by July 1 of the fiscal year or the governing board must adopt an interim budget that covers that time until the annual ordinance can be adopted.

D. Assets, Liabilities, and Fund Equity

Deposits and Investments

All deposits of the Authority are made in board-designated official depositories and are secured as required by G.S. 159-31. The Authority may designate, as an official depository, any bank or savings association whose principal office is located in North Carolina. Also, the Authority may establish time deposit accounts such as NOW and SuperNOW accounts, money market accounts, and certificates of deposit.

State law [G.S. 159-30 (c)] authorizes the Authority to invest in obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States; obligations of the State of North Carolina; bonds and notes of any North Carolina local government or public authority; obligations of certain non-guaranteed federal agencies; certain high quality issues of commercial paper and bankers' acceptances; and the North Carolina Capital Management Trust (NCCMT).

Cash and Cash Equivalents

The Authority pools moneys from several funds to facilitate disbursement and investment and maximize investment income. Therefore, all cash and investments are essentially demand deposits and are considered cash and cash equivalents.

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011**

Prepaid items

Certain prepayments to vendors reflect costs applicable to future accounting periods and are classified as prepaid items in both government-wide and fund financial statements.

Capital Assets

Purchased or constructed capital assets are reported at cost or estimated historical costs. Donated capital assets are recorded at their estimated fair value at the date of donation. Minimum capitalization costs are as follows: buildings, \$25,000; land improvements, \$15,000; equipment, \$5,000; fencing, \$5,000; autos, \$5,000. All land is capitalized. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

Capital assets of the Authority are depreciated on a straight-line basis over the following estimated useful lives:

	<u>Years</u>
Buildings	40
Land improvements	30
Equipment	5-7
Fencing	15
Autos	5

Net Assets/Fund Balance

Net Assets

Net assets in the government-wide financial statements are classified as invested in capital assets, net of related debt; restricted; and unrestricted. Restricted net assets represent constraints on resources that are either a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or b) imposed by law through state statute.

Fund Balances

In the governmental fund financial statements, fund balance is composed of five classifications designed to disclose the hierarchy of constraints placed on how fund balance can be spent.

The governmental fund types classify fund balances as follows:

Nonspendable Fund Balance – This classification includes amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.

Prepaid items: portion of fund balance that is non-spendable since it has been utilized to pay expenses of future periods.

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011**

Restricted Fund Balance – This classification includes amounts that are restricted to specific purposes externally imposed by creditors or imposed by law.

Restricted for Stabilization by State Statute: portion of fund balance that is restricted by State Statute [G.S.159-8(a)].

Committed Fund Balance – portion of fund balance that can only be used for specific purposes imposed by majority of the Authority's governing body (highest level of decision-making authority). Any changes or removal of specific purpose requires majority action by the governing body.

Committed for grant matching funds: portion of fund balance that can only be used for the required 10% local matching funds for capital project grants.

Assigned Fund Balance – portion of fund balance that the Authority's governing board has budgeted.

Unassigned Fund Balance – the portion of fund balance that has not been restricted, committed, or assigned to specific purposes or other funds.

The Authority has not adopted a fund balance spending policy.

E. Reconciliation of Government-wide and Fund Financial Statements

Explanation of certain differences between the governmental fund balance sheet and the government-wide statement of net assets.

The governmental fund balance sheet includes a reconciliation between fund balance-total governmental funds and net assets-governmental activities as reported in the government-wide statement of net assets. The net adjustment of \$3,026,842 consists of two elements as follows:

<u>Description</u>	<u>Amount</u>
Capital assets used in governmental activities are not financial resources and are therefore not reported in the fund statements.	\$ 3,020,337
Accounts receivable reported under full accrual in the government wide statement of net assets that are not considered available to meet current liabilities and are not reported in the fund financial statements.	6,505
Total	<u>\$ 3,026,842</u>

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011**

Explanation of certain differences between the governmental fund statement of revenue, expenditures, and changes in fund balance and the government-wide statement of activities.

The governmental fund statement of revenues, expenditures, and changes in fund balances includes a reconciliation between net changes in fund balances – total governmental funds and changes in net assets of governmental activities as reported in the government-wide statement of activities.

<u>Description</u>	<u>Amount</u>
Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlays exceeded the depreciation in the current period.	\$ 172,660
Revenues in the statement of activities that do not provide current financial resources are not reported as revenues in the funds.	<u>6,505</u>
Total	<u>\$ 179,165</u>

2. Detail Notes on All Funds

A. Assets

Deposits

All of the Authority's deposits are either insured or collateralized by using one of two methods. Under the Dedicated Method, all deposits exceeding the federal depository insurance coverage level are collateralized with securities held by the Authority's agent in its name. Under the Pooling Method, which is a collateral pool, all uninsured deposits are collateralized with securities held by the State Treasurer's agent in the name of the State Treasurer. Since the State Treasurer is acting in a fiduciary capacity for the Authority these deposits are considered to be held by its agent in the entity's name. The amount of the pledged collateral is based on an approved averaging method for non-interest bearing deposits and the actual current balance for interest-bearing deposits. Depositories using the Pooling Method report to the State Treasurer the adequacy of their pooled collateral covering uninsured deposits. The State Treasurer does not confirm this information with the Authority or with the escrow agent. Because of the inability to measure the exact amount of the collateral pledged for the Authority under the Pooling Method, the potential exists for under-collateralization, and this risk may increase in periods of high cash flows. However, the State Treasurer of North Carolina enforces strict standards of financial stability for each depository that collateralizes public deposits under the Pooling Method. The State Treasurer enforces standards of minimum capitalization for all pooling method financial institutions. The Authority relies on the State Treasurer to monitor those financial institutions. The Authority analyzes the financial soundness of any other financial institution used by the Authority. The Authority complies with the provisions of G.S. 159-31 when designating official depositories and verifying that deposits are properly secured. The Authority has no formal policy regarding custodial credit risk for deposits.

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011**

At June 30, 2011, the Authority's deposits had a carrying amount of \$349,264 and a bank balance of \$351,272. Of the bank balance, \$250,000 was covered by federal depository insurance and \$101,272 in interest bearing deposits were covered by collateral held under the Pooling Method. The Authority also maintains a petty cash fund of \$100.

Receivables

Receivables at the government-wide level at June 30, 2011, were as follows:

	<u>Total</u>
Governmental activities:	
Sales tax receivable	\$ 851
Rent receivable	1,050
Accounts receivable-municipalities	6,505
Accounts receivable-state grants	<u>80,810</u>
Total receivables	\$ 89,216
Allowance for doubtful accounts	<u>-</u>
Total governmental activities	<u>\$ 89,216</u>
Amounts not scheduled for collection during the subsequent year	<u>\$ -</u>

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011**

Capital Assets

Capital asset activity for the year ended June 30, 2011, was as follows:

	Beginning Balances	Increases	Decreases	Ending Balances
Governmental activities:				
Capital assets not being depreciated				
Land	\$ 1,445,894	\$ 20,636	\$ -	\$ 1,466,530
Construction in progress	-	89,203	-	89,203
Total capital assets not being depreciated	1,445,894	109,839	-	1,555,733
Capital assets being depreciated:				
Buildings	\$ 771,886	\$ -	\$ -	\$ 771,886
Land improvements	2,310,795	190,820	-	2,501,615
Equipment	909,396	-	-	909,396
Fencing	157,816	8,818	-	166,634
Autos	5,750	-	-	5,750
Total capital assets being depreciated	\$ 4,155,643	\$ 199,638	\$ -	\$ 4,355,281
Less accumulated depreciation for:				
Buildings	\$ 293,497	\$ 20,901	\$ -	\$ 314,398
Land improvements	1,646,938	72,541	-	1,719,479
Equipment	713,961	32,854	-	746,815
Fencing	93,714	10,521	-	104,235
Autos	5,750	-	-	5,750
Total accumulated depreciation	\$ 2,753,860	\$ 136,817	\$ -	\$ 2,890,677
Total capital assets being depreciated, net	\$ 1,401,783			\$ 1,464,604
Total capital assets , net of depreciation	\$ 2,847,677			\$ 3,020,337

Depreciation expense was charged to functions/programs as follows:

Function	Amount
Transportation	\$ 136,817

AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011

B. Liabilities

Payables

Payables at the government-wide level at June 30, 2011, were as follows:

	<u>Vendors</u>
Governmental Activities	
General	\$ 1,435
Transportation	919
Total Governmental Activities	<u>\$ 2,354</u>

Risk Management

The Authority is exposed to various risks of losses related to torts; theft of, damage to, and destruction of assets, errors and omissions; injuries to employees; and natural disasters. The Authority carries commercial insurance for these risks of loss. The Authority obtains property coverage equal to replacement cost values of owned property subject to a limit of \$2,468,960 for any one occurrence and general liability coverage of \$3 million per occurrence.

The chairman and the Vice-Chairman/Finance Officer are individually bonded for \$50,000. The Authority has no employees.

The Authority has not purchased flood insurance since the Authority is not located in a flood plain and management does not view this as a significant risk.

C. Prior Period Adjustment

During the fiscal year ended June 30, 2011, the authority determined that certain costs associated with the acquisition of land subject to capitalization under the accrual basis of accounting as utilized on the government-wide financial statements had been expensed in prior years as they were incurred. Therefore, an adjustment to beginning net assets has been recorded to properly recognize such costs as basis in capital assets. As a result of this adjustment, beginning net assets and capital assets, net of depreciation have both been increased by \$21,869. As these costs increased the basis in land, a non-depreciable capital asset, accumulated depreciation was not affected. These costs were properly expensed in the governmental funds, therefore beginning fund balance was not affected.

D. Fund Balance

The Authority's Board has not adopted a formal spending policy for programs with multiple revenue sources. It is their practice to use resources in the following hierarchy: federal funds, State funds, local funds. For purposes of fund balance classification expenditures are spent from restricted fund balance first, followed in order by committed fund balance, assigned fund balance and lastly unassigned fund balance.

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011**

The following schedule provides management and citizens with information on the portion of General fund balance that is available for appropriation:

Total Fund Balance-General Fund	\$ 437,191
Less:	
Prepaid items	\$ 10,995
Stabilization by State Statute	82,711
Committed for grant matching funds	<u>2,480</u>
Total	<u>\$ 96,186</u>
Remaining Fund Balance-Unassigned	<u>\$ 341,005</u>

4. Related Party Transactions

During the fiscal year ended June 30, 2011, the Authority engaged in the following related party transactions:

- Purchased furniture in the amount of \$3,289 from a company owned by the Chairman of the Board of Directors.
- Reimbursed travel expenses of the Vice-Chairman in the amount of \$2,850.
- Reimbursed various repairs and supplies expenditures made by Board members in the amount of \$440.

5. Summary Disclosure of Significant Commitments and Contingencies

Federal and State Assisted Programs

The Authority has received proceeds from several Federal and State grants. Periodic audits of these grants are required and certain costs may be questioned as not being appropriate expenditures under the grant agreements. Such audits could result in the refund of grant monies to the grantor agencies. Management believes that any required refunds will be immaterial. No provision has been made in the accompanying financial statements for the refund of grant monies.

INDIVIDUAL FUND STATEMENTS AND SCHEDULES

AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
SCHEDULE OF CASH BALANCES
JUNE 30, 2011

	<u>Amount Presented in Statements</u>	<u>Reported Value</u>	<u>Fair Value</u>
<u>Cash</u>			
In time deposits, NOW, SuperNOW and money markets	<u>\$ 349,364</u>	<u>\$ 349,364</u>	<u>\$ 349,364</u>
 <u>Distributions by Funds</u>			
General Fund			<u>\$ 349,364</u>

AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE—BUDGET AND ACTUAL
RUNWAY EXTENSION JUSTIFICATION, ENVIRONMENTAL ASSESSMENT, APPROACH CERTIFICATION,
AND LAND ACQUISITION: PROJECT # 36237.24.7.1
FOR FISCAL YEAR ENDED JUNE 30, 2011

	Project Author- ization	Prior Years	Actual Current Year	Total to Date	Variance Positive (Negative)
Revenues:					
State Aid to Airports grant	\$ 111,240	\$ 22,320	\$ 88,920	\$ 111,240	\$ -
Expenditures:					
Administrative	-	-	-	-	-
Preliminary engineering and testing	95,462	68,431	26,931	95,362	100
Land acquisition, structure/utility relocation	20,536	-	20,636	20,636	(100)
Engineering services – basic fees	7,602	-	7,602	7,602	-
Total Expenditures	123,600	68,431	55,169	123,600	-
Revenues Over (Under) Expenditures	(12,360)	(46,111)	33,751	(12,360)	-
Other Financing Sources (Uses):					
Operating transfers from other funds	12,360	46,111	-	46,111	33,751
Operating transfers to other funds	-	-	(33,751)	(33,751)	(33,751)
Total Other Financing Sources (Uses)	12,360	46,111	(33,751)	12,360	-
Net Change in Fund Balance	<u>\$ -</u>	<u>\$ -</u>	<u>-</u>	<u>\$ -</u>	<u>\$ -</u>
Fund Balance					
Beginning of Year—July 1			<u>-</u>		
End of Year—June 30			<u>\$ -</u>		

AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE—BUDGET AND ACTUAL
APPROACH CLEARING, AIRFIELD SIGNAGE, NPDES PERMITTING AND FY 10 PROJECT FORMULATION:
PROJECT # 36237.24.8.1
FOR FISCAL YEAR ENDED JUNE 30, 2011

	Project Author- ization	Prior Years	Actual Current Year	Total to Date	Variance Positive (Negative)
Revenues:					
State Aid to Airports grant	\$ 150,000	\$ -	\$ 147,184	\$ 147,184	\$ (2,816)
Expenditures:					
Administrative	442	-	307	307	135
Preliminary engineering and testing	14,348	-	14,048	14,048	300
Engineering services – basic fees	32,595	7,252	23,744	30,996	1,599
Project inspection and quality assurance	6,644	-	5,550	5,550	1,094
Construction and project improvement	112,638	-	112,638	112,638	-
Total Expenditures	166,667	7,252	156,287	163,539	3,128
Revenues Over (Under) Expenditures	(16,667)	(7,252)	(9,103)	(16,355)	312
Other Financing Sources (Uses):					
Operating transfers from other funds	16,667	7,252	9,103	16,355	(312)
Net Change in Fund Balance	<u>\$ -</u>	<u>\$ -</u>	<u>-</u>	<u>\$ -</u>	<u>\$ -</u>
Fund Balance					
Beginning of Year—July 1			-		
End of Year—June 30			<u>\$ -</u>		

AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE—BUDGET AND ACTUAL
RUNWAY EXTENSION (DESIGN & PERMITTING):
PROJECT # 36237.24.8.2
FOR FISCAL YEAR ENDED JUNE 30, 2011

	Project Author- ization	Prior Years	Actual Current Year	Total to Date	Variance Positive (Negative)
Revenues:					
State Aid to Airports grant	\$ 75,600	\$ -	\$ 53,390	\$ 53,390	\$ (22,210)
Expenditures:					
Administrative	3,173	-	-	-	3,173
Preliminary engineering and testing	37,644	-	16,572	16,572	21,072
Engineering services – basic fees	43,183	-	42,750	42,750	433
Project inspection and quality assurance	-	-	-	-	-
Construction and project improvement	-	-	-	-	-
Total Expenditures	84,000	-	59,322	59,322	24,678
Revenues Over (Under) Expenditures	(8,400)	-	(5,932)	(5,932)	2,468
Other Financing Sources (Uses):					
Operating transfers from other funds	8,400	-	5,932	5,932	(2,468)
Net Change in Fund Balance	<u>\$ -</u>	<u>\$ -</u>	<u>-</u>	<u>\$ -</u>	<u>\$ -</u>
Fund Balance					
Beginning of Year—July 1			-		
End of Year—June 30			<u>\$ -</u>		

AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE—BUDGET AND ACTUAL
NPDES PERMITTING & AIRFIELD SIGNAGE:
PROJECT # 36237.24.9.1
FOR FISCAL YEAR ENDED JUNE 30, 2011

	Project Author- ization	Prior Years	Actual Current Year	Total to Date	Variance Positive (Negative)
Revenues:					
State Aid to Airports grant	\$ 27,000	\$ -	\$ 26,893	\$ 26,893	\$ (107)
Expenditures:					
Administrative	-	-	-	-	-
Preliminary engineering and testing	-	-	-	-	-
Engineering services – basic fees	30,000	-	29,881	29,881	119
Total Expenditures	30,000	-	29,881	29,881	119
Revenues Over (Under) Expenditures	(3,000)	-	(2,988)	(2,988)	12
Other Financing Sources (Uses):					
Operating transfers from other funds	3,000	-	2,988	2,988	(12)
Net Change in Fund Balance	<u>\$ -</u>	<u>\$ -</u>	<u>-</u>	<u>\$ -</u>	<u>\$ -</u>
Fund Balance					
Beginning of Year—July 1			-		
End of Year—June 30			<u>\$ -</u>		

COMPLIANCE SECTION



William L. Stark and Company
Certified Public Accountants

**Report On Internal Control Over Financial Reporting And On Compliance and Other
Matters Based On An Audit Of Financial Statements Performed In Accordance With
*Government Auditing Standards***

To the Board of Directors
Aeronautics Authority of the City of Henderson, City of Oxford,
County of Granville and County of Vance
Henderson, North Carolina

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance, as of and for the year ended June 30, 2011, which collectively comprise the Authority's basic financial statements, and have issued our report thereon on dated January 25, 2012. We conducted our audit in accordance with auditing standards generally accepted in the United States of American and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

Management of the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance is responsible for establishing and maintaining effective internal control over financial reporting. In planning and performing our audit, we considered the Authority's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Authority's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiency in internal control that might be deficiencies, significant deficiencies or material weaknesses, as defined above. We did not identify any deficiencies in internal control over financial reporting that we consider material weaknesses, as defined above. However, we identified certain deficiencies in internal control over financial reporting, described in the accompanying schedule of findings and responses that we consider to be significant deficiencies in internal control over financial reporting (2011-01 and 2011-02). A significant deficiency is a deficiency, or a combination of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Aeronautics Authority of the City of Henderson, City of Oxford, County of Granville and County of Vance's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulation, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with these provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

The Authority's response to the findings identified in our audit are described in the accompanying schedule of findings and responses. We did not audit the Authority's response and, accordingly, we express no opinion on it.

This report is intended solely for the information and use of management, other within the entity, members of the Board of Directors, and federal and State awarding agencies and pass-through agencies, and is not intended to be and should not be used by anyone other than these specified parties.

William L. Stark and Company

Certified Public Accountants

January 25, 2012

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD,
COUNTY OF GRANVILLE AND COUNTY OF VANCE
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE YEAR ENDED JUNE 30, 2011**

Financial Statement Findings

2011-01 Segregation of Duties

Criteria: Duties should be segregated to provide reasonable assurance that transactions are handled appropriately.

Condition: There is a lack of segregation of duties among authority personnel.

Effect: Transactions could be mishandled.

Cause: There are a limited number of personnel for certain functions.

Recommendation: The duties should be separated as much as possible and alternative controls should be used to compensate for lack of separation. The Board should provide some of the controls.

Views of responsible officials and
planned corrective actions: The Authority agrees with this finding.

2011-02 Lack of Expertise in Financial Accounting and Reporting

Criteria: Responsible person should have knowledge and skills to apply GAAP in recording the entity's financial transactions or preparing its financial statements.

Condition: Employees or management lacks the skills to apply GAAP in recording the entity's financial transactions or preparing its financial statements.

Effect: Financial statements or transactions performed may be done incorrectly.

Cause: There are a limited number of personnel that possess the skills to apply GAAP in recording the entity's financial transactions or preparing its financial statements.

Recommendation: Employees or management should obtain the skills and qualifications by training and proper education in applying GAAP in recording the entity's financial transactions or preparing its financial statements.

Views of responsible officials and
planned corrective actions: The Authority agrees with this finding.

**AERONAUTICS AUTHORITY OF THE CITY OF HENDERSON, CITY OF OXFORD
COUNTY OF GRANVILLE AND COUNTY OF VANCE
CORRECTIVE ACTION PLAN
FOR THE YEAR ENDED JUNE 30, 2011**

Financial Statement Findings

2011-01 Segregation of Duties

Name of contact person: Joseph Mahaffey, Finance Officer

Corrective Action: The duties will be separated as much as possible and alternative controls will be used to compensate for lack of separation. The Board will become more involved in providing some of those controls.

To mitigate this finding, the Authority has obtained the service of a CPA firm to perform certain accounting services. Through this collaboration, the deficiency is mitigated.

Proposed Completion Date: The Board has implemented the above procedures.

2011-02 Lack of Expertise in Financial Accounting and Reporting

Name of contact person: Joseph Mahaffey, Finance Officer

Corrective Action: Employees or management should obtain the skills and qualifications by training and proper education in applying GAAP in recording the entity's financial transactions or preparing its financial statements. The Board will become more involved in providing some of those controls.

To mitigate this finding, the Authority has obtained the service of a CPA firm to perform certain accounting services. Through this collaboration, the deficiency is mitigated.

Proposed Completion Date: The Board has implemented the above procedures.

City Council Action Form

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



Agenda Item: _____

Council Meeting: 8 Oct. 12 Regular Meeting

1 October 2012

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

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

RE: **CAF: 12-95**

Consideration of Approval of Ordinance 12-52, Amending the Provisions for Cuts and Excavations of Streets and for Right of Way Management.

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

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

Recommendation:

- Approval of Ordinance 12-52, Amending the Provisions for Cuts and Excavations of Streets and for Right of Way Management.

Executive Summary

The Right-of-Way Management Ordinance (City Code 16A) was last approved in March 2007 and was written to regulate development and use of the City's right-of-way areas by contractors, utility providers with and without franchises. The current ordinance was hard to follow on who was being charged fees, fees were difficult to calculate and the permitting requirements excessive. This was realized during the current work being performed for fiber optic cable installation being done by MCNC through sections of the City.

Due to this, City Attorney Zollicoffer reviewed the ordinance and provided a moderate and easier to understand schedule of fees as well as clarifications for dealing with the permitting and some other minor changes. The staff has reviewed the changes, are in agreement with those changes and recommends approval of the modification to the right-of-way ordinance, Section 16A, of the City Code.

Enclosures:

1. Ordinance 12-52
2. Original City Code 16A

ORDINANCE 12-52

AN ORDINANCE AMENDING THE PROVISIONS FOR CUTS AND EXCAVATIONS OF STREETS AND FOR RIGHT OF WAY MANAGEMENT

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

Section 1. That Section 16-24 of the City Code be amended to read as follows:

“Sec. 16-24. Same – Fees.

See Section 16A-11 and other provisions of Chapter 16A.”

Section 2. That Section 16A-03 be amended by deleting the subparagraphs entitled “Five-year project plan” and “Obstruction permit fee”.

Section 3. That Section 16A-07 be amended by replacing the “;and” with a period at the end of Subparagraph (1) under “Operations”, by deleting subparagraph (2) under “Operations” and by deleting the last paragraph of Section 16A-07 relating to Five-year projects.

Section 4. That Section 16A-11 Permit Fees be amended by deleting Subparagraphs (a), (b), (c), (d), (e), (f), (i) and (j) together with footnotes 1, 2 and 3, and by inserting in lieu thereof the following:

“(a) Excavation permit fee. There shall be a permit fee charged by the City of Henderson in the sum of \$150.00 for administration of the permit. In addition where any street or sidewalk is cut (except where the same is made in conjunction with a water or sewer tap) the following fee shall be charged as an excavation fee:

Concrete base more than four inches thick.....	\$600.00
Concrete base four inches thick or less.....	500.00
Asphalt street with no concrete base.....	250.00
Dirt street.....	150.00
Paved sidewalk (except Garnett Street between Spring and Church Streets)...	150.00
Garnett Street sidewalk between Spring and Church Streets.....	250.00
Curb and gutter cut.....	250.00
Dirt sidewalk.....	50.00

(Code 1967, § 16-24; 6-25-73; 6-23-80, § 4; 6-29-89, § 1; Ord. of 11-26-01, § 1)

Section 5. That Subparagraph (g) under Section 16A-11 be renumbered as Subparagraph (b), and that Subparagraph (h) under said 16A-11 be renumbered as Subparagraph (c).

Section 6. That Section 16A-12 be amended by deleting the Overlays box together with the Hypothetical example under Footnote 4 in Subparagraph (4) of the same so that Footnote 4 and Footnote 5 are adjacent to each other.

Section 7. That Section 16A-12 is amended by adding the words “(plus 15% administrative and managerial fee)” following the words “right of way” in Section 16A-12(e).

Section 8. That the words “a penalty pay double” appearing in Section 16A-19(b) be amended to read “a civil penalty pay triple”.

Section 9. That the following be added as an additional sentence in Section 16A-22(a) (relative to mapping information required):

“At the City’s request, maps of all prior encroachments by the encroacher shall be provided to the City if the same are reasonably available.”

Section 10. That the following be added as an additional sentence at the end of Section 16A-22(b) (relative to failure to comply):

“Such failure shall, after thirty days notice from the City, also subject said violator with the civil penalties set forth in Section 16A-30.”

Section 11. That in Section 16A-27(d) (relative to regulatory fees and reimbursements not a tax), the words “or franchise fees or taxes” be added at the end of the phrase “local City and County taxes,”.

Section 12. That Section 16A-28(i) (relative to general liability insurance) be amended by deleting the words “Until otherwise increased by the City,” and inserting the following words in lieu thereof “Until otherwise determined by the City Manager,”.

Section 13. That the heading for Section 16A-30 be amended to read: “Civil Penalty Provisions”.

Section 14. The foregoing Ordinance shall be in full force and effect from and after the date of its passage.

The foregoing Ordinance 12-_____, upon motion of Council member _____ and seconded by Council Member _____, and having been submitted to a roll call vote and received the following votes and was **APPROVED/DISAPPROVED** on this the ____ day of _____, 2012: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O’Geary, Mayor

ATTEST:

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

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 4**, p. **.*

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the foregoing Ordinance is a true and exact copy of *Ordinance 12-52, An Ordinance Amending The Provisions For Cuts And Excavations Of Streets And For Right Of Way Management*, adopted by the Henderson, City Council in Regular Session on ** ** 20** (See *Minute Book 4**, p. **). This Ordinance is recorded in *Ordinance Book # 8*, pp. **.

Witness my hand and corporate seal of the City, this ** day of *** 20**.

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

Chapter 16A - RIGHT-OF-WAY MANAGEMENT

Sec. 16A-01. - Findings, purpose and intent.

To provide for the health, safety and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the right-of-way, the city strives to keep its right-of-way in a state of good repair and free from unnecessary encumbrances.

Accordingly, the city hereby enacts this new chapter of this code relating to right-of-way permits and administration. This chapter imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its right-of-way or to be placed therein at some future time. Under this chapter, persons excavating and obstructing the right-of-way will bear financial responsibility for their work. Finally, this chapter provides for recovery of actual and projected costs from persons using the public right-of-way.

This chapter shall be interpreted as consistent with North Carolina Statutes and the other laws governing applicable rights of the city and users of the right-of-way. This chapter shall not be interpreted to limit the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

(Ord. of 3-26-07)

Sec. 16A-02. - Election to manage the right-of-way.

Pursuant to the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects, pursuant G.S. 160A-273 and 160A-296(a), to manage public right-of-way within its jurisdiction.

(Ord. of 3-26-07)

Sec. 16A-03. - Definitions.

The following definitions apply in this chapter of this Code. References hereafter to "sections" are, unless otherwise specified, references to sections in this chapter.

Defined terms remain defined terms whether or not capitalized.

Abandoned facility means a facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service.

Applicant means any person requesting permission to excavate or obstruct a right-of-way.

City means the city of Henderson, North Carolina. For purposes of section 16A-28, city means its elected officials, officers, employees and agents.

Commission means the North Carolina Public Utilities Commission.

Completion certificate means a certificate provided by the city following its acceptance that the work performed meets all city right-of-way requirements and standards.

Congested right-of-way means a crowded condition in the subsurface of the public right-of-way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities over a continuous length in excess of five hundred (500) feet.

Construction performance bond means any of the following forms of security as stipulated by the city:

- (1) Individual project bond;
- (2) Cash deposit;
- (3) Security of a form listed;
- (4) Letter of credit, in a form acceptable to the city;
- (5) Self insurance, in a form acceptable to the city;
- (6) A blanket bond for projects within the city, or other form of construction bond, for a time specified and in a form acceptable to the city.

Degradation means a decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation or disturbance did not occur.

Degradation cost means the cost to achieve a level of restoration as determined by the city at the time the permit is issued.

Degradation fee(s) means the estimated fee(s) established at the time of permitting by the city to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost.

Department means the department of public works of the city.

Director means the director of the department of public utilities of the city, or her or his designee.

Delay penalty is the penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.

Emergency means a condition that (1) poses a danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement of facilities to restore service to a customer.

Equipment means any tangible asset used to install, repair, or maintain facilities in any right-of-way.

Excavate means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

Excavation permit means the permit that, pursuant to this chapter, must be obtained before a person may Excavate in a right-of-way. An excavation permit allows the holder to excavate that part of the right-of-way described in such permit.

Excavation permit fee means money paid to the city by an applicant for an excavation permit to cover the city's costs and expenses.

Facility or facilities means any tangible asset in the right-of-way required to provide utility service.

Five-year project plan shows projects adopted by the city for construction within the next five (5) years.

Local representative means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this chapter.

Management costs means the actual costs the city incurs in managing its right-of-way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right-of-way permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the

opportunity to correct the work; and revoking right-of-way permits. Management costs do not include payment by a telecommunications or other right-of-way user for the use of the right-of-way, the fees and cost of litigation relating to the interpretation of this chapter or the city fees and costs related to appeals taken pursuant to section 16A-32 of this chapter.

NCDOT ROW policies means the Policies and Procedures For Accommodating Utilities On Highway Rights-of-Way, published by the North Carolina Division of Highways, January 1, 1975, revised April 1, 1993 as shall be amended from time to time.

Obstruct means to place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

Obstruction permit means the permit which, pursuant to this chapter, must be obtained before a person may obstruct any portion of a right-of-way, allowing the holder to hinder free and open passage over the specified portion of that right-of-way, for the duration specified therein.

Obstruction permit fee means money paid to the city by a permittee to cover the costs as provided in section 16A-11.

Patch or patching means a method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two (2) feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in the city's adopted replacement plan.

Pavement means any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

Permit means authority granted by the city to place specific facilities in the "right-of-way" under the city's jurisdiction pursuant to G.S. 160A-296 and 160A-273.

Permittee means any person to whom a permit to excavate or obstruct a right-of-way has been granted by the city under this chapter.

Person means an individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

Probation means the status of a person that has not complied with the conditions of this chapter.

Probationary period means one year from the date that a person has been notified in writing that they have been put on probation.

Registrant means any person who (1) has or seeks to have its equipment or facilities located in any public right-of-way, or (2) in any way occupies or uses, or seeks to occupy or use, the right-of-way (other than as normal traffic flow) or place its facilities or equipment in the right-of-way. This does not include persons properly temporarily utilizing a designated parking space for its respective designated use.

Restore or restoration means the process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.

Restoration cost means the amount of money paid to the city by a permittee to achieve the level of restoration prescribed by the city.

Right-of-way or *public right-of-way* or "*rights-of-way*" means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane or public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city.

Right-of-way permit means either the excavation permit or the obstruction permit, or both, depending on the context, required by this chapter.

Right-of-way user means a person owning or controlling a facility in a public right-of-way that is used or intended to be used for providing a public or private utility service, and who has a right under law, franchise, certificate or ordinance to use the public right-of-way.

Service or utility service as defined in G.S. 62-3(27) and also means any service furnished by a public utility, including any commodity furnished as a part of such service and any ancillary service or facility used in connection with such service.

Supplementary application means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

Temporary surface means the compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the city's two (2) year plan, in which case it is considered full restoration.

Trench means an excavation extending on or across the public right-of-way.

Telecommunication right-of-way user means a person owning or controlling a facility in the right-of-way, or seeking to own or control a facility in the right-of-way, that is used or is intended to be used for transporting public or private telecommunication or other voice or data information. For purposes of this chapter, a cable system defined under 47 U.S.C. § 522 is not a telecommunication facility.

Underground damage prevention act as defined by G.S. 87-100 refers to the rules and regulations to which right-of-way users must comply when installing or working around underground facilities.

Underground utility as defined in G.S. 87-101(12) refers to any underground line, system or facility used for producing, storing, conveying, transmitting, or distributing communications or telecommunications, electricity, gas, petroleum and petroleum products, coal slurry, hazardous liquids, water under pressure, steam, or sanitary sewage, or for providing storm sewers or drainage systems but not including traffic signal control cables and vehicle detection cables of the North Carolina Department of Transportation.

(Ord. of 3-26-07)

Sec. 16A-04. - Administration.

The director of public utilities is the principal city official responsible for the administration of the right-of-way, right-of-way permits, and the ordinances related thereto. The director may delegate any or all of the duties hereunder.

(Ord. of 3-26-07)

Sec. 16A-05. - Registration and right-of-way occupancy.

(a) *Registration.* Each person or entity who occupies, uses, or seeks to occupy or use, any public right-of-way or place any equipment or facilities in or on any public right-of-way, including persons or entities with installation and maintenance responsibilities by lease, sublease or assignment, must register with the city. Registration will consist of providing application information and paying a registration fee.

(b) *Registration prior to work.* No person may construct, install, repair, remove, relocate, or perform any work on, or use any facilities or any part thereof in any public right-of-way without first being registered with the city.

(c) *Continuing responsibilities.* Registrant and any permittee acting on its behalf must comply with the national electrical safety code (NESC) and the national electric code (NEC) as well as with other federal, state and local regulations.

(d) *Exceptions.* Without relinquishing or modifying the city's rights of control of its public rights of way, nothing herein shall be otherwise construed to limit the rights of persons to plant or maintain boulevard plantings or gardens in the area of the right-of-way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right-of-way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this chapter; provided the city shall retain the rights to cut, remove, or otherwise regulate such plantings, gardens, etc. However, nothing herein relieves a person from complying with the provisions of the G.S. ch. 87, art. 3, "Underground Damage Prevention Act." (Ord. of 3-26-07)

Sec. 16A-06. - Registration information.

(a) *Information required.* The information provided to the city at the time of registration shall include, but not be limited to each of the following:

(1) Each registrant's name, N.C. One-Call registration certificate number (if applicable), address and email address if applicable, and telephone and facsimile numbers.

(2) The name, address (e-mail address, if applicable), and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

(3) A certificate of insurance:

a. Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the State of North Carolina, or a form of self insurance acceptable to the city;

b. Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage in the minimum amounts set forth in section 16A-29, arising out of the (i) use and occupancy of the right-of-way by the registrant, its officers, agents, employees and permittees, and (ii) placement and use of facilities and equipment in the right-of-way by the registrant, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities and collapse of property;

c. If the registrant is a public utility, franchise holder, or the grantee of a public easement, naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverage; and requiring the city to be notified thirty (30) calendar days in advance of cancellation of the policy or material modification of a coverage term; (4) Certificates indicating comprehensive liability coverage, motor vehicle liability coverage, required workers compensation, and umbrella coverage in amounts hereafter in this chapter sufficient to protect the city and the public and to carry out the purposes established in 16A-29 and policies of this chapter. The city may require a copy of the actual insurance policies.

(5) If the registrant is a corporation, a limited liability company or other legal entity, a copy of a current certificate of good standing issued by the North Carolina Secretary of State.

(6) A copy of the registrant's certificate of authority from the North Carolina Public Utilities Commission, North Carolina Secretary of State or other applicable state or federal agency, whenever the registrant is lawfully required to have such certificate from said commission or other state or federal agency.

(b) *Notice of changes.* The registrant shall keep all of the information listed above current at all times by providing to the city information as to changes within fifteen (15) calendar days following the date on which the registrant has knowledge of any change.

(Ord. of 3-26-07)

Sec. 16A-07. - Reporting obligations.

Operations. Each registrant shall, at the time of registration and by December 1 of each year, file with the city a construction and major maintenance plan showing all anticipated construction and maintenance for said registrant's underground facilities within the city. Such plan shall be submitted using a format designated by the city and shall contain the information determined by the city to be useful or necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of right-of-way.

The plan shall include, but not be limited to, the following information:

(1) The locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year ("next year projects"); and

(2) To the extent known, the tentative locations and estimated beginning and ending dates for all projects contemplated for the five (5) years following the next calendar year ("five-year projects").

By January 1 of each year, the city will have available for inspection by the director of public utilities' office, a composite list of all registrant construction and maintenance plans. All registrants are responsible for keeping the city informed of the current status of their respective list.

By February 1 of each year, each registrant shall update next year projects or five (5) year projects, and must notify the city and all other registrants of these changes.

(Ord. of 3-26-07)

Sec. 16A-08. - Permit requirement.

(a) *Permit required.* Except as otherwise provided in this chapter, no person may obstruct or excavate any right-of-way without first having obtained the appropriate right-of-way permit from the city to do so.

(1) *Excavation permit.* An excavation permit is required by a registrant to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.

(2) *Obstruction permit.* An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of right-of-way by placing Equipment described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

(b) *Permit extensions.* No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless (i) such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

(c) *Delay penalty.* The city shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be one hundred dollars (\$100.00) per day with each day or part thereof constituting a separate delay period.

(d) *Permit display.* Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the city.

(Ord. of 3-26-07)

Sec. 16A-09. - Permit applications.

Application for a permit is made to the city. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

(a) Registration with the city pursuant to this chapter;

(b) Submission of documentary evidence of applicant's authority to excavate, obstruct or operate in the right-of-way (*e.g.* state notice of franchise, signed local cable franchise agreement; certificate of public, service and convenience issued by North Carolina Public Utility Commission);

(c) Submission of a permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.

(d) Payment of money due the city for:

(1) Permit fees, estimated restoration costs and other management costs;

(2) Prior obstructions or excavations;

(3) Any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of any public right-of-way or any Emergency actions taken by the city;

(4) Franchise fees or other charges, if applicable.

(e) Payment of any disputed amounts due the city by posting security or depositing in an escrow account an amount equal to one hundred (100) percent of the amount owed.

(f) Posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation permit to install additional facilities and the city deems the existing construction performance bond inadequate under applicable standards.

(Ord. of 3-26-07)

Sec. 16A-10. - Issuance of permit; conditions.

(a) *Permit issuance.* If the applicant has satisfied the requirements of this chapter, the city shall issue a permit.

(b) *Conditions.* The city may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or when necessary to protect the right-of-way and its current use.

(Ord. of 3-26-07)

Sec. 16A-11. - Permit fees.

(a) *Excavation permit fee.* The following shall constitute its following excavation permit fees that are deemed to be in an amount sufficient to recover the following costs:

(1) The city's administrative and management costs shall be calculated as follows:

$$[(\text{Labor} + \text{Indirect Costs}) \times \text{Time} + \text{Other Costs}] / \text{Units} = \text{Cost per Unit Hypothetical}$$

Example

a. $[(\$30,000 + \$13,500) \times 25\% + \$2500] / 300 = \text{Recovery cost per permit}$

b. $[\$33,500 + \$8375 + \$2500] / 300 = \text{Recovery cost per permit}$

c. $\$44,375 / 300 = \$147.91 \text{ recovery cost per permit issued}$

d. Assumptions:

1. Salary (e.g., public works employee) = \$30,000.00

2. Benefits = 45% of salary or \$13,500.00

3. Administrative - Management Overhead = 25% of salary (\$33,500.00) or \$8,375.00

4. Other costs (e.g., permit forms) = \$2,500.00

5. Time devoted to right-of-way management = 25%

6. Units = 300 ROW permits (estimated) issued during the year.

(2) Plus all applicable degradation costs as set forth in section 16A-12.

(b) *Construction permit fee.* Prior to issuance of a construction permit, the permittee shall pay the greater of the permit fee specified herein or one (1) percent of the estimated cost¹ of constructing the facilities, as certified by the applicant's engineer and approved by the city.

(c) *Annual ROW cost recovery fees² for underground facilities.* Unless otherwise agreed in a license or encroachment agreement, each licensee or permittee shall pay an annual fee³ equal to: (1) fifty cents (\$0.50)/linear foot for facilities up to six inches (6") or less in diameter in residential areas; (2) one dollar (\$1.00)/linear foot for facilities up to six inches (6") or less in diameter in commercial areas; (3) one dollar (\$1.00)/linear foot for facilities six inches (6") to twelve inches (12") in diameter in residential areas; and (4) two dollars (\$2.00)/linear foot for facilities six inches (6") to twelve inches (12") in diameter in commercial areas as reimbursement for the city's costs in connection with reviewing, inspecting and supervising the use and occupancy of the public ways in behalf of the public and existing or future users. The ROW use fee for underground encroachments exceeding twelve inches (12") in diameter shall

be negotiated separately and set by the city council. Said fee shall be paid on an annual basis, due January 30th, for each ensuing calendar year. A prorated payment shall be made upon execution of any license or agreement, for the period from the effective date of the license or agreement to the end of the year. If a license or agreement is terminated during the fiscal year, the city shall refund payments, without interest, on a prorated monthly basis. Should a registrant fail to make the payments required herein, the city, at its option, by written notice may declare the license or agreement canceled and terminated and all rights acquired hereunder by the registrant shall thereupon terminate, except the registrant shall be responsible for removing the facilities installed pursuant to all ROW use agreements terminated by the city.

(d) *Annual ROW cost recovery fees for aerial facilities.* Unless otherwise agreed in a license or encroachment agreement, each licensee or permittee shall pay an annual fee equal to (1) twenty-five cents (\$0.25)/linear foot for facilities carried by a single strand or messenger cable in residential areas, and (2) two dollars (\$2.00)/linear foot for facilities carried by a single strand or messenger cable in commercial areas, as reimbursement for the city's costs in connection with reviewing, inspecting and supervising the use and occupancy of the public ways in behalf of the public and existing or future users. Said fee shall be paid on an annual basis for the ensuing year, due January 30th. A prorated payment shall be made upon execution of any license or agreement, for the period from the effective date of the license or agreement to the end of the year. If a license or agreement is terminated during the year, the city shall refund payments, without interest, on a prorated basis. Should a registrant fail to make the payments required herein, the city, at its option, by written notice may declare the license or agreement canceled and terminated and all rights acquired hereunder by the registrant shall thereupon terminate, except the registrant shall be responsible for removing the facilities installed pursuant to all row use agreements terminated by the city.

(e) *Annual ROW cost recovery fees for surface and underground enclosures.* Unless otherwise agreed in a license or encroachment agreement, each licensee or permittee shall pay an annual fee to the city equal to (1) five dollars (\$5.00)/square foot for enclosures placed in residential areas, and (2) twenty dollars (\$20.00)/square foot for enclosures placed in commercial areas as reimbursement for the city's costs associated with reviewing, inspecting and supervising the use and occupancy of the public ways in behalf of the public and existing or future users. Said fee shall to be paid on an annual basis, due January 30th, for each ensuing calendar year. A prorated payment shall be made upon execution of any license or agreement, for the period from the effective date of the license or agreement to the end of the year. If a license or agreement is terminated during the fiscal year, the city shall refund payments, without interest, on a prorated basis. Should a registrant fail to make the payments required herein, the city, at its option, by written notice may declare the license or agreement canceled and terminated and all rights acquired hereunder by the registrant shall thereupon terminate, except the registrant shall be responsible for removing the facilities installed pursuant to all ROW use agreements terminated by the city.

(f) *Obstruction permit fee.* The following shall constitute the obstruction permit fee are deemed to be in an amount sufficient to recover the city's administrative and management costs as set forth in section 16A-11.

(g) (b) *Payment of permit fees.* No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The city may allow applicant to pay such fees to the city within thirty (30) calendar days of billing.

(h) (c) *Nonrefundable.* Permit fees that were paid for a permit that was issued but not used or that the city has revoked for a breach as stated in section 16A-21 are not refundable.

(i) *Application to encroachment agreements.* Unless otherwise agreed to in an encroachment agreement, management costs may be charged separately from and in addition to the fees imposed on a right-of-way user in the encroachment agreement. (Ord. of 3-26-07)

;sz=9.5q;Notes:

;sz=9.5q;¹ Construction cost, capital equipment cost, aerial/underground facilities and buildings.

;sz=9.5q;² The "ROW cost recovery fee" paid to the city by the registrant shall be net of any gross receipt telecommunication tax or utility tax paid by the recipient to the State of North Carolina attributed to the provision of services within the city. Evidence of such payment must be presented to the city together with remittance of the encroachment fee payment by the registrant.

;sz=9.5q;³ CPI adjustment. Effective commencing on the fifth (5th) anniversary of the effective date of this chapter and continuing on each fifth (5th) anniversary thereafter during the term, the annual ROW use fee with respect to the ensuing five (5) year period shall be adjusted by a percentage amount equal to the percentage change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index which occurred during the previous five (5) year period for the Henderson Consolidated Micropolitan Statistical Area (CBSA #25780).

“(a) Excavation permit fee. There shall be a permit fee charged by the City of Henderson in the sum of \$150.00 for administration of the permit. In addition where any street or sidewalk is cut (except where the same is made in conjunction with a water or sewer tap) the following fee shall be charged as an excavation fee:

Concrete base more than four inches thick.....
\$600.00

Concrete base four inches thick or less.....
500.00

Asphalt street with no concrete base.....
250.00

Dirt street.....
150.00

Paved sidewalk (except Garnett Street between Spring and Church Streets)...
150.00

Garnett Street sidewalk between Spring and Church Streets.....
250.00

Curb and gutter cut.....
250.00

Dirt sidewalk.....

50.00

(Code 1967, § 16-24; 6-25-73; 6-23-80, § 4; 6-29-89, § 1; Ord. of 11-26-01, § 1)

Sec. 16A-12. - Right-of-way patching and restoration.

(a) *Timing.* The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as determined by the director because the work could not be done due to circumstances beyond the control of the permittee or when work was prohibited by the city.

(b) *Patch and restoration.* permittee shall patch its own work. The city may choose either to have the permittee restore the right-of-way or to have the city restore the right-of-way itself.

(1) *City restoration.* If the city restores the right-of-way, permittee shall pay the costs thereof within thirty (30) calendar days of billing. If, following such restoration, the pavement settles due to permittee's improper backfilling or other work, the permittee shall pay to the city, within thirty (30) calendar days of billing, all costs associated with correcting the defective work.

(2) *Permittee restoration.* If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond.

(3) *Degradation fee in lieu of restoration.* In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee(s). The degradation fee(s) is based on a twenty (20) year street design standard and shall be calculated by applying the information in the below tables in the following formula.

(4) *Formula* (Cost per square yard for street, overlays plus sealcoats) × depreciation rate × area of influence⁴

;sz=9.5q;⁴ Area of influence is equal to area of the cut plus three (3.0) feet on each side as expressed in square yards.

Overlays	
Age	Rate Percent (%)
1	90
2	80
3	70
4	60
5	50
6	40
7	30
8	20
9	10
10	0

Hypothetical example:	
Cost Per Square Yard ⁵	
Type	Cost
Asphalt street	
reconstruction	\$45.00
Overlays	5.00
Seal coats	1.10

;sz=9.5q;⁵ Cost values are based on service and material purchases by the city during the last two fiscal years.

Depreciation Rate ⁶	
Age	Rate Percent (%)
0	100
1	99
2	98
3	97
4	96
5	95
6	90
7	84
8	79
9	74
10	68
11	63
12	58
13	52
14	47
15	42
16	36
17	31
18	26
19	20
20	15

;sz=9.5q;⁶ Depreciation rates are based on twenty (20) year street design standard. Depreciation for the first five (5) years is one (1) percent per year, followed by straight-line depreciation less fifteen (15) percent for the remaining street design standard (fifteen (15) years). Depreciation can occur at one (1) percent per year after this time for up to fifteen (15) years or street reconstruction or whichever comes first. This reflects the understanding that streets retain some value beyond their design standard or expected useful life.

Hypothetical example (see calculation table below) assumptions:

1. Street is sixteen (16) years old.
2. Overlay is five (5) years old.
3. Sealcoat is one (1) year old.
4. Area of cut is three feet by three feet (3 ft.×3 ft.)or nine square feet (9 sq. ft.).
5. Area of influence is nine feet by nine feet (9 ft.×9 ft.) or eighty-one (81) square feet (81 sq. ft.) or nine square yards (9 sq. yds.).

			Cost/Square yard		
Depreciation Rate					
Percent					
Area of					
Influence	Degradation Cost				
Street	\$45.00	36	9.0	\$ 145.80	
Overlay	5.00	50	9.0	22.50	
Sealcoat	1.10	80	9.0	7.92	
Total cost					

(c) *Standards.* The permittee shall perform excavation, backfilling, patching and restoration according to the standards and with the materials specified by the city.

(d) *Duty to correct defects.* The permittee shall correct all defects in patching, or restoration performed by permittee or its agents. The permittee upon notification from the city, shall correct all restoration work to the extent required by the city, using the method required by the city. Said work shall be completed within five (5) calendar days of the receipt of the notice from the city, excluding calendar days where the director of public utilities determines that work cannot be done because work is prohibited as unseasonal or unreasonable under section 16A-16.

(e) *Failure to restore.* If the permittee fails to restore the right-of-way in the manner and to the condition required by the city, or fails to satisfactorily and timely complete all restoration required by the city, the city at its option may do such work. In that event the permittee shall pay to the city, within thirty (30) calendar days of billing, the city's cost of restoring the right-of-way **(plus 15% administrative and managerial fee)**. If permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

(Ord. of 3-26-07)

Sec. 16A-13. - Joint applications.

CAF 12-95: 8 October 2012 Regular Meeting

(a) *Joint application.* Registrants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

(b) *Shared fees.* Registrants who apply for permits for the same obstruction or excavation, which the city does not perform, may share in the payment of the obstruction or excavation permit fee. To obtain a joint permit, registrants must agree among themselves as to the portion each will pay and indicate the same on their applications, but the same shall in no way restrict their joint and several liability to the city for any costs, expenses or liabilities for the failure of either registrant to fully comply with the provisions of this chapter.

(c) *Joint projects with city.* Registrants who join in a scheduled obstruction or excavation performed by the city, whether or not it is a joint application by two (2) or more registrants or a single application, are not required to pay the excavation relative to those portions of the work performed solely by the city or obstruction and degradation portions of the permit fee, but a permit is still be required.

(Ord. of 3-26-07)

Sec. 16A-14. - Supplementary applications.

(a) *Limitation on area.* A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area and shall:

(1) Make application for a permit extension and pay any additional fees required thereby; and

(2) Be granted a new permit or permit extension.

(3) Provided that where obstruction of a greater area is required by an unforeseen emergency that involves an imminent threat to the health and safety of others, the additional area can be temporarily obstructed provided an application is immediately made for the permit extension.

(b) *Limitation on dates.* A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

(Ord. of 3-26-07)

Sec. 16A-15. - Other obligations.

(a) *Compliance with other laws.* Obtaining a right-of-way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws and regulations, including NCDOT ROW Policies and chapter 87 of the North Carolina General Statutes (Underground Damage Prevention Act); the National Electric Safety Code (NESC), the National Electric Code (NEC) and Occupational Safety and Health Administration (OSHA) regulations. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is

responsible for all work performed in the right-of-way pursuant to its permit, regardless of who does the work. The permittee shall place all such barriers and use all traffic controls and necessary personnel required to assure the safety of all persons using or coming in contact with the right-of-way and as needed to protect the rights of others having utilities in the area.

(b) *Prohibited work.* Except in an emergency, and with the approval of the city, no right-of-way obstruction or excavation may be performed when seasonally prohibited, or when conditions are unreasonable for such work, as determined by the city.

(c) *Interference with right-of-way.* A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall not be interfered. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

(d) *Traffic control devices.* The permittee shall place all such barriers and utilize all traffic controls and necessary personnel required to ensure the safety of persons using or coming in contact with the right-of-way and to protect the rights of others having utilities or other uses in the area.

(Ord. of 3-26-07)

Sec. 16A-16. - Denial of permit.

The city may deny a permit for failure to meet the requirements and conditions of this chapter or if the city determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way in its current use or due to a congested right-of-way, or where the city has experienced prior problems with the applicant's cooperation or compliance with provisions of this chapter.

(Ord. of 3-26-07)

Sec. 16A-17. - Installation requirements.

(a) *Excavation.* The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with NCDOT ROW policies and other applicable local requirements.

(b) *Stealth installation.* Any registrant placing facilities on or within the right-of-way shall make certain they are installed in such a way as to be not immediately noticeable. The registrant is required to place facilities in such a manner as to minimize any adverse aesthetic or visual impact on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the intended location of pedestals, equipment cabinets, and uninterruptible power supplies, etcetera. The registrant shall use the least visually and physically intrusive facilities and/or use camouflage to disguise and render the facilities visually unobtrusive. All such facilities shall not block or obscure the visual observation of vehicular traffic by the drivers of vehicles entering, exiting or traversing streets, sidewalks and roadways. All such installations shall be subject to the director of public utilities prior approval.

(Ord. of 3-26-07)

Sec. 16A-18. - Inspection.

(a) *Notice of completion.* When the work under any permit is completed, the permittee shall file a completion certificate with the director.

(b) *Site inspection.* Permittee shall make the work-site available to the city (and to other utilities using that area of the right-of-way) for inspection upon request and at all reasonable times during the execution of and upon completion of the work.

(c) *Authority of director.*

(1) At the time of any inspection, the director may order the immediate cessation of any work on the basis that it poses a serious threat to the life, health, safety or well being of the public.

(2) The director may issue any appropriate order to the permittee to remedy, correct, and or complete any work that does not conform to the terms of the permit or other applicable standards, conditions or codes. If said order is not promptly fulfilled under the existing circumstances, as found by the director, the permit shall be revoked.

(3) The director of public utilities may either issue an order to revoke the permit of a permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes (e.g., NESC, NEC and OSHA) or issue an order directing the permittee to remedy, correct and finish any work.

(Ord. of 3-26-07)

Sec. 16A-19. - Work performed without a permit.

(a) *Emergency situations.* Each registrant shall immediately notify the director (and the appropriate, city manager, fire or police chief) of any event regarding its facilities that it considers an emergency. The registrant may proceed to take whatever actions are necessary to immediately respond to the emergency. Within two (2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay associated fee, and fulfill all requirements necessary to reestablish its compliance with this chapter for any actions that made it noncompliant during the emergency.

If the city becomes aware of an emergency regarding a registrant's facilities, the city will attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

(b) *Nonemergency situations.* Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way, must subsequently obtain a permit, and as a penalty pay double a civil penalty, pay triple the normal fee for said permit, pay all the other fees required by the City Code, deposit with the city the fees necessary to correct any damage to the right-of-way as determined by the city, and immediately comply with all of the requirements of this chapter.

(Ord. of 3-26-07)

Sec. 16A-20. - Supplementary notification.

If the obstruction or excavation of the right-of-way begins later or ends sooner than the date stated on the permit, permittee shall notify the director of the accurate information as soon as this information is known.

(Ord. of 3-26-07)

Sec. 16A-21. - Revocation of permits.

(a) *Substantial breach.* The city reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund, if there is a substantial breach of the terms

and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

- (1) The violation of any material provision of the right-of-way permit;
- (2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
- (3) Any material misrepresentation of fact in the application for a right-of-way permit;
- (4) The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control; or
- (5) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to section 16A-18.
- (6) The failure to comply with any lawful order of the city issued pursuant to this chapter.

The order to revoke a permit shall state the violation and that failure to correct the violation will be cause for revocation of the permit. Within ten (10) calendar days after issuance of the order, the permittee shall present proof to the director that the violation has been corrected. If such proof has not been presented within the required time, or if the proof is determined to be unacceptable by the director, the director may revoke the permit and implement penalties in accordance with section 16A-30.

(b) *Written notice of breach.* If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at his or her discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

(c) *Response to notice of breach.* Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the city with a plan, acceptable to the city, to cure the breach. permittee's failure to so contact the city, or permittee's failure to timely submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, permittee's failure to so contact the city, or permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall automatically place the permittee on probation for one (1) full year.

(d) *Cause for probation.* From time to time, the city may establish a list of conditions of the permit, which if breached will automatically place the permittee on probation for one (1) full year, such as, but not limited to, working out of the allotted time period or working on right-of-way grossly outside of the permit authorization.

(e) *Automatic revocation.* If a permittee, while on probation, commits a breach as outlined above, permittee's permit will automatically be revoked and permittee will not be allowed further permits for one full year, except for emergency repairs.

(f) *Revocation.* Notwithstanding any other provision hereof, the city shall have the right to immediately revoke any permit without further notice, if the city finds that

such action is necessary to protect people or property from serious and immediate danger.

(g) *Reimbursement of city costs.* If a permit is revoked, the permittee shall promptly reimburse the city for the city's expenses, including restoration costs and the costs of collection of all funds owed and reasonable attorneys' fees incurred in connection with such revocation and/or collection.

(Ord. of 3-26-07)

Sec. 16A-22. - Mapping data.

(a) *Mapping information required.* Each registrant and permittee shall provide mapping information required by the city, such as drawings in paper and electronic (e.g., Autocad files) form showing the precise location of the encroachment, and in the case of encroachments for transmission devices the drawing shall show the location of other adjacent utilities in the public right-of-way at the time of permit application. **At the City's request, maps of all prior encroachments by the encroacher shall be provided to the City if the same are reasonably available.**

(b) *Failure to comply.* It shall be unlawful for any person to fail, refuse, or neglect to file any map or set of maps at the time, and in all respects as required by this section. **Such failure shall, after thirty days notice from the City, also subject said violator with the civil penalties set forth in Section 16A-30.**

(Ord. of 3-26-07)

Sec. 16A-23. - Location and relocation of facilities.

(a) Placement, location, and relocation of facilities must comply with this chapter and the permits issued hereunder together and with all federal, state and local laws, and with NCDOT ROW Policies Rules.

(b) *Corridors.* The city may assign specific areas within the right-of-way, or any particular segment thereof as may be necessary, for each type of facility that is or, pursuant to current technology, the city expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

Any registrant who has facilities in the right-of-way in a position at variance with the corridors established by the city shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities at no cost to the city to the assigned position within the right-of-way, unless this requirement is waived by the city for good cause shown upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the registrant.

(c) *Nuisance.* One year after the passage of this chapter, any public facilities a right-of-way that have not been registered shall be declared to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the facilities and restoring the right-of-way to a useable condition.

(d) *Limitation of space.* To protect health, safety, and welfare or when necessary to protect the right-of-way and its current use, the city shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the city shall strive to the extent possible to accommodate all

existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest unless this requirement is waived by the city for good cause shown, upon consideration of such factors as public safety, customer service need and hardship to the registrant.

(e) *Relocation.* The registrant shall be required to relocate its facilities at no cost to the city to accommodate improvements to or within the right-of-way, such as street widening projects, water/sewer line projects and the like.

(f) *Right-of-way use required.* Whenever a public right-of-way exists to accommodate the registrant's facilities, the registrant shall locate its facilities, other than customer drops or gravity sewer lines, in the city's public right-of-way.

(g) *Restoration.* Permittee shall within thirty (30) calendar days restore and replace with like materials any landscaped areas, pavement, pedestrian lighting, sidewalks, curbs, gutters or other facilities damaged or disturbed by permittee within the public right-of-way or by its contractors with like material and restored to their former condition at permittee's expense, and shall thereafter, from time to time, but no longer than one (1) year from the completion of the job, readjust, reseed, fill and finish the same as may be necessary due to settling of the earth, failure of vegetation to germinate or other matters associated with permittee's disruption of the public right-of-way.

(Ord. of 3-26-07)

Sec. 16A-24. - Pre-excavation facilities location.

In addition to complying with the requirements of Chapter 87 of the North Carolina General Statutes ("Underground Damage Prevention Act") before the start date of any right-of-way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and vertical placement of all said facilities. Any registrant whose facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify, and work closely with, the excavation contractor to establish the exact location of its facilities and determine the best procedure for excavation.

(Ord. of 3-26-07)

Sec. 16A-25. - Damage to other facilities.

When the city performs work in the right-of-way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the city shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within thirty (30) calendar days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the right-of-way that it, or its facilities damage. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the city's response to an emergency occasioned by that registrant's facilities.

(Ord. of 3-26-07)

Sec. 16A-26. - Vacating rights-of-way.

If the city vacates a right-of-way that contains the facilities of a registrant, the registrant's rights in the vacated right-of-way are governed by North Carolina law. (Ord. of 3-26-07)

Sec. 16A-27. - Right-of-way use fees, reimbursements and review.

(a) *Purpose.* It is the purpose of this chapter to provide for the payment and recovery of all direct and indirect costs and expenses of the city related to the enforcement and administration herein.

(b) *Reserved fees for work in public right-of-way.* The city council reserves its right to establish on a periodic basis, fair, equitable, and reasonable reimbursement/regulatory fees to be paid for the rights granted to an entity seeking use of the public right-of-way. Nothing in this section shall prohibit the city and a permittee from agreeing to the compensation to be paid for the granted rights.

(c) *Regulatory fees for work on city property.* If the right is granted, by lease, license, franchise or other manner, to use and occupy city property for the installation of cable television, gas, power, telephone, telecommunications, sanitary and storm sewer, and water distribution facilities, the reimbursement/regulatory fees to be paid shall be determined by the city.

(d) *Regulatory fees and reimbursements not a tax.* The regulatory fees and costs provided for in this chapter, and any reimbursements charged and paid for work in or use of the public right-of-ways provided by this chapter, are separate from, and additional to, any and all federal, state, local city and county taxes or franchise fees or taxes as may be levied, imposed or due from a telecommunications carrier or provider or other user of the public rights of way, their respective customers or subscribers, or on account of the lease, sale, delivery or services.

(e) *Late payment penalty.* In the event the registrant fails to make any payment on or before the date it is due, the registrant shall pay interest at a rate of one (1) percent per month on any such under-payment and/or late payment.

(f) *Additional remedies.* The remedy provisions set forth in this chapter are not exclusive, and do not preclude the city or the city manager, director, or his or her designee from pursuing any other or additional remedy in the event that payments become overdue.

(Ord. of 3-26-07)

Sec. 16A-28 - Liability and insurance.

(a) *Certificate of insurance.* Prior to commencement of construction and thereafter continuously throughout the duration of the registrant's use of the right-of-way, the registrant shall furnish to the city certificates of insurance, approved by the city's finance director, for all types of insurance required under this chapter. Failure to furnish the certificates of insurance in a timely manner shall constitute a violation of this chapter.

(b) *Required provisions.* The permittee shall furnish the city a certificate as the evidence of insurance coverage by these provisions. The certificate shall include a provision providing for a thirty (30) day notification to the city in the event of cancellation, exhaustion of policy aggregates, non-renewal or reduction of coverage of policy limits. Any language in the certificate that relieves the insurance company and its agents from liability for failure to provide such notice shall be deleted by the insurance company. The endorsements required by the subsection (d) of this section

shall be attached to the certificate. The city reserves the right to require a complete, certified copy of the required insurance policy, at any time. The permittee shall provide certificates annually after renewal of coverage.

(c) *Liability waiver not authorized.* Neither the provisions of this section or any damages recovered by the city under this section shall be construed to limit the liability of the permittee under any license or encroachment agreement issued under this chapter.

(d) *Endorsement.* All insurance policies maintained pursuant to this chapter shall contain the following, or a comparable, endorsement: "The City of Henderson is recognized as an insured for the purpose of receiving thirty (30) calendar days notice of non-renewal, reduction of coverage or policy limits, exhaustion of policy limits or cancellation for any reason, and the company shall agree to provide such notice."

(e) *Hold harmless.* All contractual liability insurance policies maintained pursuant to this chapter shall include provision of the following hold harmless clause: "The insured agrees to indemnify, save harmless and defend the city, its officials, agents, servants and employees, and each of them from and against and hold each of them harmless from any and all lawsuits, claims (including without limitation workers' compensation claims against the city or others), demands, liabilities, losses and judgments for personal injury, death, property damage, or the infringement of rights, arising out of or in any way related to the construction, operation, maintenance or ownership of its facilities, or otherwise from the exercise or performance of any actions taken, or alleged to have been taken under this chapter the City Code of the City of Henderson. This indemnity shall apply in any and all cases, save and except only those cases in which the injury, death, damage, loss, claim or demand is caused by, or results from, the direct negligence or intentional conduct of the city, its agents, public officials or employees."

(f) *Authorized insurers.* All insurance policies required under provisions of this chapter shall be issued by a company or companies authorized to conduct business in the State of North Carolina, and approved by the state Department of Insurance.

(g) *Additional named insured.* At all times during any period of work hereunder by a permittee, and for a period of four (4) years thereafter, the permittee shall cause each of its insurers to name the city as an additional named insured for all insurance policies, except worker's compensation, written under the provision of this chapter.

(h) *Inflation adjustment required.* To offset the effects of inflation and to reflect changing liability limits, all of the coverage, limits and amounts of the insurance provided for in this section are subject to reasonable increases at the end of every three (3) year period, applicable to the next three (3) year period, in an amount determined by the city finance director.

(i) *General liability insurance.* Until otherwise increased by the city, **Until otherwise determined by the City Manager** the permittee shall maintain general liability insurance insuring the permittee in the minimum of:

(1) Two million dollars (\$2,000,000.00) for property damage per occurrence to any one person;

(2) Two million dollars (\$2,000,000.00) for property damage per accident or occurrence;

(3) Five million dollars (\$5,000,000.00) for personal bodily injury or death to any one person; and

(4) Ten million dollars (\$10,000,000.00) bodily injury or death aggregate per single accident or occurrence.

(j) *Coverage.* Such general liability insurance must include coverage for all of the following: comprehensive form, premises-operations, explosion and collapse hazard, underground hazard, products/completed operations hazard, contractual insurance, broad form property damage and personal injury.

(k) *Automobile liability insurance.* The permittee shall continuously maintain motor vehicle liability insurance for all owned, or leased, or rented vehicles in the minimum amount of two million dollars (\$2,000,000.00) combined single limit per accident for bodily injury and property damage.

(l) *Umbrella/excess liability.* At the option of the permittee, the limits of the primary general liability and motor vehicle liability coverage may be less than stipulated in this section, provided an excess policy is continuously in effect covering the additional limits needed, and such excess coverage is at least as broad as the primary policy.

(m) *Worker compensation and employer's liability insurance.* The permittee shall maintain worker's compensation and employer's liability, valid in the State of North Carolina, in the minimum amount of:

(1) Statutory limit for worker's compensation.

(2) Employee liability with limits of five hundred thousand dollars (\$500,000.00) for each accident; five hundred thousand dollars (\$500,000.00) bodily injury or disease policy limit.

(Ord. of 3-26-07)

Sec. 16A-29. - Indemnification and liability.

(a) *Indemnification required.* The permittee shall, as its sole cost and expense, fully indemnify, defend and hold harmless the city, its officials, agents, servants and employees from and against any and all lawsuits, claims, causes of action, liability and judgments for injury or damages (including but not limited to expenses for reasonable attorneys fees and for all disbursements and liabilities not expressly assumed by the city) in connection with, arising from or damaging:

(1) To persons or property, in any way arising out of or through the acts or omissions of the permittee, its servants, agents or employees, to which the permittee's negligence shall in any way contribute, unless caused solely by negligence or other fault of the city, its agents, servants or employees, or any other person indemnified under this chapter, or

(2) Arising out of the permittee's failure to comply with the provisions of any federal, state or local statute, ordinance or regulation applicable to the permittee in its business under this chapter.

(b) *The foregoing indemnity is preconditioned on the following.* The city shall give the permittee prompt notice of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this section. Nothing in this section shall be deemed to prevent the city from cooperating with the permittee and participating in the defense of any litigation by its own counsel at its sole costs and expense. No recovery by the city of any sum by reason of any liquidated damages

from a third party shall be subject to litigation by the permittee, except that any sum so received by the city shall be deducted from any recovery that the city might have against the permittee under the terms of this section.

(Ord. of 3-26-07)

Sec. 16A-30. – Civil Penalty Provisions.

For failure to comply with any provisions of this chapter, the city council may impose the following civil penalties (unless otherwise provided in this chapter):

- (1) First noncompliance: Seven hundred fifty dollars (\$750.00) per day;
- (2) Second noncompliance within two (2) consecutive calendar quarters: One thousand five hundred dollars (\$1,500.00) per day;
- (3) Third and subsequent non compliances within four (4) consecutive calendar quarters: Three thousand dollars (\$3,000.00) per day.
- (4) Each days vilolation or part thereof shall be deemed a separate failure, violation and offence.

(Ord. of 3-26-07)

Sec. 16A-31. - Abandonment of underground facilities.

(a) *Discontinued operations.* A registrant who chooses to discontinue all or a portion of its operations in the city must demonstrate to the city that the registrant's obligations for its facilities in the right-of-way under this chapter have been lawfully assigned to and assumed by another registrant or abandoned in accordance with this chapter.

(b) *Reports and maps.*

(1) Whenever any facility/facilities is abandoned in the public right-of-way, the person owning, using, controlling or having an interest therein, shall, within thirty (30) calendar days after such abandonment, file in the office of the director a statement in writing, giving in detail the location of the facility/facilities so abandoned. Each map, set of maps, or plans filed pursuant to the provisions of this chapter, including those maps or plans required by section 16A-22 shall show in detail the location of each such facility/facilities abandoned subsequent to the filing of the last preceding map, set of maps, or plans.

(2) It shall be unlawful for any person to fail, refuse, or neglect to file any map or set of maps at the time, and in all respects as required by this section.

(c) *Removal.* Any registrant who has abandoned facilities in the right-of-way (without a valid assuming registrant) shall remove those facilities from the right-of-way and complete such removal within one hundred eighty (180) calendar days (unless the city agrees to have said facilities conveyed to the city in accordance with subsection (d), below).

(d) *Conveyance to city.* the city council may elect to take title to abandoned facilities in the name of the city (or its assignee), provided the registrant submits to the city an instrument satisfactory to the city transferring ownership of such property and facilities.

(Ord. of 3-26-07)

Sec. 16A-32. - Appeal.

(a) *A right-of-way user that:*

- (1) Has been denied registration;
- (2) Has been denied a permit;

(3) Has had its permit revoked; or
(4) Believes that the fees imposed are invalid, may have the denial, revocation, or fee imposition reviewed, upon written request, by the city manager. The city manager shall act on a timely written request within thirty-five (35) calendar days following receipt of such request. A decision by the city manager affirming the denial, revocation, or fee imposition will be in writing and shall be final. Upon the written request of the appealing party before a decision is rendered, the city manager's decision shall be supported by written findings that establish the basis for the decision, but such written findings are not otherwise required.

(Ord. of 3-26-07)

Sec. 16A-33. - Encroachment agreement.

Nothing in this chapter precludes the city from requiring an encroachment agreement with the applicant, in addition to requirements set forth herein.

(Ord. of 3-26-07)

Sec. 16A-34. - Severability.

If any portion of this chapter is for any reason held invalid or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity or enforceability of the remaining portions thereof.

(Ord. of 3-26-07)

Sec. 16A-35. - Anti-competitive practices.

No registrant issued permits pursuant to the provisions of this chapter shall be deemed to expressly or impliedly authorize the permittee to use its facilities to provide any service in such manner as to unlawfully damage any business competitor or other third party or violate any statutes or regulations of the United States or the State of North Carolina. Nor shall any permittee, by act or omission, engage in any anti-competitive practice in violation of any statutes or regulations of the United States or the State of North Carolina. The provisions of this section shall be enforceable in courts of competent jurisdiction against a permittee by any party that alleges injury as a result of an alleged violation of this chapter.

(Ord. of 3-26-07)

Sec. 16A-36. - No recourse against the city.

Nothing herein imposes any affirmative duty on the city to grant or deny permits hereunder, or to investigate the work history or record or credentials of any applicant, registrant, or permittor, or to inspect any work hereunder, or to remedy any conditions or problems discovered, or to take any enforcement action hereunder.

The registrant and no third party shall have any recourse whatsoever against the city or its officials, boards, commissions, agents or employees for any loss, cost, expense or damage arising out of any provision or requirements of this chapter or because of the legal enforcement or nonenforcement hereof, or any other acts or omissions, by the city or its officials, employees or agents.

(Ord. of 3-26-07)

City Council Action Form

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



Agenda Item: _____

Council Meeting: 8 Oct. 12 Regular Meeting

1 October 2012

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

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

RE: CAF: 12-124

Consideration of Approval of Resolution 12-84, Supporting the Completion of the Widening of SR 1228 (Chavasse Avenue) from US 1 Business (Raleigh Road) to SR 1143 (S. William Street).

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

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

Recommendation:

- Approval of Resolution 12-84, Supporting the Completion of the Widening of SR 1228 (Chavasse Avenue) from US 1 Business (Raleigh Road) to SR 1143 (S. William Street).

Executive Summary:

Resolutions seeking funding were approved by the City Council on 6 November 2006 and funding was approved in 2007 by the North Carolina Department of Transportation (NCDOT) for the Chavasse Avenue widening project (from Raleigh Road to S. William Street), including the installation of curb and gutter and a sidewalk. It was required that right-of-ways be obtained by the City prior to the funds being approved.

The easements were obtained and after the appropriation of funds, the engineering design was completed by NCDOT. Upon completion of the plans, the utility relocation was performed as well as the relocation of existing fences. Shortly after this was done, the City received notice that planning had begun for the High Speed Rail project, of which Henderson was being considered for a Passenger Rail Stop. Work was then suspended on the Chavasse Avenue

project pending outcome of the closing of the Chavasse Avenue crossing or an underpass/overpass if the High Speed Rail project proceeds. After many public hearings and review of the crossings in the Henderson area, it appears that ultimately the High Speed Rail project would require the Chavasse Avenue crossing to be closed, as an underpass/overpass in this area would not be feasible, and would require the disturbance of historical structures. In light of these determinations, a decision needs to be made whether or not to complete the Chavasse Avenue widening project. In the event the High Speed Rail project proceeds Chavasse Avenue would become a “T” intersection at Young Avenue. The new sidewalk would connect to Young Avenue and eventually tie in to the new pedestrian crossing to the east of Chavasse Avenue that would be built as a result of the High Speed Rail project.

NCDOT has requested a Resolution of the City’s desire to complete the Chavasse Avenue Widening Project and funding is still available.

Enclosure:

1. Resolution 12-84

RESOLUTION 12-84

A RESOLUTION SUPPORTING COMPLETION OF THE WIDENING OF SR 1228 (CHAVASSE AVENUE) FROM US 1 BUSINESS (RALEIGH ROAD) TO SR 1143(S. WILLIAM 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 of these Key Strategic Objectives as follows: KSO 5: To Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems.

WHEREAS, the City Council resolved on 6 November 2006 to request release of funding in the total amount of \$700,000 to complete the widening of Chavasse Avenue; *and*

WHEREAS, the NCDOT prepared the design for the project and utility relocation was performed; *and*

WHEREAS, the design prepared by the NCDOT includes the installation of curb and gutter, sidewalk on the north side and widening to a width of 36'-0 (back to back of curb); *and*

WHEREAS, the City Council does understand that the Chavasse Avenue crossing would be closed as if the High Speed Rail project proceeds; *and*

WHEREAS, the remaining portion of Chavasse Avenue would still be used by nearby businesses and homes, as well as connecting future sidewalks to a new pedestrian crossing which would be built as a result of the High Speed Rail project.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE supporting the completion of the Chavasse Avenue widening project (SR 1228) by the NCDOT as indicated by **Attachment A** to this Resolution, and is appreciative of the NCDOT in retaining these funds to complete said project.

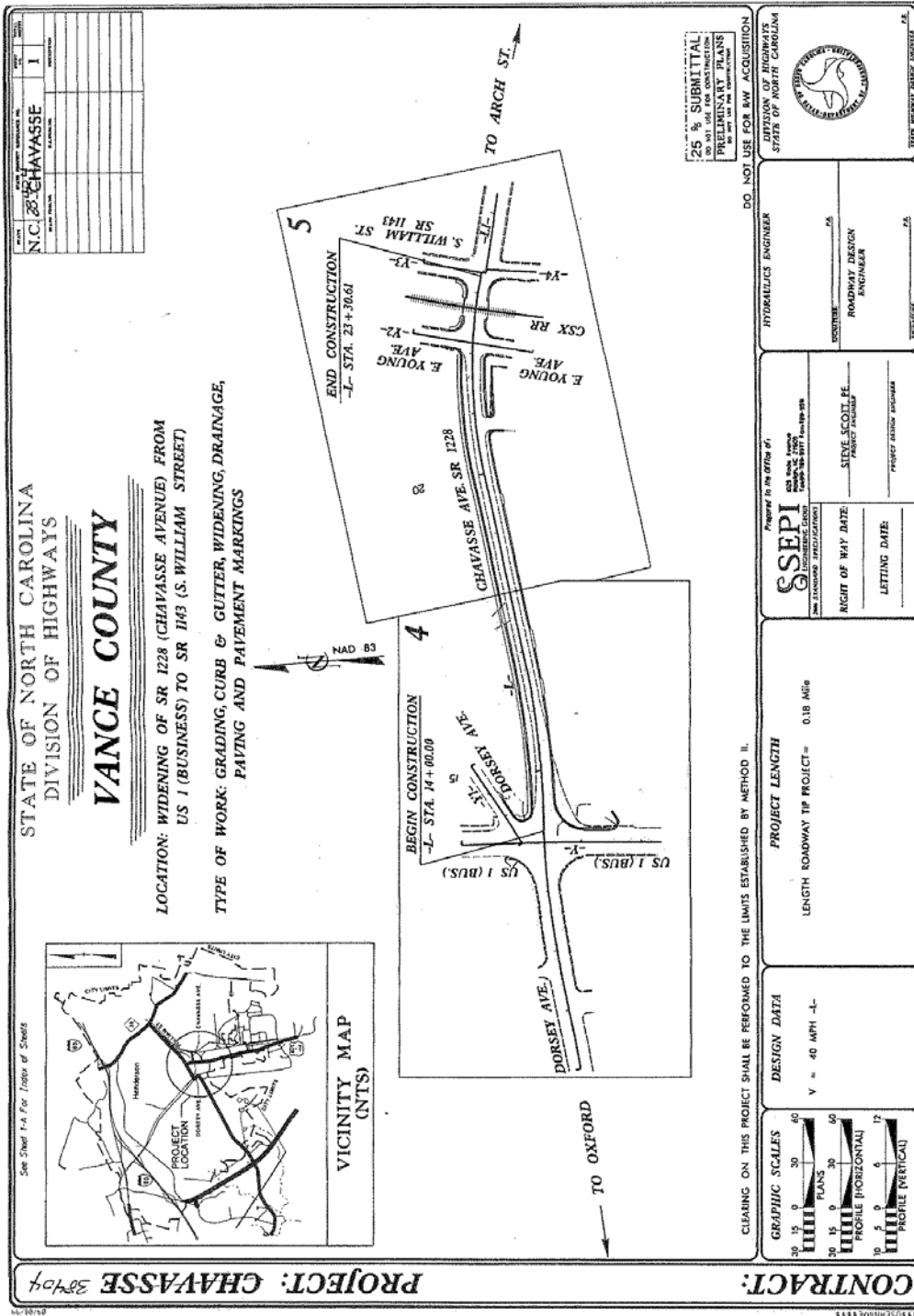
The foregoing Resolution 12-84, upon motion of Council Member ** and second by Council Member **, and having been submitted to a roll call vote received the following votes and was ***** on this the *** day of **** 2012: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

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

John H. Zollicoffer, Jr., City Attorney
Reference: Minute Book 41, pp. **, CAF 12-124



City Council Action Form

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



Agenda Item: _____

Council Meeting: 8 Oct 12 Regular Meeting

21 September 2012

TO: The Honorable Mayor James D. O'Geary and Members of City Council
FR: A. Ray Griffin, Jr., City Manager
RE: **CAF: 12-128 Consideration of Approval of Resolution 12-86, Adopting the 2012 North Carolina Municipal Records Retention and Disposition Schedule.**

Ladies and Gentlemen:

KSO's Addressed by this Item:

- KSO 1: *Implement Performance Excellence* – Implement Process Improvements

Recommendation:

- Approval of Resolution 12-86, Adopting the 2012 North Carolina Municipal Records Retention and Disposition Schedule.

Executive Summary

In May 2011, Council authorized the Mayor and City Manager to sign the North Carolina Municipal Records Retention and Disposition Schedule. Without approving this schedule, each municipality is obligated to obtain the Department of Cultural Resource's permission to destroy **any** record, no matter how insignificant.

Since 2011, the North Carolina Department of Cultural Resources has revised the schedule and Council is now being asked to approve the 2012 North Carolina Municipal Records Retention and Disposition Schedule which supersedes all prior schedules.

Enclosures:

1. Resolution 12-86

RESOLUTION 12-86

A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO SIGN THE NORTH CAROLINA MUNICIPAL RETENTION AND DISPOSITION SCHEDULE

WHEREAS, the City Council conducted its Annual Planning Retreat in January 2012, and during said Retreat identified Strategic Objectives and Goals; *and*

WHEREAS, this Resolution addresses KSO 1: *Implement Performance Excellence – Implement Process Improvements*; *and*

WHEREAS, according to G.S. §121-5 and G.S. §132-3 of the State of North Carolina, public records may only be destroyed with the consent of the North Carolina Department of Cultural Resources; *and*

WHEREAS, the Municipal Retention and Disposition Schedule has been revised in 2012 by the North Carolina Department of Cultural Resources.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY RATIFY AND APPROVE the City Manager's and Mayor's signature on the North Carolina Municipal Records Retention and Disposition Schedule, being more fully articulated in **Attachment A** of this Resolution.

The foregoing Resolution, introduced by Council Member *** and seconded by Council Member *** on this the 8th day of October 2012, and having been submitted to a roll call vote, was *** by the following votes: YES: 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. 126)

(Clerk's Note: A full copy of the
Municipal Records Retention & Disposition
Schedule is filed in the vault near the
Resolution Books)

MUNICIPAL
Records Retention and Disposition Schedule

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provision of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. *Public records including electronic records not listed in this schedule are not authorized to be destroyed.*

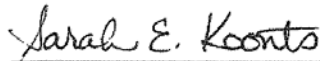
This local government agency and the Department of Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods which allow these records to be destroyed when "administrative value ends." The local government agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "destroy when administrative value ends." If a municipality does not establish internal policies and retention periods, the municipality is not complying with the provisions of this retention schedule and is not authorized by the Department of Cultural Resources to destroy the records with the disposition instruction "destroy when administrative value ends."

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

City/Town Clerk

Chief Administrative Officer/
City Manager



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Mayor



Linda A. Carlisle, Secretary
Department of Cultural Resources

Municipality: _____

September 10, 2012

City Council Action Form

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



Agenda Item:

Council Meeting: 8 Oct. 12 Regular Meeting

1 October 2012

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

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

RE: **CAF: 12—126**

Consideration of Approval of 1) Ordinance 12-71, FY 12-13 Budget Amendment #13, Amending Fund 73: Economic Development Capital Reserve Fund; and 2) Resolution 12-A-16, Authorizing an Amendment to the Capital Reserves Economic Development Fund in Regards to the North Carolina Rural Center and Golden Leaf Foundation Grants' Applications for Water Line for Economic Development Prospect 12-2; and Authorizing an Inter-Local Agreement with Vance County for Eligibility for Said Mentioned Grants.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- KSO 3: To create new jobs and investment, expand the tax base and increase the per capita income.

Recommendation:

- Approval of **1) Ordinance 12-71, FY 12-13 Budget Amendment #13, Amending Fund 73: Economic Development Capital Reserve Fund; and 2) Resolution 12-A-16, Authorizing an Amendment to the Capital Reserves Economic Development Fund in Regards to the North Carolina Rural Center and Golden Leaf Foundation Grants' Applications for Water Line for Economic Development Prospect 12-2; And Authorizing an Inter-Local-Agreement with Vance County for Eligibility for Said Mentioned Grants.**

Executive Summary

On February 12, 2012, a proposal was presented to Council to extend a waterline to the new Temperature Control Solutions (Thermo King) business. The proposal involved applying for grant funds from the NC Rural Center and the Golden Leaf Foundation in order for the project to

be completed. At that time, via Resolution 12-16, Council approved a contribution to the required match in an amount not to exceed \$954.

Additional requirements for the project, primarily from NCDOT, have made it necessary for an increase to the original estimate. The County staff has successfully worked with the granting agencies to increase their original grant awards to correspond with the increase in the cost estimate. In order for the NC Rural Center to increase its 50% share of the project cost, the local governments must increase their match portion. The county has increased its match portion from \$3,209 to \$4,836 and is asking the City to increase their portion from \$954 to \$1,209.

NC Rural Center requires that the County and City enter into an inter-local agreement in order to receive funding for this project, due to the fact that the City owns the water lines, but the County is the applicant for the grant. The City and County attorneys have worked jointly to prepare the attached agreement for your review and/or approval.

Enclosures:

1. Ordinance 12-71
2. Resolution 12-A-16
3. Resolution 12-16
4. Vance County Request

O R D I N A N C E 12-71

AN AMENDMENT TO THE FY 2012 – 2013 BUDGET BUDGET AMENDMENT #13 AMENDING FUND 73: ECONOMIC DEVELOPMENT CAPITAL RESERVE FUND

WHEREAS, the City Council of the City of Henderson (Council), on 14 June 2012, adopted the 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 #13 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: 73: Economic Development Capital Reserve Fund			Ordinance 12-71 FY 12-13 Budget Amendment #13			
REVENUES			Approved 1-Jul-12	Current Budget	Amendment	Revised
Department	Line Item	Code				
	Trans Fr: 10 General Fund	73-980-461010	\$ -	\$ 10,000	\$ -	\$ 10,000
	Fund Balance Appropriation	73-990-491000	\$ -	\$ 8,400	\$ -	\$ 8,400
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
		Total	\$ -	\$ 18,400	\$ -	\$ 18,400
						\$ 18,400
EXPENDITURES			Approved 1-Jul-12	Current Budget	Amendment	Revised
Department	Line Item	Code				
Non-Departmental	Capital Reserve	73-660-509850	\$ -	\$ 13,100	\$ (300)	\$ 12,800
	EDP 12-2 Thermo King	73-660-509851	\$ -	\$ 1,000	\$ 300	\$ 1,300
	EDP 12-1 Appliance Store	73-660-509852	\$ -	\$ 800	\$ -	\$ 800
	EDP 12-3 Henderson Hospitality	73-660-509853	\$ -	\$ 3,500	\$ -	\$ 3,500
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
		Total	\$ -	\$ 18,400	\$ -	\$ 18,400
						\$ 18,400
		Variance			\$ -	
Reference:			Notes:			
CAF: 12-A-45; Ord 12-49; BA #3			The purpose of this Budget Amendment is to bring forward previous year's balances and appropriate to lines approved during FY 12 but not yet expended. Additionally, the Amendment provides for a new appropriation for the Henderson Hospitality LLC Rural Center Grant local match which the City is sharing with Vance County.			
CAF: 12-126; Ord 12-71; BA #13			This ordinance serves to amend the Economic Development Capital Reserve Fund to increase the City's match for the grant shared with Vance County for the purpose of supplying water to Thermo King.			

The foregoing Ordinance 12-71 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 24 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 12-126*

**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—71 adopted by the Henderson, City Council in Regular Session on 24 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

R E S O L U T I O N 12-A-16

AUTHORIZING AN AMENDMENT TO THE CAPITAL RESERVES ECONOMIC DEVELOPMENT FUND IN REGARDS TO THE NORTH CAROLINA RURAL CENTER AND GOLDEN LEAF FOUNDATION GRANTS' APPLICATIONS FOR WATER LINE FOR ECONOMIC DEVELOPMENT PROSPECT 12-2;

and

AUTHORIZING AN INTER-LOCAL AGREEMENT WITH VANCE COUNTY FOR ELIGIBILITY FOR SAID MENTIONED GRANTS

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 KSO 3, Enhanced Economic Development, *and*

WHEREAS, Economic Development Prospect 12-2 plans to locate in the City's extraterritorial jurisdiction along I-85 and is in need of public potable water supply, and said extension of water line would be part of the City's water distribution system; *and*

WHEREAS, the NC Rural Center and Golden Leaf Foundation have indicated their willingness to provide funding of said project, due to the economic development prospect's job creation, said funding to represent 95% of said project costs; *and*

WHEREAS, Vance County would provide 75%, (\$3,204), of the local funding match and the City would provide 25% (\$954) of the local funding match; *and*

WHEREAS, following design of the project, it has been determined that additional requirements, primarily from NCDOT, would increase the original cost estimates; *and*

WHEREAS, Vance County intends to increase its share of the project from \$3,204 to \$4,836 to meet the NC Rural Center regulations; *and*

WHEREAS, Vance County has requested that the City increase its share as well, from \$954 to \$1,209.

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

it does hereby approve the amended funding match for the installation of a water line for Economic Development Prospect 12-2 from \$954 to \$1,209.

BE IT FURTHER RESOLVED THAT THE CITY COUNCIL DOES HEREBY: authorize the execution of an inter-local agreement with Vance County, being more fully articulated in **Attachment A** to this Resolution and the Mayor to sign all documents to effect said agreement.

The foregoing Resolution 12-A-16, 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 41, pp. **, CAF 12-126*

STATE OF NORTH CAROLINA

COUNTY OF VANCE

THIS AGREEMENT, made and entered into this the _____ day of _____, 2012 by and between the County of Vance (hereinafter referred to as "County") and the City of Henderson (hereinafter referred to as "City").

WITNESSETH:

WHEREAS, the City operates a water system which extends from the City down the Satterwhite Point Road;

WHEREAS, Thermo King is opening a plant on the southwest quadrant of the interchange between I-85 and Satterwhite Point Road;

WHEREAS, there is presently no water available to said Thermo King site, but there is a City water main located on the eastern side of the Satterwhite Point Road at said location; and

WHEREAS, Thermo King needs water to operate its plant; and

WHEREAS, the County has applied for grants for installing a water line from the existing City line to the Thermo King site pursuant to an Economic Development Project; and

WHEREAS, the Grant provisions provide that the County is to initially own said newly constructed water line during the one year post-construction warranty period, but the same can thereafter be dedicated to the City.

NOW, THEREFORE, for and in consideration of the mutual promises herein set forth (and the reliance to be placed by each party on the performance by the other), the parties hereto agree as follows:

- (1) The County agrees to utilize its grant funds towards the construction of 460 lineal feet of 8 inch ductile iron pipe together with 150 feet of 12 inch ductile iron pipe (which latter includes boring under Satterwhite Point Road for 60 linear feet), installing a fire hydrant assembly and installing a tap sleeve and valve so as to provide water from the existing City water main to the Thermo King site – all in accordance with plans and specifications which have heretofore been approved by the City.
- (2) The County shall own said newly constructed water line during the period of its construction and for a period of one year thereafter. The City shall have the right to have said lines inspected by personnel of the City's choosing at any time during said construction and one year post-construction periods.

- (3) Upon the full completion of the construction of said water lines in accordance with the approved plans and specifications, the County hereby leases said line to the City for the sum of One Dollar (\$1.00) for a period of 365 days during which period the City agrees to be responsible for all maintenance of the same to the extent the same is not covered by the contractor's warranties. During said rental period, the City shall control all taps and have the sole authority to sell the water from said lines at rates and conditions established solely by the City.
- (4) 365 days following the full completion of the construction of said water line in accordance with said approved plans and specifications, said water lines shall be automatically dedicated by the County to the City (without the necessity of further documentation) and the City agrees to accept said dedicated water lines and agrees to continue to be responsible for the maintenance thereof following said dedication.

IN WITNESS WHEREOF, THE CITY OF HENDERSON AND THE COUNTY OF VANCE have each caused this Agreement to be executed, all pursuant to authorities given by their respective governing bodies, this the day and year first above written.

COUNTY OF VANCE

BY: _____ (SEAL)
Chairman of the Vance County
Board of Commissioners

Approved as to legal form:

Jonathan Care
County Attorney
Vance County

CITY OF HENDERSON
BY: _____ (SEAL)
James D. O'Geary, Mayor

Approved as to legal form:

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

R E S O L U T I O N 12-16

AN AUTHORIZING RESOLUTION BY THE HENDERSON CITY COUNCIL IN SUPPORT OF A NORTH CAROLINA RURAL CENTER AND GOLDEN LEAF FOUNDATION GRANTS' APPLICATIONS FOR WATER LINE FOR ECONOMIC DEVELOPMENT PROSPECT 12-2

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 KSO 3, Enhanced Economic Development, *and*

WHEREAS, Economic Development Prospect 12-2 plans to locate in the City's extraterritorial jurisdiction along I-85 and is in need of public potable water supply, and said extension of water line would be part of the City's water distribution system; *and*

WHEREAS, the NC Rural Center and Golden Leaf Foundation have indicated their willingness to provide funding of said project, due to the economic development prospect's job creation, said funding to represent 95% of said project costs; *and*

WHEREAS, Vance County would provide 75%, \$3,204, of the local funding match and the City would provide 25% of the local funding match, \$954, *and*

WHEREAS, Vance County intends to request grant assistance from both the NC Rural Center and Golden Leaf Foundation for such funding provided the City agrees to fund its share of the local match..

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

- 1.** The City of Henderson will provide its share of 5% of the total requested grant amount provided; however, said amount noted will not exceed \$954; *and*
- 2.** That Vance County will provide for the efficient administration, implementation and operation/maintenance of the project, including development of an agreement with the economic development prospect providing for reimbursement to the County and City for their shares of local funding and/or repayment of any grant funds to the NC Rural Center and/or the Golden Leaf Foundation should it not meet grant performance requirements; *and*
- 3.** That James D O'Geary, Mayor of the City of Henderson, and successors so titled, is hereby authorized to execute and file an application, as appropriate, with Vance County to both the NC Rural Center and Golden Leaf Foundation.

The foregoing Resolution 12-16, upon consensus of Council and having been submitted to a roll call vote received the following votes and was APPROVED on this the 13th day of February 2012: YES: Daye, Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins and Daeke. NO: None. ABSTAIN: None. ABSENT: Davis.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney



Vance COUNTY

NORTH CAROLINA

Planning and Development Department

www.vancecounty.org

TO: City of Henderson City Council
FROM: Vance County Planning and Development Department
SUBJECT: Satterwhite Point Road (Thermo King) Waterline Extension
DATE: September 10, 2012

156 Church Street, Suite 3
Henderson, NC 27536

Ph: (252) 738-2091
Fax: (252) 738-2089

Grant Matching Funds

During the Council's regular meeting on February 12, 2012, Mr. Bill Edwards and Mr. Sam Watkins (chairman of the EDC Board) presented a proposal for extending a waterline to the new Temperature Control Solutions (Thermo King) business. The proposal involved applying for grant funds from the NC Rural Center and the GoldenLEAF Foundation in order for the project to be completed. At that time the Council approved a contribution to the required match in an amount not to exceed \$954.

Following design of the project as well as approval from the City's Engineering Department it was determined that additional requirements (primarily from NCDOT) would increase the original cost estimates. The county staff has successfully worked with the granting agencies to increase their original grant awards to correspond with the increase in the cost estimate. In order for the NC Rural Center to increase its 50% share of the project cost, the local governments must increase their match portion. The county has increased its match portion and is asking that the City do so as well.

As presented below, the request is to increase the City match portion in the amount of \$255 (from \$954 to \$1,209). The required matches will ensure the completion of the project contributing to an extension of the City's water system. See the proposed revised budget below.

	Original Budget	Revised Budget
Costs	Original Total	64,076.00
	Plans/Specs (add)	4,300.00
	Engineering (add)	2,600.00
	Total Costs	70,976.00
Revenue		
	Rural Center (50%)	32,038.00
	Golden Leaf	28,834.00
	City of Henderson	954.00
	Vance County	3,000.00
	Savings from Redesign	0.00
	Total Revenue	64,826.00

Request #1: Increase the City's match portion from \$954 to \$1,209 to secure additional grant funding and to allow the project to proceed.

vision • vitality • variety

Inter-local agreement

Once completed the waterline will be a part of the City of Henderson's water system. Because the ultimate owner of the line (City of Henderson) is different from the grant applicant, the NC Rural Center requires that the County and City enter in to an inter-local agreement. The inter-local agreement defines the ownership and maintenance of the proposed waterline. (See attached inter-local agreement as prepared and reviewed by the City and County attorneys).

***Request #2:** Approval of the inter-local agreement with Vance County defining ownership and maintenance of the proposed waterline extension as required by the NC Rural Center.*

vision • vitality • variety

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252-430-5701



Agenda Item: _____

Council Meeting: 8 Oct 12 Reg. Meeting

27 September 2012

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

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

RE: CAF 12-120

Consideration of Approval of Tax Releases and Refunds from Vance County for the month of August 2012.

Ladies and Gentlemen:

Recommendation:

- Approval of tax releases and refunds from Vance County for the month of August 2012.

Executive Summary

The Vance County Tax office submitted the following tax releases and refunds to the Finance Department for the month August 2012. These releases and refunds are found to be in order and are being recommended for approval.

August 2012

NAME	REASON FOR RELEASE	TAX YEAR	AMOUNT OF RELEASE
About Face Skin Care	Correct Value	2012	47.62
About Face Skin Care	Correct Value	2012	69.50
About Face Skin Care	Correct Value	2012	94.30
About Face Skin Care	Correct Value	2012	120.76
About Face Skin Care	Correct Value	2012	172.59
Allen, Marilyn D.	Correction exemption	2012	126.12
BNC Properties, LLC		2012	(89.14)
Bobbitt, Hellon	Correction exemption	2012	11.22
Brigham, Lelia C.		2012	(71.20)
Brodie, William C.		2012	(2.26)
Bullock, Eva Bennett	Correction exemption	2012	52.93
Burroughs, Ethel & Roy	Correction exemption	2012	193.39
Butler, Anthony O.		2012	211.82
Cary, Tonie A.	Personal Property Billed	2012	32.28
Cawthorne, Wallace G.	Remove Late List	2012	1.56
Chavis, Joe Douglas	Correction exemption	2012	50.28
Cheek, Amelia J.	Correction exemption	2012	224.58
Cheek, David L.	Correction exemption	2012	261.71
Clements, Rose T.	Correction exemption	2012	19.65
Crews, Alicia D.	Correction exemption	2012	15.18
Crosby, Beulah & Robert		2012	(144.45)
Dickerson, Anne S.	Correct Value	2012	283.45
Dickerson Jahwounda A.	Correction Exemption	2012	70.86
Duke, Alice L.	Adjust Value for E	2012	146.25
Duke Affiliate/HFMC	Correct Value	2012	219.42
Dunston, Marshall H.	Correction exemption	2012	45.35
Edwards, Carl N.		2012	(38.05)
Ellis, James Melvin	Correction exemption	2012	64.44
Faucette Properties		2012	(277.87)
Federal Home Loan Mortgage		2012	539.46
Fell, Joseph	Correction exemption	2012	55.63
Fields, Arnold W.		2012	(17.28)
Ford, William D.		2012	697.25
Ford, William David		2012	(697.25)
Fore, Alphonso & Jacqueline		2012	(211.82)
Hanks, Diana D.	Correction exemption	2012	4.80
Hargrove, Edith W.	Correction exemption	2012	51.98
Hart, Harold & Liz	Correction exemption	2012	28.22
Henderson Investors LLC		2012	(21,185.26)
Hughes, John Edward		2012	(285.23)
Jackson, David W. & Alice	Correction exemption	2012	41.16
Jarrell, A.W. & Margie	Correction exemption	2012	54.09

Aug (cont'd)

NAME	REASON FOR RELEASE	TAX YEAR	AMOUNT OF RELEASE
Johnson, Michael T & Janet	Correction exemption	2012	81.42
Jones, Eliza B.	Correction exemption	2012	28.76
Jones, Ernest & Mary		2012	333.82
Jones, Stella D.	Real Property Bill	2012	242.83
Kearney, Lee	Correction exemption	2012	70.70
Kelly, Emma A.	Correction exemption	2012	24.70
Marketplace Associates		2012	21,185.26
Mason, Ivery Carr	Adjust Value for E	2012	179.71
Massenburg, Lafayette & Eva	Correction exemption	2012	49.15
Mayfield, Daniel (Mrs.)		2012	(110.68)
Mazus, Stephen E.	Remove Late List	2012	2.09
Meadows, Harry Jr. & Theresa	Correction exemption	2012	47.45
Michael's Property Management		2012	285.23
Michael's Property Management		2012	(333.82)
Odom, Joyce D.		2012	(25.94)
Parham, Patricia B.	Correction exemption	2012	199.13
Parker, Vernita & Tamonica		2012	(539.46)
Perry, Barbara H.	Correction exemption	2012	39.81
Pierce, Serena		2012	(146.31)
Robinson, Margie (Heirs)		2012	(89.12)
Russell, Maple D.	Correction exemption	2012	88.10
Schuster, Virginia C.	Correction exemption	2012	185.77
Stovall, Mary T.	Correction exemption	2012	154.85
Thomas, June W & Nancy	Correction exemption	2012	57.86
Thorpe, Walter & Isadora	Correction exemption	2012	42.98
Vaughn, Ralph	Correction exemption	2012	16.97
Walker, Edmond D. & Shelia	Correction exemption	2012	28.94
Walker, Tami Joy	Correction exemption	2012	30.66
Williams, Nellie G. & Amos	Correction exemption	2012	9.35
Allen, Helen Thomas	Prorate	2011	2.12
Campbell, Professor J	Prorate	2011	14.05
Clay, Lawrence Albert	Prorate	2011	4.17
Cousin, Lawrence G.	Correct Situs	2011	18.01
Gregoria, Lucretia G.	Prorate	2011	12.48
Henderson, Colette Y.	Prorate	2011	12.39
Huber, Kathleen R.	Correct Situs	2011	26.73
Johnson, Jessie Joann	Correct Situs	2011	43.11
Lee, Tony Curtis Jr.	Prorate	2011	2.15
Lemay, Tashon Nakia	Prorate	2011	21.12
Littlejohn, Ernestine	Prorate	2011	29.72
Ragland, James G. & Annie R.	Prorate	2011	2.71
Roberson, Frederick & Ethel	Prorate	2011	2.89
Alston, Rhonda T.	Correct Situs	2012	10.00

Aug (cont'd)

NAME	REASON FOR RELEASE	TAX YEAR	AMOUNT OF RELEASE
Barnett, David M.	Correct Value	2012	38.71
Brooks, Timothy Andrew	Correct Situs	2012	32.11
Campbell, Durwood Lee	Correct Situs	2012	86.23
Cash, Janet Hale	Correct Situs	2012	35.39
Drumgold, Raphael A.	Prorate	2012	4.34
Edwards, Deavrow Jr.	Transfer Out	2012	62.47
Ennis, Charles David	Prorate	2012	13.73
Falkner, Sarah Coates	Correct Value	2012	11.52
Foster, Christopher J.	Correct Situs	2012	13.33
Gupton, Gregory William	Prorate	2012	11.42
Johnson, Wilfort F.	Correct Situs	2012	1.76
Mackenzie, Robert P.	Prorate	2012	52.86
Perdue, Kenneth	Correct Situs	2012	12.93
Prentice, Gregory R.	Correct Value	2012	21.40
Rodriguez, Reynalda R.	Prorate	2012	21.72
Southerland, Vickie L.	Prorate	2012	51.10
Starnes, Judy Williamson	Correct Situs	2012	31.29
Tucker, Bettie Boone	Correct Value	2012	29.78
Williams, Evelyn L.	Prorate	2012	88.89
Total Releases			3,950.88

Aug (cont'd)

NAME	REASON FOR REFUND	TAX YEAR	AMOUNT OF REFUND
Alston, Jannie Denise	Prorate	2011	0.84
Cole, Anne Cannady	Prorate	2011	44.49
Elliott, Melissa	Prorate	2011	16.52
Gerardo, Marie Ceila	Prorate	2011	2.53
Hayes, Margaret Lucille	Prorate	2011	1.72
Kilgore, Elizabeth Ann	Prorate	2011	1.46
Kimball, Durrelle Boyd	Prorate	2011	29.03
Otero-Fuentes, Lilybeth	Prorate	2011	1.41
Stancil, Sandra E. & Eddie D.	Prorate	2011	15.91
Tate, Ann White	Prorate	2011	9.49
Tate, Jimmy Dean	Prorate	2011	2.42
Carnalla, Severiano P.	Prorate	2012	20.99
Floyd, Eric Henderson	Prorate	2012	43.81
Fuentes, Nelson A.	Prorate	2012	8.29
Harrington, Marcus N.	Prorate	2012	14.16
Jones, Samuel Davis	Prorate	2012	4.37
King, Mark H & Benjamin L.	Prorate	2012	27.56
Pegram, Hallie Mills	Prorate	2012	3.31
Saravia, Margarita D.	Prorate	2012	7.20
Total Refunds			255.51

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



Agenda Item: _____

Council Meeting: 8 Oct 12 Regular Meeting

3 October 2012

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

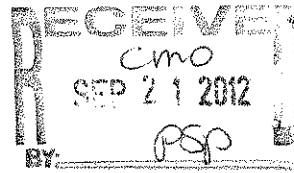
FR: A. Ray Griffin, Jr., City Manager

A handwritten signature in black ink, appearing to read "ARJ", is written over the text "A. Ray Griffin, Jr., City Manager".

RE: Declaration of Surplus Property.

Ladies and Gentlemen:

Pursuant to Resolution 9-10, property identified in the attached memo dated 20 September 2012 from Fiscal Compliance Officer Edna Vaught is declared surplus and will be auctioned on GovDeals. No action is required of Council; however, it is felt appropriate to advise Council of said declaration and to offer an opportunity for questions and/or objectives 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: 9/20/2012
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,

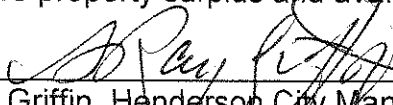

Edna Vaught

Kerr Lake Regional Water

2 sets of rusted lockers (Going to Scrap)
ID # - 0149
Old Electric Furnace (Going to Scrap)
No Asset Number
2 Rusted Out Shelf Frames (Going to Scrap)
No Asset Number
8 Short Shelf Sets
No Asset Number
Sony Floppy Disc Camera
No Asset Number
Woods Grooming Mower-Tractor Pull
No Asset Number

2003 Ford Crown Victoria
VIN Number 2FAFP71W334101322

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

 2158912
Ray Griffin, Henderson City Manager

Meetings and Events Calendar

<i>Date</i>	<i>Time</i>	<i>Event</i>	<i>Location</i>
Oct 9th	3:00 PM	<i>Henderson Appearance Committee</i>	City Council Chambers
Oct 11th	12:00 PM	<i>Henderson-Vance Parks & Recreation Commission</i>	Aycock Recreation Center
Oct 18 th	7:00 PM	<i>Human Relations Commission</i>	City Council Chambers
Oct 22 nd	Cancelled	<i>City Council Meeting CANCELLED</i>	CANCELLED DUE TO NCLM CONFERENCE
Nov 5 th	3:30 PM	<i>Henderson Planning Board</i>	City Council Chambers
Nov 6 th	3:30 PM	<i>Henderson Zoning Board of Adjustments</i>	City Council Chambers
Nov 8 th	12:00 PM	<i>Henderson-Vance Parks & Recreation Commission</i>	Aycock Recreation Center
Nov 12 th	5:00 PM	<i>Library Board of Trustees</i>	H. Leslie Perry Memorial Library Board Room
Nov 12 th		<u><i>City Hall Closed for Veterans Day</i></u> <i>City Council Meeting Cancelled</i>	Happy Veterans Day 
Nov 13 th	3:00 PM	<i>Henderson Appearance Committee</i>	City Council Chambers
Nov 15 th	7:00 PM	<i>Human Relations Commission</i>	City Council Chambers
Nov 22 nd & Nov 23 rd		CITY HALL CLOSED <i>Thursday the 22nd & Friday the 23rd</i> HAPPY THANKSGIVING	
Nov 26th	6:00 PM	<i>City Council Meeting Work Session to Follow</i>	City Council Chambers
Nov 30 th	10:00 AM	<i>Henderson-Vance E911 Advisory Board Meeting</i>	E 911 Operation Center
Dec 3 rd	3:30 PM	<i>Henderson Planning Board</i>	City Council Chambers
Dec 4th	3:30 PM	<i>Henderson Zoning Board of Adjustments</i>	City Council Chambers
Dec 10th	6:00 PM	<i>City Council Regular Meeting</i>	City Council Chambers
Dec 11th	3:00 PM	<i>Henderson Appearance Committee</i>	City Council Chambers
Dec 13 th	12:00 PM	<i>Henderson-Vance Parks & Recreation Commission</i>	Aycock Recreation Center
Dec 20 th	7:00 PM	<i>Human Relations Commission</i>	City Council Chambers
Dec 24, 25 & 26th		CITY HALL CLOSED <i>Monday Dec 24th thru Wednesday Dec 26th</i> <i>Will Reopen on Thursday, Dec 27th</i> <i>Dec 24th City Council Meeting Cancelled</i>	

Last Updated: 10/1/2012 10:59 AM

HENDERSON-VANCE COUNTY 911

NUMBER OF CALLS REPORT BY COMPLAINT (ALL UNITS)

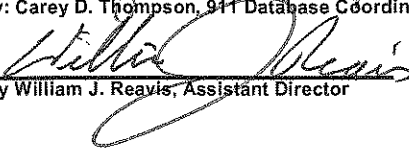
TOTAL

5,446

TIME PERIOD: 8/21/2012 09:00:00 Through 9/20/2012 23:59:59

DEPARTMENT	COMMENT	TOTAL	COUNTY	CITY	STATE	OTHER
DATA WITH NO DEPARTMENT		199				199
AFTON VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	0	0			
AMERICAN RED CROSS	Other Dispatch	0				0
BEARPOND VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	36	36			
COKEBURY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	14	14			
CSX RAILROAD	Other Dispatch	0				0
DREWRY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	4	4			
EMBARQ	Other Dispatch	1				1
EPSOM VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	7	7			
HENDERSON FIRE DEPARTMENT-STA 1	City Dispatch	295		295		
HENDERSON FIRE DEPARTMENT-STA 2	City Dispatch	116		116		
HENDERSON POLICE DEPARTMENT	City Dispatch	2,744		2,744		
HENDERSON STREET DEPT	City Dispatch	5		5		
HENDERSON WATER DEPARTMENT	City Dispatch	18		18		
HICKSBORO VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	18	18			
KITRELL VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	21	21			
NORTH CAROLINA DEPT OF PARKS	State Dispatch	1			1	
NORTH CAROLINA DEPT OF TRANSPORTATION	State Dispatch	11			11	
NORTH CAROLINA DIVISION OF MOTOR VEHICLES	State Dispatch	0			0	
NORTH CAROLINA FORESTRY SERVICE	State Dispatch	2			2	
NORTH CAROLINA MAGISTRATE OFFICE	State Dispatch	0			0	
NORTH CAROLINA MEDICAL EXAMINER	State Dispatch	2			2	
NORTH CAROLINA PROBATION & PAROLE	State Dispatch	0			0	
NORTH CAROLINA STATE HIGHWAY PATROL	State Dispatch	53			53	
NORTH CAROLINA UNDERWATER RECOVERY	Other Dispatch	0			0	
NORTH CAROLINA WILDLIFE	State Dispatch	1			1	
PROGRESS ENERGY	Other Dispatch	7				7
PUBLIC SERVICE GAS	Other Dispatch	0				0
RIDGEWAY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	0	0			
TOWNSVILLE VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	16	16			
VANCE COUNTY AMBULANCE SERVICE (EMS)	City & County Dispatch-actual	516	225	288		3
VANCE COUNTY ANIMAL CONTROL	County Dispatch	52	52			
VANCE CO DEPT OF SOCIAL SERVICES	County Dispatch	1	1			
VANCE COUNTY EMERGENCY MANAGEMENT	City & County Dispatch	1	1			
VANCE COUNTY FIRE DEPARTMENT	County Dispatch/FIRE	82	82			
VANCE COUNTY RESCUE SQUAD	County Dispatch	38	38			
VANCE COUNTY SHERIFF DEPARTMENT	County Dispatch	1,946	1,946			
WAKE ELECTRIC COOPERATIVE	Other Dispatch	0				0
WATKINS VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	12	12			
TOTALS		6,219	2,473	3,466	70	210

Signature: 
Prepared by: Carey D. Thompson, 911 Database Coordinator

Signature: 
Reviewed by William J. Reavis, Assistant Director
09/26/2012

HENDERSON-VANCE CO 911

Number Of Calls Report by Department (All Units)

First Date: 08/21/2012

Jurisdiction: HEN-VAN

Last Date: 09/20/2012

	<i>Department</i>	<i>Number</i>
1	Data with no Department.	199
2	BVFD	36
3	CVFD	14
4	DOT	11
5	DSS	1
6	DVFD	4
7	EM	3
8	EMBQ	1
9	EMS	516
10	EVFD	7
11	FOR	2
12	HFD1	295
13	HFD2	116
14	HPD	2744
15	HVFD	18
16	KVFD	21
17	ME	2
18	NCUR	1
19	PARK	1
20	PE	7
21	SHP	53
22	STRE	5
23	TVFD	16
24	VCAC	52
25	VCFD	82
26	VCR	38
27	VCSO	1946
28	WATE	18
29	WILD	1
30	WVFD	12

Total: 5446

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

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 08/21/2012

Last Date: 09/20/2012

Complaint		Number
911HU	911 HANG UP CALL	76
ABAND	ABANDONED OR JUNKED CARS	5
ABDOM-EMD	ABDOMINAL PAIN OR PROBLEMS	28
ABNV	ABANDONED VEHICLE	2
ACC-PD	ACCIDENT PROPERTY DAMAGE	88
ACC-PI	ACCIDENT PERSONAL INJURY	40
ALARM	ALARM RESIDENCE OR BUSINESS	210
ALARMFALSE	ALARM FALSE	120
ALARMMED	ALARM MEDICAL	6
ALLERG-EMD	ALLERGIC REACTION / ENVENOMATIC	10
ANIMAL-EMD	ANIMAL BITE / ATTACK	4
ANIM	ANIMAL COMPLAINT/VISCIOUS ANIMAL	52
ARMED SUSP	ARMED SUSPECT (MAN WITH A GUN)	11
ARRE	ARREST	3
ASAG	ASSIST OTHER AGENCY	16
ASMO	ASSIST MOTORIST	74
ASSAULIP-EMD	ASSAULT OR SEXUAL ASSAULT - IN PI	2
ASSAULT-EMD	ASSAULT OR SEXUAL ASSAULT	49
BACKPAIN-EMD	BACK PAIN (NON-TRAUMATIC)	6
BE MV	BREAKING AND ENTERING TO A MOTOR	39
BOATING	BOATING ACCIDENTS	1
BON	BONDING	20
BONDSET	BOND SET	3
BREATHALIZER	BREATHALIZER OPERATOR	1
BREATH-EMD	BREATHING PROBLEMS	68
BURG-IP	BURGULARY/B&E IN PROGRESS	4
BURGLARY	BURGLARY	71
BURNS-EMD	BURNS (SCALDS) OR EXPLOSIONS (E)	1
CAR	CARELESS AND RECKLESS DRIVER	50
CARDIAC-EMD	CARDIAC/RESPIRATORY ARREST OR	9
CHASE	CHASE	2
CHESTPAI-EMD	CHEST PAIN	40
CHILD-ABU	CHILD ABUSE OR NEGLECT	2
CHOKING-EMD	CHOKING	3
CIVDIS	CIVIL DISPUTE	78
COMTHR	COMMUNICATING THREATS	7
CONVULS-EMD	CONVULSIONS / SEIZURES	22
DIABETIC-EMD	DIABETIC PROBLEMS	11
DIRTRF	DIRECTING TRAFFIC/TRAFFIC CONTR	11
DISO	DISORDERLY PERSON	75
DOMESTIP/W	DOMESTICE DISPUTE - IN PROGRESS	5
DOM-PROB	DOMESTIC PROBLEM	105
DRUGALC	DRUG OR ALCOHOL COMPLAINT	31
DRUNKDRIV	DRUNK DRIVER	5
DVO	DOMESTIC VIOLENCE ORDER	6
ELECTROC-EMD	ELECTROCUTION / LIGHTNING	1
EMERG TRANS	EMERGENCY TRANSPORT	3
ESCO	ESCORT	178
EVICION	EVICION CARRIED OUT	36
FALLS-EMD	FALLS (SUBJECT FALLEN)	46
FIGHT	FIGHT	26
FIGHT-IP/W	FIGHT IN PROGRESS/W-WEAPONS	3

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 08/21/2012

Last Date: 09/20/2012

Complaint		Number
FIRE AL	FIRE ALARM	29
FIRE BRU	BRUSH/GRASS FIRE	1
FIRE DUMP	DUMPSTER FIRE	2
FIRE ELEC	ELECTRICAL FIRE	4
FIRE GRE	GREASE FIRE	1
FIRE SMOKE	SMOKE REPORT	2
FIRE STRUC	STRUCTURE FIRE	10
FIRE VEHI	VEHICLE FIRE	6
FRAUD	FRAUD/FORGERY	23
FUELSPILL	FUEL SPILL	1
HARR	HARRASSMENT/THREATS	52
HEADACHE-EMD	HEADACHE	8
HEART-EMD	HEART PROBLEMS - AICD	5
HEMORR-EMD	HEMORRHAGE / LACERATION	16
HOMEINV	HOME INVASION	1
HRPD	HIT & RUN PD	17
HRPI	HIT & RUN PI	1
ILL-DUMP	ILLEGAL DUMPING	29
INDEXPO	INDECENT EXPOSURE	2
INSPECTION	FIRE INSPECTION	32
INTPERS	INTOXICATED PERSON	32
INVE	INVESTIGATE ---- AT	805
IPV	IMPROPERLY PARKED VEHICLE	8
JUV	JUVENILE PROBLEMS	48
LARCIP	LARCENY IN PROGRESS	1
LARC	LARCENY - ALREADY OCCURRED	148
LIVEST	LIVESTOCK IN ROADWAY	2
LOIT	LOITERING COMPLAIN	8
LOST	LOST PROPERTY	6
LOUD	LOUD MUSIC	103
MEDICAL	MEDICAL	5
MEN	MENTAL SUBJECT	71
MISS	MISSING PERSON	18
OPEN	OPEN DOOR/WINDOW	14
OVERDOSE-EMD	OVERDOSE / POISONING (INGESTION)	11
PDAMG	PROPERTY DAMAGE ALREADY OCCU	71
PDMGIP	PROPERTY DAMAGE IN PROGRESS	1
PREGNANT-EMD	PREGNANCY/CHILDBIRTH/MISCARRIA	8
PROW	PROWLER	19
RACE	RACING/HIGH SPEED DRIVING	3
RECFPI	RECOVERED/FOUND PROPERTY	27
ROBARM	ROBBERY ARMED	2
ROBBERY	ROBBERY	2
ROBSA	ROBERY STRONG ARM	2
RUN	RUNAWAY	3
SHOP	SHOPLIFTER	23
SHOTS	SHOTS FIRED	58
SICK-EMD	SICK PERSON	88
STABBING-EMD	STABBING / GUNSHOT / PENETRATING	2
STOLV	STOLEN VEHICLE	9
STROKE-EMD	STROKE (CVA)	12
SUBINCUS	SUBJECT IN CUSTODY	30

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

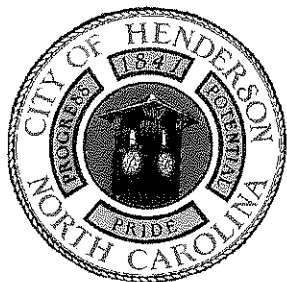
Jurisdiction: HEN-VAN

First Date: 08/21/2012

Last Date: 09/20/2012

<i>Complaint</i>		<i>Number</i>
SUICIDE-EMD	SUICIDE / PSYCHIATRIC / ABNORMAL	1
SUMMONS	CIVIL / CRIMINAL SUMMONS	242
SUPSUB	SUSPICIOUS SUBJECT	127
SURR	SURRENDER	7
SUSPAC	SUSPICIOUS PACKAGE	1
SUSVEH	SUSPICIOUS VEHICLE	108
TEST	TEST CALL	69
Traffic Stop	VEHICLE STOP	584
TRANSPORT	TRANSPORT	2
TRAUMA-EMD	TRAUMATIC INJURY (SPECIFY IN NARI	5
TREEDWN	TREE DOWN	6
TRES	TRESPASSING SUSPECT	102
UNAUTHVEH	UNAUTHORIZED USE VEHICLE	12
UNCONC-EMD	UNCONCIOUS / FAINTING OR NEAR	27
UNKNOWN-EMD	UNKNOWN PROBLEM (MAN DOWN)	4
WARRANT	WARRANT	477
WATER	WATER RELATED PROBLEM	15
WRIT	WRIT OF EXECUTION	8
XRAY	COURTHOUSE X RAY DUTY	2

Report Total: 5446



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: OCTOBER 2, 2012

FIRE SUPPRESSION AND RESCUE ACTIVITY REPORT FOR: SEPTEMBER, 2012

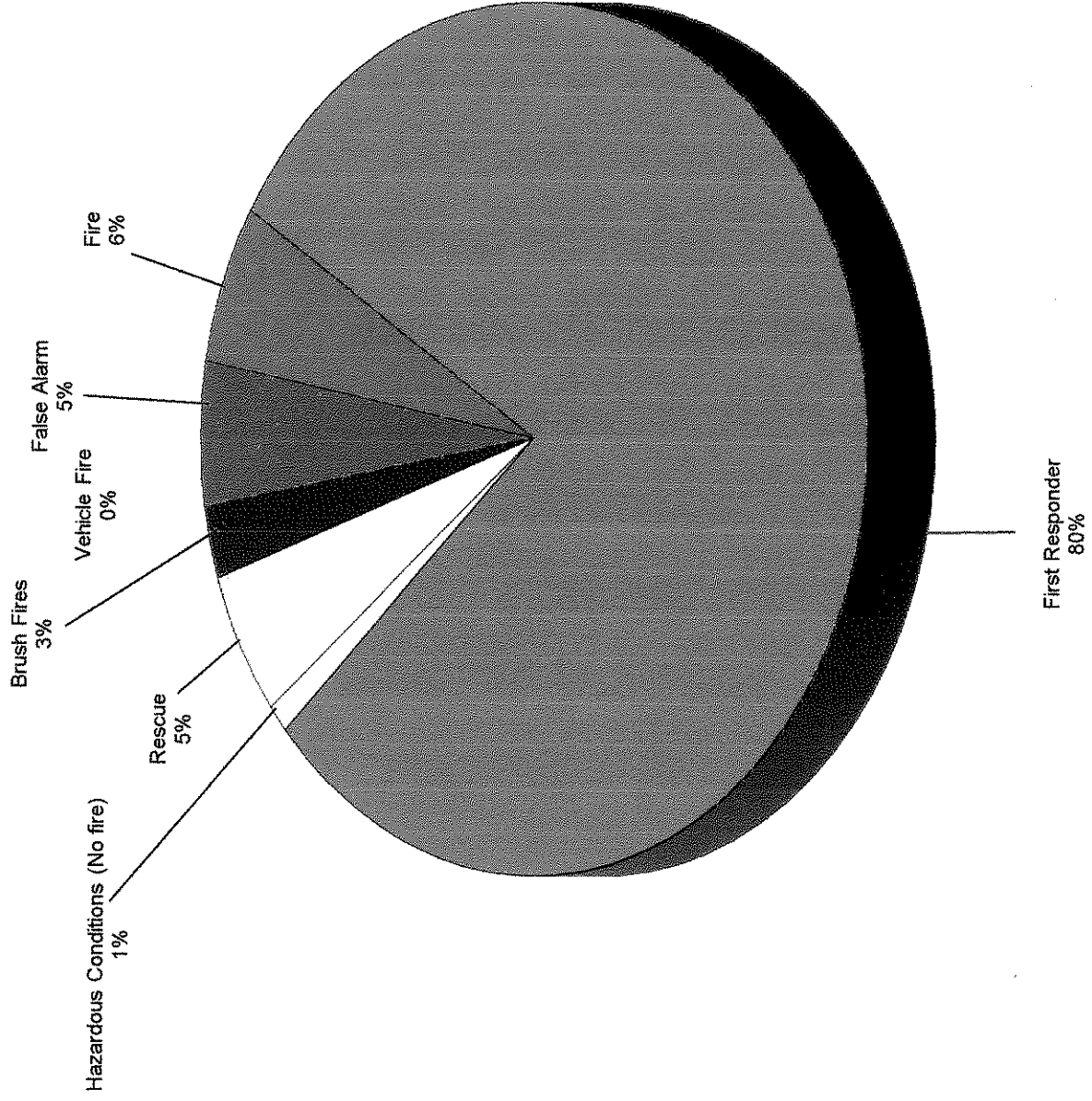
TYPE OF CALL	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
PRIVATE DWELLINGS (1 or 2 Family), Including Mobile Homes	3	4	47
APARTMENTS (3 or More Families)	0	1	8
HOTELS AND MOTELS	0	0	0
ALL OTHER RESIDENTIAL (Dormitories, Boarding Houses, Tents, etc.)	1	0	2
PUBLIC ASSEMBLY (Church, Restaurant, Clubs, etc.)	0	0	4
SCHOOLS AND COLLEGES	0	0	0
HEALTH CARE AND PENAL INSTITUTIONS (Hospitals, Nursing Homes, Prisons, etc.)	1	0	3
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	1	12
FIRES IN HIGHWAY VEHICLES (Autos, Trucks, Buses, etc.)	0	0	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	0	16
FIRES IN RUBBISH, INCLUDING DUMPSTERS (Outside structures), With No Value Involved	5	2	27
ALL OTHER FIRES	1	1	5
RESCUE	10	19	171
FIRST RESPONDER	149	144	1494
FALSE ALARM RESPONSES (Malicious or Unintentional False Calls, Malfunctions, Bomb Scares)	10	25	145
MUTUAL AID OR ASSISTANCE RESPONSES	2	0	10
HAZARDOUS MATERIALS RESPONSES (Spills, Leaks, etc.)	0	1	22
OTHER HAZARDOUS RESPONSES (Arcing wires, Bomb Removal, Power Line Down, etc.)	2	1	27
ALL OTHER RESPONSES (Smoke Scares, Lock-Outs, Animal Rescues, etc.)	2	0	13
TOTALS	187	199	2033

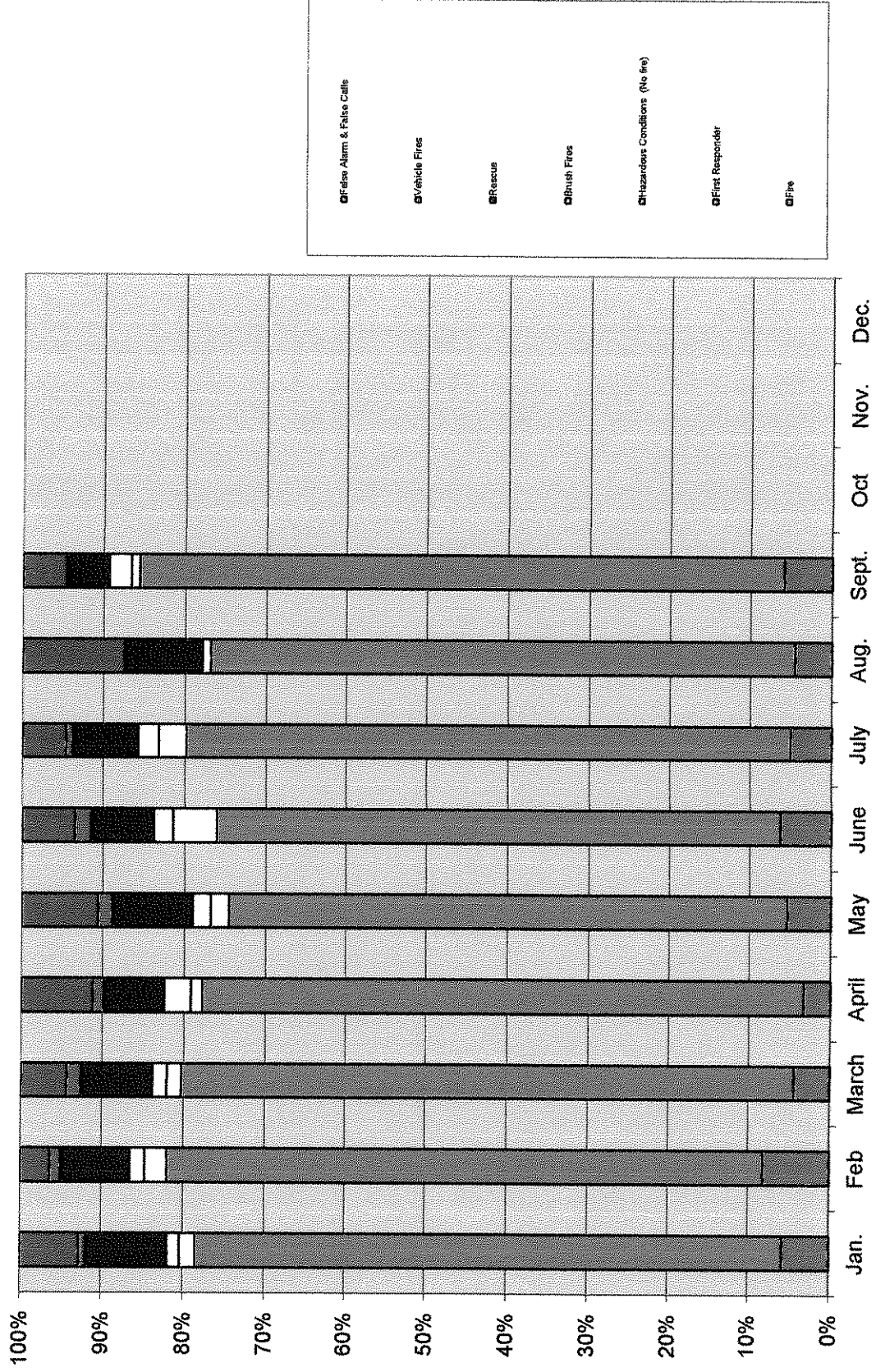
	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
Total Fire Incidents With Property and/or Contents Loss	8	5	68
Total of Property and Contents Value Saved	\$ 123,830.00	\$ 225,300.00	\$ 9,834,001.00

	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 September 2012



YEAR TO DATE SUMMARY BY MONTH FOR 2012



INSPECTION ACTIVITIES REPORT FOR: SEPTEMBER, 2012

INSPECTIONS	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
ASSEMBLY	5	14	63
BUSINESS	3	22	194
EDUCATIONAL	0	2	6
HAZARDOUS	0	0	0
INDUSTRIAL	1	3	7
INSTITUTIONAL	1	0	3
MERCANTILE	3	10	94
RESIDENTIAL	4	1	31
STORAGE	0	1	3
DAY CARE	3	1	15
HOME CARE	0	0	0
FOSTER CARE	0	4	15
VACANT	1	0	28
TOTALS	21	58	459

	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
CODE VIOLATIONS	74	66	718
FOLLOW UP INSPECTIONS	17	17	144

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	10				85
Smoke Alarms Installed	4	7	1	5	8	4	6	0	5				40
Batteries Installed in Smoke Alarms	6	4	8	11	5	4	10	8	10				66
Fire Extinguisher Classes	0	0	0	0	0	1	0	2	3				6
School / Daycare Presentations	3	1	2	1	2	3	4	2	4				22
Community / Civic Group Presentations	3	1	0	1	3	1	2	3	1				15
Station Tours	2	0	5	1	2	3	4	0	3				20
Total Participants in Fire & Life Safety Programs	200	50	150	400	500	350	450	400	600				3100
Community / Business Displays	0	0	0	4	1	2	1	1	1				10
Child Safety Seat Clinics	0	0	1	0	0	1	0	0	1				3
Child Safety Seats Inspected	8	11	7	20	10	6	9	15	5				91
Child Safety Seats Distributed	2	4	0	5	0	1	4	2	0				18

MONTHLY CITATION REPORT FOR THE MONTH OF: September 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		1		4	66
Walgreens					0
TOTALS	0	1	0	4	68

TRAINING DIVISION PRODUCTIVITY - SEPTEMBER 2012

Henderson Fire Department

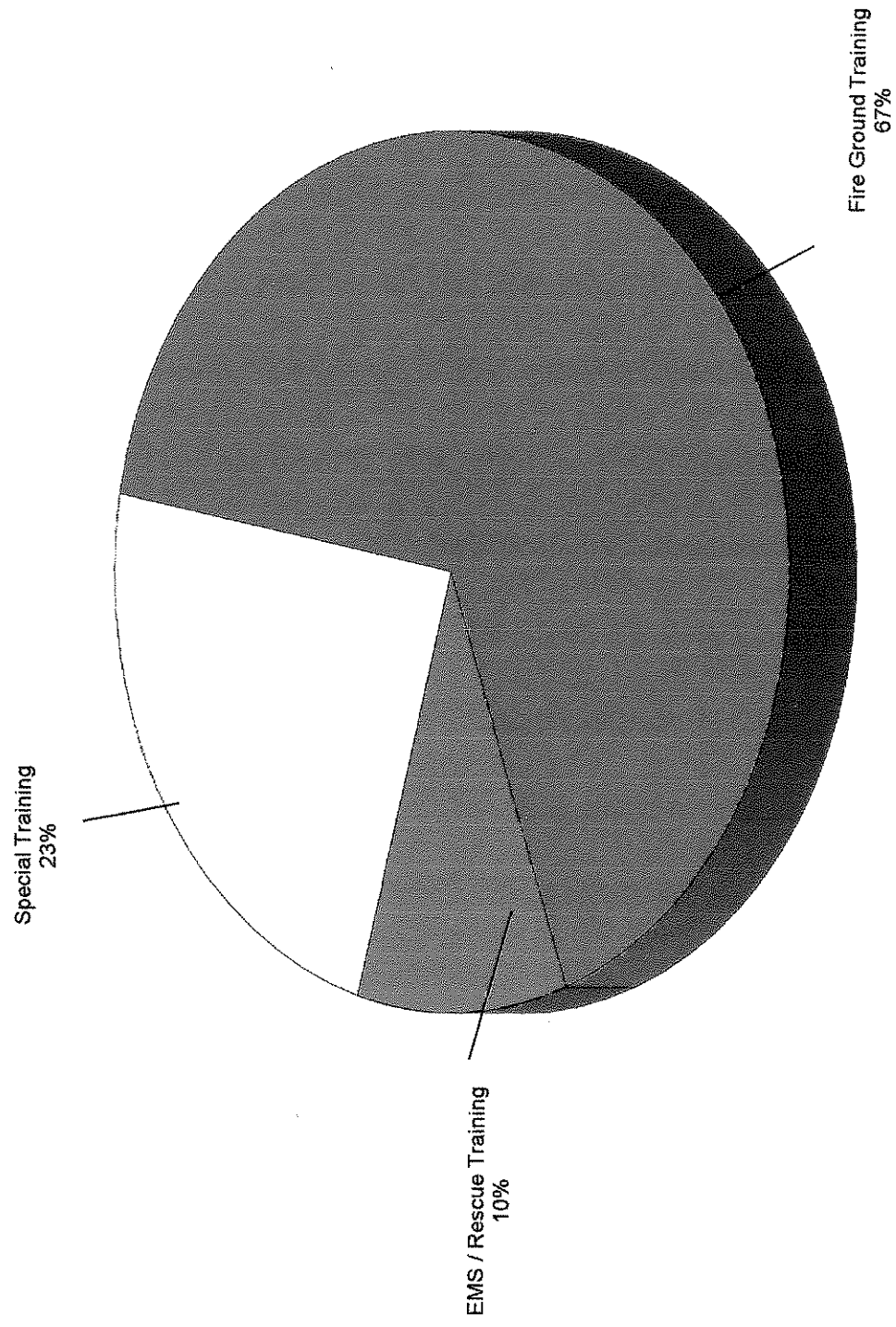
Types of Courses Taught	Course Hours Taught	Man-hours of Training
Fire Ground Training	105	816
EMS / Rescue Training	12	124
Special Training	30	286

Totals	147	1226
--------	-----	------

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

YEAR - TO - DATE TOTAL	1412.3	10757.8
------------------------	--------	---------

Training Hours by Category - September 2012



Fire Department Regulatory Compliance

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



PROCLAMATION 12-23

A PROCLAMATION of the Mayor and City Council of the
City of Henderson, North Carolina, honoring
National Chiropractic Health Month

WHEREAS, Doctors of Chiropractic (DCs) are health care providers who focus on the whole person and have particular expertise in the prevention and care of musculoskeletal injuries ; *and*

WHEREAS, musculoskeletal injuries in general are one of the biggest health and safety problems in America today, with back pain alone contributing to more than \$50 billion in health care costs yearly; *and*

WHEREAS, doctors of chiropractic are trained to work with musculoskeletal injuries in any phase, addressing the problem at the source and often helping patients avoid the need for drugs and surgery; *and*

WHEREAS, doctors of chiropractic instruct patients on proper conditioning and warm-up and cool-down procedures, as well as appropriate safety equipment, which can substantially reduce injuries; *and*

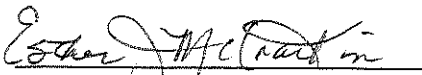
WHEREAS, doctors of chiropractic are recognized worldwide for their health and wellness enhancing and injury-prevention services, which are valued in particular by athletes in high school, college and professional sports who must perform at optimal levels; *and*

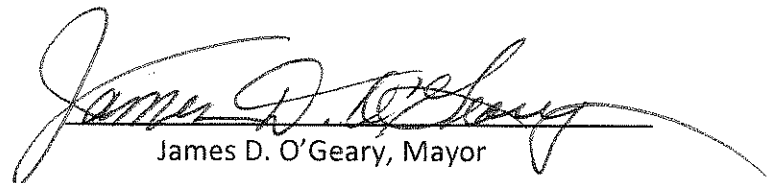
WHEREAS, millions of regular patients benefit from the same chiropractic services as elite athletes and also are able to optimize function in their work and personal lives with the help of their local doctor of chiropractic; *and*

WHEREAS, National Chiropractic Health Month each October serves as a reminder of all citizens of Henderson, North Carolina that they too can *Find Their Game* and perform at their best with the expert care and services provided by doctors of chiropractic.

NOW THEREFORE, BE IT RESOLVED that I, **JAMES D. O'GEARY**, Mayor of the City of Henderson, North Carolina, do hereby proclaim October 2012 as *National Chiropractic Health Month*.

Attest:


Esther J. McCrackin, City Clerk


James D. O'Geary, Mayor