



AGENDA

Henderson City Council Regular Meeting

Monday, 14 January 2013, 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) 10 December 2012 Regular Meeting [See Notebook Tab 1]

VII. PUBLIC COMMENT PERIOD ON AGENDA ITEMS

Citizens may only speak on 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, 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

a) Consideration of Approval of Ordinance 13-02, Providing That Electronic Gaming Operations May Be Located Near Professional Training Schools for Adults. (CAF 13-03) [See Notebook Tab 2]

- Public Hearing
- Ordinance 13-02

VIII. PUBLIC COMMENT ON AGENDA ITEMS

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

IX. NEW BUSINESS

a) Consideration of Approval of Resolution 13-09, Authorizing Bid Award for the Henderson Water Reclamation Facility Project to Devere Construction Company, Inc., in the Amount of \$15,519,000, and 2) Ordinance 13-08, FY 13 Budget Amendment #22, Authorizing Additional Funds to the Henderson Water Reclamation Facility Project. (CAF 13-12) [See Notebook Tab 3]

- Resolution 13-09
- Ordinance 13-08

b) Consideration of Approval of 1) Ordinance 13-07, FY 12-13 Budget Amendment #21, Amending Fund 73: Economic Development Capital Reserve Fund; and 2) Resolution 13-07, Authorizing an Amendment to the Capital Reserves Economic Development Fund Increasing City's Share of Funding for Thermo King Water Line Project, EDP Prospect 12-2. (CAF 13-10) [See Notebook Tab 4]

- Ordinance 13-07
- Resolution 13-07

X. CONSENT AGENDA

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

- a)** Consideration of Approval of Resolution 13-06, Supporting the 2013-2015 Funding for the Clean Water Management Trust Fund (CWMTF). (CAF 13-08) [See Notebook Tab 5]
 - Resolution 13-06
- b)** Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of November 2012. (CAF 13-04) [See Notebook Tab 6]

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

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

XI. REPORTS

- a)** Mayor/Mayor Pro-Tem
- b)** City Manager
 - i. Promissory Note for Sanitary Sewer Project. (CM 13-02) [See Notebook Tab 7]
- c)** City Attorney
- d)** City Clerk
 - i. Calendar Notes and Schedule Update [See Notebook Tab 8]
 - ii. Various Departmental Reports
 - a) Henderson Fire Department

XIII. ADJOURNMENT

³ **Citizen Comment Guidelines**

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

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

City Council Minutes--DRAFT

Regular Meeting

10 December 2012

PRESENT

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

ABSENT

Council Member James C. Kearney, Sr.

STAFF PRESENT

City Manager Ray Griffin, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Human Resources Director Cathy Brown, Code Compliance Director Corey Williams, Planning and Community Development Director Erris Dunston, Police Chief Keith Sidwell, Engineering Director Peter Sokalski, Kerr Lake Regional Water Plant Director Christy Lipscomb and Fiscal Compliance Officer, Edna Vaught.

CALL TO ORDER

The 10 December 2012 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:01 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

Mayor O'Geary welcomed everyone and added Attorney Mike Satterwhite is present due to a death in City Attorney John Zollicoffer's family.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin advised there is one add-on item: *Consideration of Approval of Resolution 12-155, Declaring that Voluntary Conservation Conditions Exist and that Customers are Encouraged to Implement*

Voluntary Conservation Measures in Accordance with Chapter 15B of the Water Shortage Response Ordinance. Council Member Daeke moved to accept the adjusted Agenda. Motion seconded by Council Member Peace-Jenkins and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Peace-Jenkins asked that a technical correction be made on the 26 November 2012 Regular Short Meeting minutes. Council Member Peace-Jenkins moved to accept the adjusted minutes for 26 November 2012 Short Regular Meeting and the 26 November 2012 Work Session minutes as presented. Motion seconded by Council Member Daye and unanimously approved. *(Clerk's Note: This correction was made as requested)*

(Clerk's Note: Council Member Rainey arrived at 6:06 p.m.)

PRESENTATIONS & RECOGNITIONS

Mayor O'Geary asked Human Resources Director Cathy Brown to explain the City Academy format. Ms. Brown said the Academy idea came about in 2010 and is part of the City's Strategic Plan. The Academy provides training for all employees in the area of career development and supervision in an effort to improve the work force quality. Completion of the Academy involves six (6) modules and at least two (2) hours over a period of no less than nine (9) months.

The Mayor then presented Edna Vaught, Fiscal Compliance Officer, a Certificate of Completion and congratulated her on being the first graduate of the Academy.

PUBLIC HEARING

Exempting Certain Handicap Ramps from the Zoning Setback. *(Reference: CAF 12-143; Ordinance 12-80)*

City Manager Griffin asked Planning and Community Development Director Erris Dunston to present the Planning Board's recommendation. Ms. Dunston said the Planning Board unanimously voted to recommend a small ordinance change which will allow exempting handicap ramps from having to meet zoning setbacks. There are problems across town with people needing handicap ramps where the housing lots are either too small or non-conforming and very difficult to stay within the required setbacks. The change is just for temporary use and is designed so that once there is no longer a handicap need, the ramp must be removed. She said individuals will still be required to have the proper zoning and building permits but this would remove the need to issue variances.

Council Member Rainey asked if the house/building were to be sold, would the ramp be removed? Ms. Dunston said yes as the need for the ramp would no longer exist. Council Member Daeke asked if the ordinance wording "*all zones*" includes businesses or is this just for residential use only? He did not see a temporary situation if it includes businesses. She responded if it is a permanent structure it has to meet the setbacks and explained this is for

temporary situations. Mr. Daeke asked for a definition of temporary. Ms. Dunston gave the example of a person with a broken leg. It was determined this ordinance is driven by the individual need not public. Mr. Rainey then asked if home businesses are required by ADA to have ramps. Ms. Dunston said that is not a temporary situation because it is driven by the use of the property not by the individual. A brief discussion followed regarding ADA requirements for businesses.

Council Member Inscoe said if it is a home business, it converts to the ADA regulations and the State building codes. City Manager Griffin said the ordinance does not speak to residential only. Mr. Inscoe then verified through Counsel that if a business is unoccupied for more than twelve (12) months, they are no longer grandfathered in and must meet current ADA requirements.

Mr. Griffin said the primary driver, as Ms. Dunston mentioned, were residential units on the very narrow lots that could not meet the slope requirements without going into the setback areas.

Mayor O'Geary then opened the public hearing by asking if anyone present wished to speak in favor of this exemption. No one came forward so Mayor O'Geary asked if anyone present wished to speak against this exemption. No one came forward.

Mayor O'Geary closed the Public Hearing and asked for the pleasure of Council.

City Manager Griffin suggested the motion amend the ordinance so the temporary ramp exemption is specific for residential purposes only within City limits.

Council Member Coffey moved the approval of Ordinance 12-80, *Exempting Certain Handicap Ramps from the Zoning Setback* with the rewording of residential areas within city limits. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney. (See Ordinance Book 8, p 511)

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

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

OLD BUSINESS

Demolition of 301 Charles Street, Demolition of 309 Charles Street, Demolition of 315 Charles Street and Demolition of 318 Rowland Street. (Reference: CAF 12-91; Ordinances 12-58, 12-59, 12-60 and 12-61)

City Manager Griffin asked Code Compliance Director Corey Williams to give a report of the status of the stipulated items from the 27 August 2012 meeting. He also asked if the property owners, Luis Medina and his wife, Veronica Medina, or an agent for the Medina's was present. Mr. Williams said neither the Medina's nor a representative for the Medina's was present. Mr.

Williams then summarized the work that had or had not been completed on each property. He said he understood the owner has secured Mr. Terry Garrison to sell the properties.

Council Member Coffey asked if any of the properties were occupied. Mr. Williams said no.

Council Member Daeke asked if 318 Rowland Street was in the best overall condition. Mr. Williams said yes. Mr. Daeke also asked if the owner had expressed any plan of action. Mr. Williams said he did not know the owner's strategy. Council Member Daye asked for verification on the deadline set during the August meeting. Mr. Griffin said the ninety-day extension expired today. Council Member Rainey asked for an estimate on the percent of work completed overall. Mr. Williams said he would guess 40%. Council Member Inscoe asked if there had been any further contact with the previous owner. Mr. Williams responded no. Council Member Brown said he was encouraged that Mr. Garrison has been contacted.

Mr. Griffin said Council could either proceed with the demolition order or extend the time for the property to be brought up to code.

Council Members Coffey and Peace-Jenkins felt an effort was being made and would like to see an extension of time. Council Member Rainey agreed but expressed concern that a precedent will be set if the time is extended Council Member Inscoe inquired of Counsel if the order is to proceed and the owner receives an offer, does Council need to reverse the ordinance. Attorney Satterwhite said there would have to be a release from the demolition order if the property was to be sold. He stated financing could not be obtained if a demolition order exists.

Mr. Williams shared a *lis pendens* already exists on all four properties so they would already be flagged.

Council Member Brown said he liked the fact that the owner has been in contact and that with two realtors involved (Mr. Blackburn and Mr. Garrison) he would like to see a 90 day extension. He said he did not like the fact that only 40% of the work has been completed overall and did not want to condemn all four properties if one was more complete than the others.

Council Member Daeke remembered Mr. Blackburn saying they would begin marketing the properties immediately and asked when the properties were placed on the market or if they have been place on the market. The only thing Mr. Williams could add was he knew there was an issue with the realtor the owner originally wanted to use and had not seen any listings.

Mayor O'Geary then asked for the pleasure of Council.

Council Member Coffey moved granting a 90-day extension would not cause any problems since the City does not have the monies to demolish them immediately. Council Member Peace-Jenkins seconded this motion. Mr. Griffin then requested clarification of Ms. Coffey's motion by saying the motion would allow for another 90 days as articulated in Resolution 12-75, 12-76, 12-77, and 12-78 and that conditions A through I of the *Agreement To Stay* (see below) are expected to be completed at the end of the 90-day extension and the City Attorney is directed to draft the *Agreement To Stay* for each of the four (4) properties to incorporate the essence of this

motion. Ms. Coffey agreed to this amendment to her motion. Motion was seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney.

- a. Maintain the lawns and remove any trash or debris two (2) times within a month hereafter, and
- b. Re-secure all windows and doors, preventing vagrants from entering the structures, with boards that are cut to fit the opening and paint all boards within the first 30 days hereafter, and
- c. Remove burnt sheds behind the properties within the first forty-five (45) days hereafter, and
- d. Within the first forty **(40)** days, the Owners shall repair/replace all defective existing foundation (piers, sills, guides), clean and remove any debris and public nuisances (trash, overgrowth) on the Property as required (*according to Code Compliance Department specification*) and
- e. Within fifty **(50)** days hereafter, the Owners shall complete repair of all defective roof framing, roof sheathing and felt, flashing, boxing, fascias, permanent roof and chimney; and
- f. Within sixty **(60)** days hereafter, the Owners shall complete all required repairs to the outside windows and doors, siding and/or brick veneer, porches, exterior trim and exterior paint (prime);
- g. Within seventy **(70)** days hereafter, the Owners shall complete any required rough-in plumbing, rough in wiring, rough-in heating/cooling ductwork
- h. Within eighty **(80)** days hereafter, the Owners shall complete all required repairs to the insulation (floors, walls & ceilings) interior walls, floors and ceilings (sheetrock/paneling impervious flooring in kitchen and bath room areas), interior paint (prime);
- i. By **March 11, 2013** (ninety **(90)** after the date of this Agreement), the Owners shall complete all required repairs to the bathroom finishes, plumbing (baths and kitchen), water heater, interior paint (including fixtures & trim) and exterior paint. (Accessory building has no plumbing or electricity.)

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

City Manager Griffin asked Human Resources Director Cathy Brown to come forward and summarize these changes. Ms. Brown summarized the amendment by saying the proposed changes are based on voluntary leaving and that working a two week notice aided in the

transition for both the city and citizens. The change also discourages payout if employees are a no-show.

With no further discussion, Mayor O'Geary asked for the pleasure of Council.

Council Member Rainey moved the approval of Resolution 12-82, *Amendments to City Administrative Policy 4.13, The Pay Plan and 10.01, Types of Separation*. Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye and Coffey. NO: None. ABSTAIN: None. ABSENT: Kearney. (See Resolution Book 3, p. 59)

NEW BUSINESS

Acceptance of a Clean Water State Revolving Loan Fund in the Amount of \$16,615,000 for Improvements at the Henderson Water Reclamation Facility. (Reference: CAF 12-149; Resolution 12-98)

City Manager Griffin said this is certainly a *red letter day* and complimented Assistant City Manager Frank Frazier, Henderson Water Reclamation Facility Director Tom Spain, staff and McGill Associates for finding these dollars. He said he is proud of them all and then asked Mr. Frazier to come to the podium. Mr. Frazier said due to a short turnaround time, it is important that Council know that the bids will be opened on 20 December 2012. Mr. Frazier said interest in the project has been good and he anticipates receiving good bids for consideration. On 29 November 2012 the City received notification that the application was approved in the amount of \$16,615,000 with \$1,000,000 in principal forgiveness. This loan is for twenty (20) years at 0% interest. Mr. Frazier said over the period of the loan this is over \$4M in savings, say nothing about the anticipated interest rate of 2.45%. He also mentioned the \$600,000 received from the Clean Water Management Trust Fund will help move this project forward.

Although there was no discussion, everyone was pleased with the 0% interest. Mayor O'Geary then asked for the pleasure of Council.

Council Member Inscoe moved the approval of Resolution 12-98, *Acceptance of a Clean Water Management Trust Fund (CWMTF) Grant in the Amount of \$16,615,000 for Improvements at the Henderson Water Reclamation Facility*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Brown, Daye, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Kearney. (See; Resolution Book 3, p 91)

Setting Forth a Policy Position on the Exposure of Wearing Sagging Pants as to Expose Their Underwear. (CAF 12-146; Resolution 12-96)

City Manager Griffin said during the 8 October 2012 meeting a citizen spoke on the issue of public respect and requested Council to address the issue of individuals wearing *low pants*. The citizen felt low pants was indecent, morally offensive and disrespectful. After consulting with the City Attorney, this resolution has been created to request the General Assembly to review

this practice and consider enabling local governments/municipalities to enact ordinances prohibiting the same.

There were no further comments. Mayor O'Geary asked for the pleasure of Council.

Council Member Coffey moved the approval of Resolution 12-96, *Setting Forth a Policy Position on the Exposure of Wearing Sagging Pants as to Expose Their Underwear*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Brown, Daye, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: Kearney. (See Resolution Book 3, p. 87)

Providing Additional Penalties for Displaying Wares on Streets or Sidewalks. (Reference: CAF 12-B-15; Ordinance 12-A-36)

City Manager Griffin asked Police Chief Keith Sidwell to speak to Council on this issue. Chief Sidwell said after being asked to enforce the existing ordinance, he realized the ordinance did not contain the substance needed for enforcement. He met with City Attorney Zollicoffer who drafted the enforceable ordinance before Council this evening. Chief Sidwell said he has provided a copy to downtown merchants. He also said the police officers will use common sense and talk with merchants before enforcing the penalty.

Council Member Inscoe asked about buildings with "inserts" (meaning entryways). Chief Sidwell said that did not create a problem but items being displayed on the sidewalks (egress/ingress) was the issue.

Council Member Coffey asked if the fine should be increased by offense. Attorney Satterwhite said the ordinance could be rewritten but continued offenders would face a criminal violation.

Council Member Brown asked if cement areas adjacent to businesses would be affected, thinking about the Salvation Army. Chief Sidwell said yes since it is on public property.

There was no further discussion. Mayor O'Geary then asked for Council's pleasure.

Council Member Peace-Jenkins moved the approval of Ordinance 12-A-36, *Providing Additional Penalties for Displaying Wares on Streets or Sidewalks*. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Daeke, Brown, Daye, Coffey, Inscoe, Rainey and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: Kearney. (See Ordinance Book 8, p.423-A)

Articulating the City of Henderson's Top State Legislative Goals for the 2013 Legislative Session. (Reference: CAF 12-154; Resolution 12-102)

City Manager Griffin said the Mayor received a request from Representative-Elect Nathan Baskerville to identify the top three legislative priorities of the City for him to carry to the 2013 General Assembly session. The top three being brought to Council tonight are: Hold Harmless

Reimbursement, Moped legislation and hotel occupancy tax. Mr. Griffin asked if Council wished to add/delete or make any changes.

Council Member Coffey definitely asked for mopeds to remain as a priority. Council Member Inscoe asked that incentives for job creation be added. Council Member Daeke felt Hold Harmless was important as it would provide dollars to the City. Mr. Griffin then asked if Council wished to prioritize the list.

Council Member Peace-Jenkins felt they were all important. Ultimately, it was decided to leave the prioritization up to the Mayor and City Manager.

Mayor O'Geary then asked for the pleasure of Council.

Council Member Coffey moved the approval of Resolution 12-102, *Articulating the City of Henderson's top State Legislative Goals for the 2013 Legislative Session* with the inclusion of the state incentives for job creation. Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Brown, Daye, Coffey, Inscoe, Rainey, Peace-Jenkins and Daeke. NO: None. ABSTAIN: None. ABSENT: Kearney. (See Resolution Book 3, p. 99)

Providing for the Disposition of Certain Jointly Held Property by the City and County Otherwise Identified as One Acre Tract Adjacent to South Bound Interstate 85, Vance County Tax Parcel 0106 01009.(Reference: CAF 12-153; Resolution 12-101)

City Manager Griffin asked Code Compliance Director Corey Williams to update Council. Mr. Williams said there is an interested buyer in this parcel which is owned by both the City and County and the Tax Collector has asked the City for its portion so the sale of the property can go forward.

Council Member Inscoe asked if this agreement would be the same as prior agreements with the City receiving its portion of the taxes due. Mr. Griffin said yes; this agreement is similar to prior inter-local agreements and continued by saying the City/County Attorneys continue to work on an agreement so future sales will not need to come before Council.

Council Member Daeke inquired about the assessed value due to the proximity to I-85. Council Member Inscoe said access is very limited. Mr. Williams said he was not certain about the assessed value.

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

Council Member Rainey moved the approval of Resolution 12-101 *Providing for the Disposition of Certain Jointly Held Property by the City and County Otherwise Identified as One Acre Tract Adjacent to South Bound Interstate 85, Vance County Tax Parcel 0106 01009.* Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Daye, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke and Brown. NO: None. ABSTAIN: None. ABSENT: Kearney. (See Resolution Book 3, p. 97)

Consideration of Approval of Resolution 12-103, Declaring that Voluntary Conservation Conditions Exist and that Customers are Encouraged to Implement Voluntary Conservation Measures in Accordance with Chapter 15B of the Water Shortage Response Ordinance. (Reference: CAF12-155; Resolution 12-103)

City Manager Griffin said the Regional Water Board met this morning and asked Kerr Lake Regional Water Director Christy Lipscomb to present this item. Ms. Lipscomb said there was a press release from the Army Corp of Engineers last week regarding the water level status and stating mild to moderate rainfall is expected through the Spring. She said the lake level is currently at 292.35 feet and when the lake falls below 294 feet voluntary conservation measures are requested. She went on to say when the lake reaches 289 feet, there will be mandatory restrictions and since the lake level fell a foot in one week, further restrictions will probably come soon.

City Manager Griffin asked Council to look at the map that was distributed to help them understand where the lake water comes from saying lots of rain is needed in Southwest Virginia and the Northern Piedmont of North Carolina. He felt this would help citizens understand why rains in this immediate area are not as helpful as it would seem.

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

Council Member Inscoe moved the approval of Resolution 12-103, *Declaring that Voluntary Conservation Conditions Exist and that Customers are Encouraged to Implement Voluntary Conservation Measures in Accordance with Chapter 15B of the Water Shortage Response Ordinance*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney. (See Resolution Book 3, p. 101)

CONSENT AGENDA

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

- a) Authorizing the Donation of Four (4) Obsolete Kustom Signal K-55 RADAR Units to the NC Department of Justice Speed Measuring Device Program.** These units are outdated and the department's vehicles have been updated with new equipment. (Reference: CAF 12-140; Resolution 12-93) (See Resolution Book 3, p 81)
- b) Handicap Parking and Loading/Unloading Zone on Alexander Avenue.** The Salvation Army requested three (3) handicap parking spaces as well as a loading/unloading zone on Alexander Avenue for use on Sunday only. The installation of the handicap ramp is anticipated to cost approximately \$200 for materials with the City workforce performing the work. (Reference: CAF 12-147; Ordinance 12-82)

c) **FY 13 Budget Amendment #20, Requesting Additional Demolition Funds for Code Compliance Department.** The Sanitation fee was increased by \$0.50 in order to generate an additional \$30,000. These funds were allocated to the Non-Departmental account and this transfers the funds to the Code Compliance Department for demolition. (*Reference: CAF 12-148; Ordinance 12-83*)

d) **Approval of Tax Releases and Refunds from Vance County for the month of October 2012.** (See listing on following page.) (*Reference: CAF 12-134*)

DRAFT - SUBJECT TO CHANGE

October 2012 Tax Releases			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Alston, Jo Ann L	Remove Late List	2012	\$ 5.70
Boys & Girls Club	Correct Exemption	2012	\$ 2,739.91
Carolina Power & Light	State Assessed	2012	\$ 5,145.01
Clearview Baptist	Religious Exemption	2012	\$ 637.76
Davis, Herman		2012	\$ (284.08)
Edwards, Elizabeth		2012	\$ 912.60
First Citizens Bank	Correct Value	2012	\$ 296.19
Gamage, Lennie		2012	\$ (35.60)
Graichen, Bettina C.	Real Property	2012	\$ 409.50
HKMCT Properties, LLC	Correct Value	2012	\$ 289.11
Labargo, John P		2012	\$ (912.60)
Livingstone Christian Church	Correct Value	2012	\$ 229.32
Parrott, James A. Jr.		2012	\$ 284.08
Perry, B. H. Jr.	Government	2012	\$ 638.05
Riddle, Tommy D	Correct Value	2012	\$ 13.10
Spargo, J. Mark		2012	\$ (35.60)
Total Releases/R & P Prop			\$ 10,332.45
Registered Vehicles			
Refunds			
Abbott, Wade Thomas	Correct Situs	2011	\$ 68.61
Closs, Bernard Darryl	Pro-Rate	2011	\$ 7.12
Fajri, Angela Marie	Pro-Rate	2011	\$ 1.85
Hargrove, Stacy Dannel	Pro-Rate	2011	\$ 1.34
Yancey, Vivian Cox	Pro-Rate	2011	\$ 3.01
Baines, James Lacurtis	Pro-Rate	2012	\$ 4.39
Baker, Blanche Venable	Pro-Rate	2012	\$ 4.44
Burroughs, Edward Thom	Pro-Rate	2012	\$ 8.89
Douglas, Tinesha Ament	Pro-Rate	2012	\$ 6.18
Howard Squared Organization	Pro-Rate	2012	\$ 7.40
Total Refunds			\$ 113.23
Page 1 Sub Total			\$ 10,445.68

October 2012 Tax Releases Continued			
Name	Reason	Tax Year	Amount
Registered Vehicles			
Releases			
Bakhit, Merzek Abdou	Pro-Rate	2011	\$ 13.28
Barbour, Robert McGee	Pro-Rate	2011	\$ 5.16
Daye, Marind Davis	Pro-Rate	2011	\$ 2.45
Hargrove, Felicia Anto	Pro-Rate	2011	\$ 4.29
Jiggetts, Esther Mitch	Pro-Rate	2011	\$ 20.65
JMFSFT LLC	Pro-Rate	2011	\$ 170.82
Jones, Brian Keith	Pro-Rate	2011	\$ 55.54
Kamel, Wael Magdi	Pro-Rate	2011	\$ 5.75
Littlejohn, Jacqueline	Pro-Rate	2011	\$ 10.99
Nicholas, Rhunette	Reg Vehicle Billed	2011	\$ 17.02
Ragland, Patricia Batt	Pro-Rate	2011	\$ 5.71
Smith, Monica Renea	Pro-Rate	2011	\$ 14.65
Sneed, Katina	Pro-Rate	2011	\$ 2.04
Taylor, Bridget Arlene	Pro-Rate	2011	\$ 5.03
Taylor, Celestine Kear	Pro-Rate	2011	\$ 5.73
Terry, Angie Deanna	Pro-Rate	2011	\$ 5.15
Williams, Roosevelt	Pro-Rate	2011	\$ 17.68
Williams, Theodous Lew		2011	\$ (7.72)
Wilson, Yolanda Rochel	Correct Ownership	2011	\$ 17.72
Woodard, Thomas Marion	Pro-Rate	2011	\$ 1.97
Yance, Ellaweed Scoot	Pro-Rate	2011	\$ 2.46
Abbott's Excavation C	Correct Situs	2012	\$ 41.32
Allgood, Sandra Kay	Correct Situs	2012	\$ 25.97
Branch Exterminating	Correct Situs	2012	\$ 262.48
Burch, Cathy Lassiter	Reg Vehicle Billed	2012	\$ 85.35
Carter Raymond Fredri	Correct Situs	2012	\$ 29.13
Carter Richard Henry	Correct Situs	2012	\$ 41.53
Dean, Tom McKeever	Pro-Rate	2012	\$ 41.34
Evans, Walter Leon	Pro-Rate	2012	\$ 8.37
Galloway, Eliza Burwell	Pro-Rate	2012	\$ 9.40
Gutierrez-Cruz, Jose A	Pro-Rate	2012	\$ 6.25
Johnson, Ojialah Nicho	Pro-Rate	2012	\$ 29.45
Kamel, Wael Magdi	Pro-Rate	2012	\$ 10.14
Page 2 Sub Total			\$ 967.10

October 2012 Tax Releases Continued			
Name	Reason	Tax Year	Amount
Reg. Veh Releases Cont'd			
Lesher, Jonathan Russ	Transfer Out	2012	\$ 54.81
Mitchell Deliah	Pro-Rate	2012	\$ 14.20
Molina, Mario Alberto	Pro-Rate	2012	\$ 13.92
Nelson, Beverly Denise	Reg Vehicle Billed	2012	\$ 29.89
Nicholas, Rhunette	Reg Vehicle Billed	2012	\$ 50.01
Parrott, Amos Dean Jr.	Pro-Rate	2012	\$ 19.83
Paynter, Donald Ray	Reg Vehicle Billed	2012	\$ 49.37
Pergerson, Marion Lynn	Pro-Rate	2012	\$ 62.59
Perry, Marie Perry	Reg Vehicle Billed	2012	\$ 89.27
Saleh, Fayez Mohamed	Pro-Rate	2012	\$ 25.97
Shukair Rand Adnan	Correct Situs	2012	\$ 27.14
Smith, Monica Renea	Pro-Rate	2012	\$ 19.22
Sneed, Abraham	Correct Value	2012	\$ 1.97
Stancil, Sandra Ellis	Pro-Rate	2012	\$ 84.64
Terry, Angie Deanna	Pers Prop Billed	2012	\$ 14.48
Walton, Charles Edward	Pro-Rate	2012	\$ 18.18
Yancey, Joette Tart	Correct Value	2012	\$ 10.75
Page 3 Sub Total			\$ 586.24
Total Reg Veh Releases			\$ 1,553.34
Total Reg Veh Releases			
& Refunds			\$ 1,666.57
Total All Release & Refunds			\$ 11,999.02

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

Council Member Rainey moved the approval of the Consent Agenda as presented. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Coffey, Inscoc, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised no citizen wished to address City Council.

WORK SESSION

Upgrading and/or Widening Bridgers/Mill and Pinkston/Boddie Streets. (CM 12-15)

City Manager Griffin said Council Member Brown recently requested estimates for improving three streets in Northwest Henderson. He then asked Peter Sokalski, Engineering Director, to provide an overview of the necessary work costs for these streets. Mr. Sokalski gave a brief synopsis of the estimated costs for improving these streets and what needed to be done to improve them. Mr. Brown thanks the City Manager and City Engineer for developing this information

There was no discussion.

REPORTS

a) Mayor/Mayor Pro-Tem

Mayor Pro-Tem Rainey said he enjoyed the Employee Luncheon and thanked all involved.

b) City Manager

Declaration and Disposition of Surplus Property (CM 12-16)

Mr. Griffin said this memo was for informational purposes and if Council had any questions, he would be glad to respond. **Attachment A** is a listing of the surplus property.

Mr. Griffin thanked Council on behalf of the entire staff for the Employee Luncheon saying it was due to Council's generosity. He also thanked Council for the holiday bonus and said many employees had mentioned their appreciation.

Lastly, he wished Council a very Merry Christmas

c) City Attorney (No Report)

d) City Clerk

Ms. McCrackin reminded Council of the Strategic Planning meeting January 23rd; the Annual Chamber Banquet January 30th and said the League Advocacy Conference is in January. No funds were set aside to attend but if anyone was interested they should let Ms. McCrackin know.

Mayor O'Geary asked if there were any further items for discussion. He then asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Coffey moved for adjournment. Motion seconded by Council Member Daeke and unanimously approved. The meeting adjourned at 7:20 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk

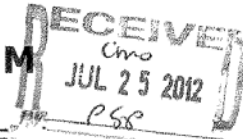
DRAFT - SUBJECT TO CHANGE



MEMORANDUM

OFFICE OF THE CHIEF

Keith L. Sidwell
Henderson Police Department



To : Ray Griffin Jr., City Manager
From : Keith L. Sidwell, Chief of Police
Date : July 24, 2012
Re : Disposition of Police Department Property

Please find attached copies of City of Henderson Fixed Asset/Property Control System forms that we will be forwarding to the Finance Office regarding the status of certain radio property of the Police Department.

All of these radios are not able to be reprogrammed under the upcoming 2013 "Narrow Band-width" guidelines from the Federal Communications Commission (FCC). As we discussed earlier this will render them useless for sale as surplus. Also, each of the radios still has the old radio channels for the Police Department, Sheriff's Office and other agencies from this region programmed into them and it would not be worth the cost to have Granville Communications erase these frequencies.

Since these items are not suitable for sale as surplus equipment by the City I am requesting to dispose of them as recyclable electronics by having them taken to the Granville Communications which is a designated vendor to ship old radios to Motorola to have them recycled and properly disposed of at no cost.

CC: Captain P.L. Twisdale
Lt. M.L. Perry

Dr

Type	Model	Asset #	Serial #	Date Discarded
Laptop	Compaq Presario		2V19JC27059L	7/24/2012
Desktop	Dell DHP		HL1B321	7/24/2012
Desktop	HP Pavilion 500		KP22512766	7/24/2012
Computer	E-Machine W3107		CCA5C50030101	7/24/2012
Computer	HP Pavilion 500		MXM348024S	7/24/2012
Desktop	Compaq Presario		CNN50803N2	7/24/2012
Desktop	CTJ2m51		CTJ2M51	7/24/2012
Laptop	Panasonic CF-27	B1668	1HK5A11139	7/24/2012
Laptop	Panasonic CF-27	B1669	1HK5A11445	7/24/2012
Mobile Radio	Motorola GM300	B1061	778T5QC974	7/24/2012
Mobile Radio	Motorola GM300	B1062	778T5QC984	7/24/2012
Mobile Radio	Motorola GM300	B1344	159TXUK160	7/24/2012
Mobile Radio	Motorola GM300	B1341	159TXUF156	7/24/2012
Mobile Radio	Motorola GM300	B1564	159TAQ1318	7/24/2012
Mobile Radio	Motorola GM300	B1569	Lost	7/24/2012
Mobile Radio	Motorola GM300	B1565	159TAQ1319	7/24/2012
Mobile Radio	Motorola GM300	B1309	159TTW2322	7/24/2012
Mobile Radio	Motorola SM Radius 120	B1270	682FWQ7285	7/24/2012
Mobile Radio	Motorola GM300	B1310	159TXVF157	7/24/2012
Mobile Radio	Motorola GM300	B1507	15972RA227	7/24/2012
Mobile Radio	Motorola GM 300	B1563	15TAQ1316	7/24/2012
Mobile Radio	Motorola GM 300	B1338	159TXVF103	7/24/2012
Mobile Radio	Motorola GM 300	B1508	159TZRA232	7/24/2012
Mobile Radio	Motorola GM 300	B1441	159TYGF736	7/24/2012
Mobile Radio	Motorola GM 300	B1079	778TTA1444	7/24/2012
Mobile Radio	Motorola GM 300	B1135	159TTW6321	7/24/2012
Mobile Radio	Motorola GM 300	B1340	159TXUF106	7/24/2012
Mobile Radio	Motorola GM 300	B1342	159TXUF157	7/24/2012
Mobile Radio	Motorola GM 300	B1510	159TZ50533	7/24/2012
Mobile Radio	Motorola GM 300	B1467	159TYJH162	7/24/2012
Mobile Radio	Motorola GM 300	B1184	799TVA8126	7/24/2012
Mobile Radio	Motorola GM 300	B1241	159TUY3930	7/24/2012
Mobile Radio	Motorola GM 300	1506	159TZR9617	7/24/2012
Mobile Radio	Motorola GM 300	B1243	159TVY3934	7/24/2012
Mobile Radio	Motorola GM 300	B1136	159TTW6322	7/24/2012
Mobile Radio	Motorola SM Radius 120	B1304	682FXJ2937	7/24/2012
Mobile Radio	Motorola SM Radius 120	B1266	682FWQ7153	7/24/2012
Mobile Radio	Motorola SM Radius 120	B1302	682FXJ2930	7/24/2012
Mobile Radio	Motorola SM Radius 120	B1268	682FWQ7282	7/24/2012
Mobile Radio	Motorola SM Radius 120	B1303	682FXJ2934	7/24/2012
Mobile Radio	Motorola SM Radius 120	B1267	682FWQ7280	7/24/2012
Mobile Radio	Motorola SM Radius 120	B1269	682FWQ7284	7/24/2012

Mobile Radio	Motorola GM 300	B1183	799TVA8116	7/24/2012
Mobile Radio	Motorola GM 300	B1437	159TYGF627	7/24/2012
Mobile Radio	Motorola GM 300	B1182	799TVA7890	7/24/2012
Mobile Radio	Motorola GM 300	B1244	159TVY3935	7/24/2012
Mobile Radio	Motorola GM 300	B1439	159TYGF630	7/24/2012
Mobile Radio	Motorola GM 300	B1469	159TYJH165	7/24/2012
Mobile Radio	Motorola GM 300	B1471	159TYGF738	7/24/2012
Mobile Radio	Motorola GM 300	B1063	778T5QC827	7/24/2012
Mobile Radio	Motorola GM 300	B1242	159TVY3931	7/24/2012
Mobile Radio	Motorola GM 300	B1436	159TYGF626	7/24/2012
Mobile Radio	Motorola GM 300	B1466	159TYGF739	7/24/2012
Mobile Radio	Motorola GM 300	N/A	159TYY5563	7/24/2012
Mobile Radio	Motorola GM 300	N/A	778TSN9895	7/24/2012
Mobile Radio	Motorola GM 300	N/A	159TXL6986	7/24/2012
Mobile Radio	Motorola GM 300	N/A	682FWN9206	7/24/2012
Mobile Radio	Motorola GM 300	N/A	159TXL6989	7/24/2012
Mobile Radio	Motorola GM 300	N/A	159TAQ1335	7/24/2012

City Council Action Form

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



Agenda Item: _____

Council Meeting: 14 Jan 2013 Reg. Meeting

20 December 2012

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

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

RE: CAF: 13-03

Consideration of Approval of Ordinance 13-02, Providing That Electronic Gaming Operations May Be Located Near Professional Training Schools for Adults.

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 Ordinance 13-02, Providing That Electronic Gaming Operations May Be Located Near Professional Training Schools for Adults.

Executive Summary:

A petition was received by the Henderson Planning Board on 27 November 2012 requesting a zoning amendment allowing internet café's to locate within 750 feet of professional training/teaching schools for adults. After reviewing the petition, the Planning Board unanimously voted to approve this change in its last meeting on 3 December 2012. This amendment only applies to schools for adult students.

Enclosures:

1. Ordinance 13-02
2. Planning Board Minutes

ORDINANCE 13-02

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 PROVIDING THAT ELECTRONIC GAMING OPERATIONS CAN BE LOCATED NEAR PROFESSIONAL TRAINING SCHOOLS FOR ADULTS

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

Section 1. That 670B.1 of the Zoning Code (relative to the location of electronic gaming operations) be amended by deleting the words “within 750 hundred (sic) feet of any school or church” and by replacing the same with the words “within 750 feet of any school (excluding professional training/teaching schools for adults) or church”.

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

The foregoing Ordinance 13-02, 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 13-02, An Ordinance Providing That Electronic Gaming Operations Can Be Located Near Professional Training Schools For Adults*, 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



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 December 3, 2012 PLANNING BOARD MEETING

Recommendation for an ordinance providing that electronic gaming operations can be located near professional training schools for adults.

Based on information received by the Planning Department, Jim Crawford (CrawProp, LLC) is requesting to amend Section 670B.1 of the zoning ordinance to allow gaming operations to be located near professional training schools for adults. The item was introduced by Zoning Administrator Sherry Moss. Moss reviewed application and draft of the ordinance. The Planning Board expressed concerns regarding regular and private schools. Moss addressed the board that regular and private schools will not be affected and added that the proposed ordinance will require 750 feet from any school (excluding professional training/teaching schools for adults) or church. Jim Crawford (943-M W. Andrews Avenue, Henderson) was present to speak on behalf of public hearing. Mr. Crawford stated there's a barber school next to an internet café. He wants to move the internet café from the barber school but he couldn't, because he has to be 750 feet away. Mr. Crawford was informed that the ordinance was designed to protect the younger children and the public schools (Pre-K through 12th grade). Mr. Crawford added this amendment would allow internet cafes to be closer to adult training and schools. Mr. Crawford stated that he has a couple of adult training schools in the shopping center; job training and barber school.

There were no oppositions. Public hearing was closed.

Motioned by Jimmie Ayscue to **APPROVE** the recommendation for an ordinance providing that electronic gaming operations can be located near professional training schools for adults; Second by Marguerite Aduze; 5-0 vote; **AYES**: Michael Rainey, Marguerite Anduze, Jimmie Ayscue, Arthur Henderson, and Ricky Easter; **NOES**: None; **ABSENT**: Horace Bullock and Phil Walters

City Council Action Form

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



Agenda Item: _____

Council Meeting: 14 Jan 13 Regular Meeting

2 January 2013

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

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

RE: CAF: 13-12

Consideration of Approval of: 1) Resolution 13-09, Authorizing Bid Award for the Henderson Water Reclamation Facility Project to Devere Construction Company, Inc. in the Amount of \$15,519,000. 2) Ordinance 13-08, FY 13 Budget Amendment #22, Authorizing Additional Funds to the Henderson Water Reclamation Facility Project.

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

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

Recommendation:

- Approval of: 1) Resolution 13-09, Authorizing Bid Award for the Henderson Water Reclamation Facility Project to Devere Construction Company, Inc. in the Amount of \$15,519,000.
- Approval of: 2) Ordinance 13-08, FY 13 Budget Amendment #22, Authorizing Additional Funds to the Henderson Water Reclamation Facility Project.

Executive Summary:

On 10 Dec 2012, the City Council approved acceptance of a State Revolving Loan, via Resolution 12-98, in the amount of \$16,615,000 for improvements to the Henderson Water Reclamation Facility which will provide funding for major improvements to the plan which will simplify treatment processes as well as reduce operational costs.

The Project was formally advertised and six bids were received. Devere Construction Company, Inc. of Alpena Michigan was the low bidder at \$15,459,000. The remainder of the bids are shown in the certified bid tabulation identified as **Attachment "A"** to this CAF. Deduct and add on prices for various pieces of equipment and demolition of existing equipment is also shown on the bid tabulation.

The construction estimate for the project prepared by McGill Associates, after the PER was finished, was \$14,215,000. Even though the bid of \$15,459,000 is \$1,259,000 over the estimate or 8.75%, given the attractive prices of the demolition, it is recommended that alternates 6-9 be added to the project for a total award of \$15,519,000. This will provide funds for the demolition of the existing headworks, existing DAF tank and equipment, demolition of existing clarifiers 3 and 4, and demolition of the existing pure oxygen digesters. The Infrastructure Finance Section will allow up to \$500,000 in additional funds for the project and would not require additional review and/or approval of the Local Government Commission. Therefore, it is recommended that the loan amount be increased by \$500,000 and \$503,350 of Capital Reserve Rate Stabilization Funds be utilized to complete the project budget, The contingency funds remaining would be \$775,950 or 5% of the contract award, which is recommended by the Infrastructure Finance Section. These funds would not be utilized without council authorization. In the event that the contingency funds are not needed, the Capital Reserve Rate Stabilization funding could be restored at the end of the project.

There are some minor items that are being looked at with the construction for possible small savings but nothing substantial to bring the overall cost of the project cost closer to pre-bid estimate.

In the event that the contingency fund is needed, the debt service payment for year 1 would be less than originally expected due to the zero percent (0%) interest (see attached project cost summary for further details).

Enclosures:

1. Resolution 13-09
2. Ordinance 13-08
3. Resolution 12-98
4. Project Cost Summary
5. SRF Loan Amortization Schedule
6. Recommendation of Award-McGill Associates

R E S O L U T I O N 13-09

AUTHORIZING A BID AWARD TO DEVERE CONSTRUCTION COMPANY FOR IMPROVEMENTS TO THE HENDERSON WATER RECLAMATION FACILITY

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 the Key Strategic Objectives as follows: **KSO 5:** Provide Reliable, Dependable Infrastructure- To provide reliable, dependable and environmentally compliant infrastructure systems; *and*

WHEREAS the City Council has accepted loan funding for this purpose from the NC Department of Environment and Natural Resources, Infrastructure Finance Section; *and*

WHEREAS, bids came in over the original estimates in the amount of \$16,615,000, however there are additional loan funds available along with funds from the Capital Reserve Rate Stabilization Fund account to cover the increased cost for construction of the project; *and*

WHEREAS bids have been solicited for the performance of this work in accordance with the North Carolina General Statutes; *and*

WHEREAS, the project was formally advertised and seven bids were received for this project, with low bid being Devere Construction Company, Inc. of Alpena, Michigan; *and*

WHEREAS, the City's Consulting Engineer and City staff recommend a bid award to Devere Construction Company, Inc., subject to approval of the Infrastructure Finance Section to award and execute the contract.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE awarding of the Henderson Water Reclamation Facility Improvement Project to Devere Construction Company, Inc. in the amount of \$15,519,000 said Agreement being more fully articulated in **Attachment A** to this Resolution; *and*

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

The foregoing Resolution 13-09, 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 ***** 2010: 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. **.*

O R D I N A N C E 13—08

FY 2012—2013 Budget Amendment # 22 AN AMENDMENT TO THE CIP SEWER FUND and CAPITAL RESERVE UTILITIES FUND For Post-Bid Estimates

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

WHEREAS, the Council has created and uses a Capital Improvements Fund for active capital projects related to the Sewer Fund, said fund referred to as 44: CIP Sewer Fund; *and*

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating and capital improvements budgets from time-to-time;

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:

44: CIP SEWER and 70: CAPITAL RESERVE UTILITIES			Ordinance 13-08			
FUNDS: PROJECT: Water Reclamation Facility Renovation			FY 12-13 Budget Amendment #22			
Project Budget Created on 11 Apr 11			Budget Amendment #4 to this Capital/Grant Project			
REVENUES			Approved 11-Apr-11	Current Budget	Amendment	Revised
Transfer from Cap Reserve Utilities Fund	44-444-4610-71		\$ 70,000	\$ -	\$ -	\$ -
Transfer from Cap Reserve Utilities Fund	44-847-3690-71		\$ -	\$ 379,110	\$ 125,360	\$ 504,470
State Revolving Loan	44-847-3660-01		\$ -	\$ 15,615,000	\$ -	\$ 15,615,000
State RFL Grant	44-847-3660-02		\$ -	\$ 1,000,000	\$ -	\$ 1,000,000
State CWMTF Grant	44-847-4581-61		\$ -	\$ 600,000	\$ -	\$ 600,000
SRF Loan - Additional	44-847-4582-21		\$ -	\$ -	\$ 500,000	\$ 500,000
Transfer from Rate Stabilization Fund	44-847-4610-79		\$ -	\$ -	\$ 378,000	\$ 378,000
Total			\$ 70,000	\$ 17,594,110	\$ 1,003,360	\$ 18,597,470
						\$ 18,597,470
EXPENDITURES			Approved 11-Apr-11	Current Budget	Amendment	Revised
Phase 1						
Admin, Permitting and Legal Fees	44-847-4610-01		\$ -	\$ -	\$ -	\$ -
Legal/Administrative	44-847-5102-00		\$ 2,000	\$ 2,000	\$ 500	\$ 2,500
Engineering Preliminary Engineering Report	44-847-5103-01		\$ 68,000	\$ 68,000	\$ -	\$ 68,000
Phase 2						
Engineering Design	44-847-2230-03		\$ -	\$ 843,125	\$ (68,000)	\$ 775,125
Engineering Permitting Administration	44-847-2230-04		\$ -	\$ 32,105	\$ -	\$ 32,105
Engineering Bidding & Award Phase	44-847-2230-05		\$ -	\$ 39,380	\$ -	\$ 39,380
Engineering Geotechnical	44-847-2230-06		\$ -	\$ 110,000	\$ (10,000)	\$ 100,000
Admin, Permitting and Legal Fees-design phase	44-847-4610-02		\$ -	\$ 20,000	\$ (20,000)	\$ -
Phase 3						
Construction Admin & Inspection	44-847-2230-10		\$ -	\$ 500,000	\$ -	\$ 500,000
Capital Outlay Reserve-not yet awarded	44-847-4990-99		\$ -	\$ 13,575,000	\$ (13,575,000)	\$ -
Land Acquisition	44-847-5071-00		\$ -	\$ -	\$ 27,000	\$ 27,000
Construction Costs	44-847-5104-00		\$ -	\$ -	\$ 15,519,000	\$ 15,519,000
Contingencies & Other						
Closing Fee-grant and loan administration	44-847-6700-01		\$ -	\$ 332,000	\$ 35,300	\$ 367,300
Transfer to Capital Reserve Utilities	44-847-5610-70		\$ -	\$ 379,110	\$ -	\$ 379,110
Contingency	44-847-9990-10		\$ -	\$ 1,578,390	\$ (905,440)	\$ 672,950
Engineering Contingency	44-847-9990-20		\$ -	\$ 115,000	\$ -	\$ 115,000
Total			\$ 70,000	\$ 17,594,110	\$ 1,003,360	\$ 18,597,470
						\$ 18,597,470
Variance					\$ -	
70: CAPITAL RESERVE UTILITIES FUND REVENUES			Approved 1-Jul-12	Current Budget	Amendment	Revised
Department	Line Item	Code				
	Transfer from 44: CIP Sewer	70-700-461044	\$ -	\$ 379,110.00	\$ -	\$ 379,110.00
	Fund Balance Appropriated	70-700-491000	\$ -	\$ -	\$ 125,360.00	\$ 125,360.00
Total			\$ -	\$ 379,110.00	\$ 125,360.00	\$ 504,470.00
						\$ 504,470.00
70: CAPITAL RESERVE UTILITIES FUND EXPENDITURES			Approved 1-Jul-12	Current Budget	Amendment	Revised
Department	Line Item	Code				
	Appropriation to Fund Bal	70-865-509800	\$ -	\$ 379,110.00	\$ -	\$ 379,110.00
	Trans to: 44 CIP Sewer	70-851-561044	\$ -	\$ -	\$ 125,360.00	\$ 125,360.00
Total			\$ -	\$ 379,110.00	\$ 125,360.00	\$ 504,470.00
						\$ 504,470.00
Variance					\$ -	
Reference:			Notes:			
14 Feb 11: CAF 11-38; Res 11-12; MB 42, p.			Authorized application for grant/loan			
11 Apr 11: CAF 11-70; Res 11-44, Ord 11-29; MB42, p.			Approved PER work and established project ordinance: \$70,000			
10 Oct 11: CAF 11-134; MB42, p.			Mini-Brooks discussion			
26 Oct 11: CAF 11-A-134; Res 11-103; MB42, p.			Approved Mini-Brooks exemption			
14 Nov 11: CAF 11-B-134; Res 11-111; Ord 11-62; MB42, p.			First budget amendment to Project Ordinance: \$1,033,900			
28 Nov 11: CAF 11-C-134, Ord 11-62, MB42, p.						
12 Dec 11: CAF 11-D-134, Ord 11-62, MB42, p.			award of contract to McGill for engineering/design phase and establishing total project budget			
			Phase 1 was Preliminary Engineering & legal/admin: \$70,000			
			Phase 2 is design engineering, permitting, bidding and project contract award: \$1,044,610			
			Phase 3 is construction and is estimated at \$14,075,000			
25 June 12: CAF 12-75; Ord 12-42; BA# 53; MB42, p 492			Amend for decrease in estimated closing fees for grant and loan administration (23,190)			
26 Nov 12: CAF 12-115; Res 12-73; Ord 12-66; BA#12; MB42, p			Notification of approval of CWMTF grant: \$600,000. Transfer funds previously transferred in from Capital Reserve Utilities back to that fund.			
			To amend the project budget for changes in post-bid estimates. The transfer side of Fund 79 was part of BA#10; therefore that side of the transaction is not being duplicated here. The project originally called for a transfer in from CR Utilities (Fund 70). After notification of the \$600,000 CWMTF Grant was received, the project budget was amended to revert those funds back to CR Utilities (\$379,110). After all bids and costs were received, it has been determined that \$125,360 of those funds are needed to complete the funding of this project.			
14 Jan 13: CAF 13-12; Res 13-09; Ord 13-08; BA#22						
CG&L = Construction Grants & Loans from State of NC, DENR						

The foregoing Ordinance 13-08, upon motion of Council Member *** and second by Council Member ***, and having been submitted to a roll call vote and received the following votes and was ***** on this the 14th day of January 2013: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther McCrackin, City Clerk

*Reference: Minute Book 42, p.**; CAF 13-12*

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 13-08 adopted by the Henderson, City Council in Regular Session on _____ 2013. This Ordinance is recorded in *Ordinance Book 8*, p.***.

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

Esther McCrackin
City Clerk
City of Henderson, North Carolina

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

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

RESOLUTION 12-98

ACCEPTANCE OF A LOAN OFFER FROM THE CLEAN WATER STATE REVOLVING LOAN FUND (CWSRF) FOR IMPROVEMENTS AT THE HENDERSON WATER RECLAMATION FACILITY (HWRF)

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

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

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collections systems, and water supply systems, water conservation projects; *and*

WHEREAS, City Council approved Resolution 11-12 on 14 February 2011, authorizing the submission of an application to the CWSRF for funding relative to the improvements at the Henderson Water Reclamation Facility; *and*

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a CWMTF Loan in the amount of \$16,615,000 with \$1,000,000 in principal forgiveness for the improvements to the Henderson Water Reclamation Facility; *and*

WHEREAS, the City of Henderson intends to construct said project in accordance with the approved plans and specifications.

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

That the City of Henderson does hereby accept the CWSRF Loan in the amount of \$16,615,00 to aid in financing of the HWRF improvements.

That the City of Henderson will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Mayor James D. O'Geary, the Authorized Official, and successors so titled, is hereby authorized to execute the Loan Offer, being more fully articulated in **Attachment A** of this Resolution.

That the Mayor James D O'Geary and his successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Henderson has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

The foregoing Resolution 12-98, introduced by Council Member Inscoe and seconded by Council Member Daye on this the 10th day of December 2012, and having been submitted to a roll call vote, was APPROVED by the following votes: YES: Rainey, Peace-Jenkins, Daeke, Brown, Daye, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Kearney.

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. 672; CAF 12-149)

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the foregoing is a true and exact copy of *Resolution 12-98*, adopted by the Henderson, City Council in Regular Session on 10 December 2012 (*See Minute Book 42, p. 672*) This Resolution is recorded in *Resolution Book # 3, pp. 91*.

Witness my hand and corporate seal of the City, this 11th day of December 2012.

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

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER QUALITY

State Loan or Grant Offer and Acceptance

This Offer must be accepted, if at all, within forty-five (45) days of receipt.

This Offer is made subject to the attached Standard Conditions and Assurances

Legal Name and Address of Award Recipient

City of Henderson
134 Rose Avenue
Henderson, NC 27536

Account

Clean Water State Revolving Fund (SRF) ☒
State General Loan (SRL) ☐
State Emergency Loan (SEL) ☐
High Unit Cost Grant (SRG) ☐
Technical Assistance Grant ☐

State Project Number: E-SRF-T-13-0314
Federal Project Number: CS370410-06
CFDA Number: 66.458

Project Description:

Nutbush Creek WWTP Improvements

Total Financial Assistance Offer:	\$16,615,000.00	Interest Rate:	0 % Per Annum
Total Principal Forgiveness Offer:	\$1,000,000.00	Maximum Loan Term:	20 Years
Closing Fee (2%):	\$ 332,300 (Actual invoiced closing costs will be calculated based on bids)		

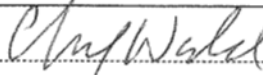
Consideration having been given by the Department of Environment and Natural Resources to the application submitted by the applicant pursuant to North Carolina General Statute 159G, (1) the applicant is an eligible unit of government, (2) the project meets the eligibility criteria for a State Loan or Grant, and (3) the project has been approved and certified by the Department of Environment and Natural Resources as being entitled to priority for State financial assistance,

The Department of Environment and Natural Resources, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

Dee Freeman, Secretary

North Carolina Department of Environment & Natural Resources

Signature 	Date <u>1/15/12</u>
---	---------------------

On Behalf of:

City of Henderson

Name of Representative in Resolution: _____

Title (Type or Print): _____

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this State Loan or Grant offer and make the assurances and accept the conditions.

Signature _____	Date _____
-----------------	------------

STANDARD CONDITIONS FOR FEDERAL SRF LOANS
--

1. The recipient shall comply with all provisions of the following Federal laws and authorities (super cross-cutters):
 - (a) Title VI of the Civil Rights Act of 1964 – 42 U.S.C. §2000d
 - (b) CFR 35.3145(c) (Civil Rights laws) and provide completed EPA 4700-4 form
 - (c) Section 13 of the Federal Water Pollution Control Act Amendments of 1972 – 33 U.S.C. §1251
 - (d) Section 504 of the Rehabilitation Act of 1973 – 29 U.S.C. §794
2. The recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures.
3. Civil Rights and Labor Standard Requirements, and use of MBE (Minority Business Enterprise), WBE (Women's Business Enterprise), and Small Businesses:
 - (a) Specific MBE/WBE (DBE) requirements are included in the SRF Special Conditions that are to be included in the contract specifications. Positive efforts shall be made by recipients, their consultants and contractors to utilize small businesses and minority-owned businesses for sources of supply and services. Such efforts should allow these sources the maximum feasible opportunity to compete for subagreements and contracts to be performed, utilizing Federal SRF funds. Documentation of efforts made to utilize minority and women-owned firms must be maintained by all recipients, consulting firms, and construction contractors, and made available upon request.
 - (b) The recipient shall not award contracts to any firm that has been debarred for noncompliance from the Federal Labor Standards, Title VI of the Civil Rights Act of 1964, as amended, or any firm that appears on the EPA's list of debarred firms. The recipient shall also comply with 40 CFR 32. (Complete the Debarment Certification in the SRF Special Conditions)
 - (c) The recipient shall require all prime construction contractors, as part of their bid, to certify that subcontracts have not and will not be awarded to any firm that has been debarred for noncompliance from the Federal Labor Standards, Title VI of the Civil Rights Act of 1964, as amended, or Executive Order 11246, as amended, or any firm that appears on the EPA's list of debarred firms. (Complete the Debarment Certification in the SRF Special Conditions for each Subcontractor)
 - (d) The recipient shall require all contractors on the project to comply with the Department of Labor's Safety and Health Regulations for construction promulgated under the Occupational Safety and Health Act of 1970 (PL 91-946), under Section 107 of the Contract Work Hours and Safety Standards Act (PL 91-54).
 - (e) The recipient shall ensure all contractors are in compliance with applicable Equal Employment Opportunity regulations.

4. Acquisition of Real Property:

The recipient shall comply with all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL 92-646), as amended, in regard to acquisition of all real property, (including easements), for the project covered by this loan, and any resulting relocation of persons, businesses, or farm operations. See Assurance 8.

5. Prompt Payment and Payment Retainage:

It is the policy of the State of North Carolina to make timely periodic loan disbursements to the recipient, and to require the recipient to make prompt periodic payment on subagreements. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the recipient's compliance with the conditions of this loan and subsequent amendments;

- (a) The recipient agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.
 - (b) The recipient agrees to include appropriate provisions in each construction contract, and to require the prime contractor to include them in all subcontracts, to implement this prompt payment requirement.
6. The construction contract(s) requires the contractor to adhere to Davis Bacon and Related Acts Provisions and Procedures as listed in the Code of Federal Regulations Chapter 29 Part 5 Section 5 (29 CFR 5.5). Public Law pertaining to this is also enacted in Title 40, United States Code, Subtitle II Section 3141 through Section 3148.

ASSURANCES

- 1. The recipient acknowledges that in the event that a milestone contained in the most recent Clean Water State Revolving Fund Intended Use Plan and/or the Notice of Intent to Fund is not met, this State Loan or Grant offer will be rescinded by the Department of Environment and Natural Resources.
- 2. The final plans and specifications have or will be approved by the Division of Water Quality and the applicant so notified, prior to the project being advertised or placed on the market for bids.
- 3. Eligible project expenses are as discussed in the North Carolina Clean Water SRF Program Guidance. Projects will not receive reimbursement for sales taxes. Sales taxes are deducted from project costs at the 90% milestone in accordance with the SRF Program Guidance.
- 4. The applicant agrees to construct the project or cause it to be constructed to final completion in accordance with the application and plans and specifications approved by the Division of Water Quality.
- 5. The construction contract(s) requires the contractor to furnish performance and payment bonds, each of which is in an amount of not less than one hundred percentum (100%) of the contract price; and to maintain during the life of the contract(s) adequate fire, extended coverage, workmen's compensation, public liability, and property damage insurance.

6. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.
7. Any change or changes in the approved plans and specifications or contract(s) which (has/have) made or will make any major alteration in the work required by the plans and specifications, or which increases the cost of the project above the latest estimate approved by the Department of Environment and Natural Resources, was or will be submitted to the Division of Water Quality for approval.
8. The construction contract(s) provides that any duly authorized representative of the State will have access to the work whenever it is in preparation or progress, and that the contractor will provide proper facilities for such access and inspection. Further, any authorized representative of the State shall have access, for the purpose of audit and examination, to any books, documents, papers and records of the applicant that are pertinent to funds received under the Act; and the applicant shall submit to the Division of Water Quality such documents and information as it may require in connection with the project.
9. The applicant will provide and maintain competent and adequate engineering supervision and inspection of the project to insure that the construction conforms with the approved plans and specifications.
10. The applicant shall demonstrate to the satisfaction of the Department of Environment and Natural Resources that it has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project prior to the authorization to award construction contracts. No loan disbursements will be made until clear site certificates are submitted.
11. At least thirty (30) days, shall be allowed from the first date of publication to the date of bid opening.
12. The Project Bid Information package, including MBE and WBE (DBE) requirements, must be submitted and approved prior to the State issuing an Authorization to Award letter. If the approval of the debt instrument for this loan is necessary for the applicant to award contracts, the completed Project Bid Information and supporting documentation must be delivered to the Division of Water Quality a minimum of twenty (20) days prior to the award of contracts.
13. The recipient shall not award any contracts for construction until the Authority to Award is given by the State. Doing so, will be at the risk of the award recipient.
14. Recipient acknowledges that no loan disbursements will be made until the contract documents are submitted and approved. The recipient shall notify the State when contracts are awarded.
15. The recipient shall conduct a preconstruction conference, if applicable, for each construction contract in cooperation with the State, and, in accordance with guidelines which shall be furnished by the State. The State shall be invited to the conference.
16. The Local Government Commission will forward the debt instrument after total project costs are established in the Authority to Award Letter. The applicant must execute the debt instrument a minimum of ten (10) days prior to the request of disbursement of loan funds.
17. Recipient acknowledges that no loan disbursements will be made on the engineering planning and design or construction phase services until the contracts are submitted and approved.

18. Eligible small purchases estimated to exceed \$10,000 require three informal bids for approval.
19. Within thirty (30) days of the date of completion of the project, the applicant will make available to the Construction Grants Section staff all requested project closeout items including final costs for the purpose of making final adjustments to the Revolving Loan and debt instrument.
20. All principal payments will be made annually on or before May 1st. The first principal payment is due not earlier than six months after the original date of completion of the project. All interest payments will be made semiannually on or before May 1st and November 1st of each year. The first interest payment is due not earlier than six months after the original date of completion of the project.
21. In accordance with G.S. 159-26(b)(6), a capital project fund is required to account for all debt instrument proceeds used to finance capital projects. It is required that a capital project ordinance, in accordance with G.S. 159-13.2, be adopted by the governing board authorizing all appropriations necessary for the completion of the project. A copy of the approved ordinance must be submitted to this office before submitting the first reimbursement request.
22. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three (3) years following completion of the project.
23. All funds loaned pursuant to North Carolina General Statute 159G shall be expended solely for carrying out the approved project and an audit shall be performed in accordance with G.S. 159-34, as amended. Please note that the State is not a party to the construction contract(s) and the loan recipient is expected to uphold its contract obligations regarding timely payment. See Standard Condition 5.
24. The applicant shall demonstrate to the satisfaction of the Department of Environment and Natural Resources its ability to pay the remaining or ineligible cost of the project.

Acknowledgement of Standard Conditions and Assurances

The Applicant hereby gives assurance to the Department of Environment and Natural Resources that the declarations, assurances, representations, and statements made by the applicant in the application; and all documents, amendments, and communications filed with the Department of Environment and Natural Resources by the applicant in support of its request for a loan will be fulfilled.

.....
Signature

.....
Date



Rec'd
11/29/12

North Carolina Department of Environment and Natural Resources

Division of Water Quality

Charles Wakild, P. E.

Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

November 26, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable James D. O'Geary, Mayor
City of Henderson
P.O. Box 1434
Henderson, NC 27536

SUBJECT: Offer and Acceptance for a State Loan
Project No. CS370410-06
Nutbush Creek WWTP Improvements

Dear Mayor O'Geary:

The City of Henderson has been approved for loan assistance from the Clean Water State Revolving Fund in the amount of **\$16,615,000 with \$1,000,000 of principal forgiveness.**

Enclosed are two (2) copies of an Offer and Acceptance Document extending a State Revolving loan in the amount of \$16,615,000. This offer is made subject to the assurances and conditions set forth in the Offer and Acceptance Document. Please submit the following items to the Infrastructure Finance Section, 1633 Mail Service Center, Raleigh, North Carolina 27699-1633 within forty-five (45) days of receipt.

1. A resolution adopted by the governing body accepting the loan offer and making the applicable assurances contained therein. (Sample copy attached)
2. One (1) copy of the original Offer and Acceptance Document executed by the authorized representative for the project, along with the signed "Standard Conditions for the Federal SRF loans". **Retain the other copy for your files.**
3. Federal Identification Number of the Recipient (Memo attached)

Infrastructure Finance Section
1633 Mail Service Center, Raleigh, North Carolina 27699-1633
Location: 512 N Salisbury Street, Raleigh, North Carolina 27604
Phone: 919-707-9160 \ FAX: 919-715-6229 Internet: www.ncoglnet

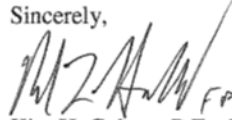
An Equal Opportunity \ Affirmative Action Employer

One
North Carolina
Naturally

Honorable James O'Geary, Mayor
November 26, 2012
Page 2

On behalf of the Department of Environment and Natural Resources, I am pleased to make this offer of State Revolving Loan funds made available by North Carolina Water Infrastructure Fund and the Federal Clean Water Act Amendments of 1987.

Sincerely,

A handwritten signature in black ink, appearing to read 'M2A W FP', is written over the typed name.

Kim H. Colson, P.E., Chief
Infrastructure Finance Section

DE/sd

Enclosures:

Loan Offer and Acceptance Document (2 copies)
Guidance Document
Reimbursement Request form
Fed ID Request Form
Resolution to accept Loan offer (suggested format)

cc: Joel Whitford, McGill Associates
PMB
SRF

**CERTIFIED BID TABULATION
WATER RECLAMATION FACILITY IMPROVEMENTS**

CITY OF HENDERSON, NORTH CAROLINA

Thursday, December 20, 2012; 2:00 pm

City of Henderson Operations Center, 900 South Beckford Drive, Henderson, North Carolina 27536

BIDDER	DeVere Construction Company, Inc.	English Construction Company, Inc.	H. G. Reynolds Company, Inc.	PC Construction Company	T. A. Loving Company	Turner Murphy Company, Inc.
LUMP SUM BASE BID	\$15,459,000.00	\$15,542,000.00	\$16,472,000.00	\$15,774,000.00	\$19,636,000.00	\$17,203,486.00
ALTERNATE BID ITEMS						
No. 1 - (Deduct) - Contract Times	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$80,000.00)
No. 2A - (Deduct) - Spare Pump - Influent	(\$15,000.00)	(\$15,000.00)	(\$15,975.00)	(\$18,000.00)	(\$40,000.00)	(\$16,000.00)
No. 2B - (Deduct) - Spare Pumps - Grit	(\$7,000.00)	(\$10,000.00)	(\$14,000.00)	(\$10,000.00)	(\$12,000.00)	(\$8,000.00)
No. 3 - (Deduct) - Anaerobic Digester Decommissioning	(\$25,000.00)	(\$75,000.00)	(\$50,000.00)	(\$18,000.00)	(\$35,000.00)	(\$80,000.00)
No. 4 - Add - Grit Unit No. 2 Equipment & Piping	\$79,000.00	\$120,000.00	\$75,000.00	\$146,000.00	\$80,000.00	\$119,000.00
No. 5 - Add - Clarifier Wier & Trough Cleaning System	\$33,000.00	\$32,000.00	\$30,000.00	\$27,000.00	\$28,000.00	\$26,000.00
No. 6 - Add - Demolition of Existing Headworks	\$12,000.00	\$25,000.00	\$45,000.00	\$8,000.00	\$19,000.00	\$36,000.00
No. 7 - Add - Demolition of Existing DAF Tank and Equipment	\$23,000.00	\$45,000.00	\$70,000.00	\$15,000.00	\$30,000.00	\$68,000.00
No. 8 - Add - Demolition of Existing Clarifiers 3 and 4	\$18,000.00	\$115,000.00	\$44,000.00	\$25,000.00	\$18,000.00	\$112,000.00
No. 9 - Add - Demolition of Existing Pure-Oxygen Digesters	\$7,000.00	\$65,000.00	\$35,000.00	\$13,000.00	\$10,000.00	\$54,000.00

This is to certify that the bids tabulated herein were accompanied by a 5% bid bond or certified check and publicly opened and read aloud at 2:00 pm local time on the 20th day of December 2012 at the City of Henderson Operations Center, 900 South Beckford Drive, Henderson, North Carolina 27536.

DOUGLAS G. CHAPMAN, PE
McGill
A S S O C I A T E S
ENGINEERING-PLANNING-FINANCE
Post Office Box 1136
Hickory, North Carolina 28603
License No. C-0459



Project Cost Summary
Henderson Water Reclamation Facility Improvements
City of Henderson, North Carolina

Description	Costs		
	Pre-Design	Post-Design	Post-Bid
CONSTRUCTION COSTS	\$ 13,450,000	\$ 14,215,000	\$ 15,519,000
Construction Contingency	\$ 1,345,000	\$ 1,421,500	\$ 775,950 *
Engineering	\$ 950,000	\$ 823,860	\$ 823,860
Permitting	\$ 50,000	\$ 32,105	\$ 32,105
Surveying	\$ 30,000	\$ 19,265	\$ 19,265
Bidding	Included	\$ 39,380	\$ 39,380
Design Contingency	N/A	\$ 40,000	\$ 12,000
Geotechnical Design / Materials Testing	\$ 100,000	\$ 100,000	\$ 100,000
CA / CO	\$ 650,000	\$ 575,000	\$ 500,000
Grant / Loan Admin	\$ 25,000	\$ 25,000	\$ 25,000
Legal Costs	\$ 15,000	\$ 2,500	\$ 2,500
Additional Demolition	\$ 300,000	\$ 150,000	Included
Land Acquisition	\$ -	\$ -	\$ 27,000
SUBTOTAL PROJECT COSTS	\$ 16,915,000	\$ 17,443,610	\$ 17,876,060
Closing Fee	\$ 332,300	\$ 333,872	\$ 342,300
TOTAL PROJECT COSTS	\$ 17,247,300	\$ 17,777,482	\$ 18,218,360

Funding Summary

SRF Loan	\$ 15,615,000	\$ 15,615,000	\$ 15,615,000 **
SRF Loan (Principal Forgiveness)	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
CWMTF Grant		\$ 600,000	\$ 600,000
SRF Loan - Additional		\$ 78,610	\$ 500,000
Capital Reserve (Closing Fee + Demolition)	\$ 632,300	\$ 483,872	\$ 503,360
Funding Total	\$ 17,247,300	\$ 17,777,482	\$ 18,218,360

Debt Service Summary

Total Principal	\$ 15,615,000	\$ 15,693,610	\$ 16,115,000
Total Interest	\$ 3,282,145	\$ 3,298,668	\$ -
Capital Reserve	\$ 632,300	\$ 483,872	\$ 503,360
Total Paid over 20 Years	\$ 19,529,445	\$ 19,476,150	\$ 16,618,360
Debt Service (Year 1)	\$ 1,096,045	\$ 1,101,562	\$ 805,750

Notes: * 5% construction contingency to only be used as authorized by Council.

** SRF Loan was originally expected to be 2.0%, but is now 0%.

PRE-DESIGN SRF Loan Amortization Schedule
Henderson Water Reclamation Facility Improvements
City of Henderson

Loan Amount		\$ 15,615,000	Estimated Start Date		3/15/2013		
Term (Years)		20	Contract Time (Days)		591		
Interest		2.00%	Estimated Completion Date		10/27/2014		
Payment	Due Date	Balance	Interest1	Interest2	Principal	6-Month Payment	Annual Total
1	5/1/2015	\$ 15,615,000	\$ 159,145			\$ 159,145	
2	11/1/2015	\$ 15,615,000		\$ 156,150	\$ 780,750	\$ 936,900	\$ 1,096,045
3	5/1/2016	\$ 14,834,250	\$ 148,343			\$ 148,343	
4	11/1/2016	\$ 14,834,250		\$ 148,343	\$ 780,750	\$ 929,093	\$ 1,077,435
5	5/1/2017	\$ 14,053,500	\$ 140,535			\$ 140,535	
6	11/1/2017	\$ 14,053,500		\$ 140,535	\$ 780,750	\$ 921,285	\$ 1,061,820
7	5/1/2018	\$ 13,272,750	\$ 132,728			\$ 132,728	
8	11/1/2018	\$ 13,272,750		\$ 132,728	\$ 780,750	\$ 913,478	\$ 1,046,205
9	5/1/2019	\$ 12,492,000	\$ 124,920			\$ 124,920	
10	11/1/2019	\$ 12,492,000		\$ 124,920	\$ 780,750	\$ 905,670	\$ 1,030,590
11	5/1/2020	\$ 11,711,250	\$ 117,113			\$ 117,113	
12	11/1/2020	\$ 11,711,250		\$ 117,113	\$ 780,750	\$ 897,863	\$ 1,014,975
13	5/1/2021	\$ 10,930,500	\$ 109,305			\$ 109,305	
14	11/1/2021	\$ 10,930,500		\$ 109,305	\$ 780,750	\$ 890,055	\$ 999,360
15	5/1/2022	\$ 10,149,750	\$ 101,498			\$ 101,498	
16	11/1/2022	\$ 10,149,750		\$ 101,498	\$ 780,750	\$ 882,248	\$ 983,745
17	5/1/2023	\$ 9,369,000	\$ 93,690			\$ 93,690	
18	11/1/2023	\$ 9,369,000		\$ 93,690	\$ 780,750	\$ 874,440	\$ 968,130
19	5/1/2024	\$ 8,588,250	\$ 85,883			\$ 85,883	
20	11/1/2024	\$ 8,588,250		\$ 85,883	\$ 780,750	\$ 866,633	\$ 952,515
21	5/1/2025	\$ 7,807,500	\$ 78,075			\$ 78,075	
22	11/1/2025	\$ 7,807,500		\$ 78,075	\$ 780,750	\$ 858,825	\$ 936,900
23	5/1/2026	\$ 7,026,750	\$ 70,268			\$ 70,268	
24	11/1/2026	\$ 7,026,750		\$ 70,268	\$ 780,750	\$ 851,018	\$ 921,285
25	5/1/2027	\$ 6,246,000	\$ 62,460			\$ 62,460	
26	11/1/2027	\$ 6,246,000		\$ 62,460	\$ 780,750	\$ 843,210	\$ 905,670
27	5/1/2028	\$ 5,465,250	\$ 54,653			\$ 54,653	
28	11/1/2028	\$ 5,465,250		\$ 54,653	\$ 780,750	\$ 835,403	\$ 890,055
29	5/1/2029	\$ 4,684,500	\$ 46,845			\$ 46,845	
30	11/1/2029	\$ 4,684,500		\$ 46,845	\$ 780,750	\$ 827,595	\$ 874,440
31	5/1/2030	\$ 3,903,750	\$ 39,038			\$ 39,038	
32	11/1/2030	\$ 3,903,750		\$ 39,038	\$ 780,750	\$ 819,788	\$ 858,825
33	5/1/2031	\$ 3,123,000	\$ 31,230			\$ 31,230	
34	11/1/2031	\$ 3,123,000		\$ 31,230	\$ 780,750	\$ 811,980	\$ 843,210
35	5/1/2032	\$ 2,342,250	\$ 23,423			\$ 23,423	
36	11/1/2032	\$ 2,342,250		\$ 23,423	\$ 780,750	\$ 804,173	\$ 827,595
37	5/1/2033	\$ 1,561,500	\$ 15,615			\$ 15,615	
38	11/1/2033	\$ 1,561,500		\$ 15,615	\$ 780,750	\$ 796,365	\$ 811,980
39	5/1/2034	\$ 780,750	\$ 7,808			\$ 7,808	
40	11/1/2034	\$ 780,750		\$ 7,808	\$ 780,750	\$ 788,558	\$ 796,365
			\$ 1,642,570	\$ 1,639,575	\$ 15,615,000	\$ 18,897,145	\$ 18,897,145
			Total Interest	\$ 3,282,145			

POST-DESIGN SRF Loan Amortization Schedule
Henderson Water Reclamation Facility Improvements
City of Henderson

Loan Amount		\$ 15,693,610	Estimated Start Date		3/15/2013		
Term (Years)		20	Contract Time (Days)		591		
Interest		2.00%	Estimated Completion Date		10/27/2014		
Payment	Due Date	Balance	Interest1	Interest2	Principal	6-Month Payment	Annual Total
1	5/1/2015	\$ 15,693,610	\$ 159,946			\$ 159,946	
2	11/1/2015	\$ 15,693,610		\$ 156,936	\$ 784,681	\$ 941,617	\$ 1,101,562
3	5/1/2016	\$ 14,908,930	\$ 149,089			\$ 149,089	
4	11/1/2016	\$ 14,908,930		\$ 149,089	\$ 784,681	\$ 933,770	\$ 1,082,859
5	5/1/2017	\$ 14,124,249	\$ 141,242			\$ 141,242	
6	11/1/2017	\$ 14,124,249		\$ 141,242	\$ 784,681	\$ 925,923	\$ 1,067,165
7	5/1/2018	\$ 13,339,569	\$ 133,396			\$ 133,396	
8	11/1/2018	\$ 13,339,569		\$ 133,396	\$ 784,681	\$ 918,076	\$ 1,051,472
9	5/1/2019	\$ 12,554,888	\$ 125,549			\$ 125,549	
10	11/1/2019	\$ 12,554,888		\$ 125,549	\$ 784,681	\$ 910,229	\$ 1,035,778
11	5/1/2020	\$ 11,770,208	\$ 117,702			\$ 117,702	
12	11/1/2020	\$ 11,770,208		\$ 117,702	\$ 784,681	\$ 902,383	\$ 1,020,085
13	5/1/2021	\$ 10,985,527	\$ 109,855			\$ 109,855	
14	11/1/2021	\$ 10,985,527		\$ 109,855	\$ 784,681	\$ 894,536	\$ 1,004,391
15	5/1/2022	\$ 10,200,847	\$ 102,008			\$ 102,008	
16	11/1/2022	\$ 10,200,847		\$ 102,008	\$ 784,681	\$ 886,689	\$ 988,697
17	5/1/2023	\$ 9,416,166	\$ 94,162			\$ 94,162	
18	11/1/2023	\$ 9,416,166		\$ 94,162	\$ 784,681	\$ 878,842	\$ 973,004
19	5/1/2024	\$ 8,631,486	\$ 86,315			\$ 86,315	
20	11/1/2024	\$ 8,631,486		\$ 86,315	\$ 784,681	\$ 870,995	\$ 957,310
21	5/1/2025	\$ 7,846,805	\$ 78,468			\$ 78,468	
22	11/1/2025	\$ 7,846,805		\$ 78,468	\$ 784,681	\$ 863,149	\$ 941,617
23	5/1/2026	\$ 7,062,125	\$ 70,621			\$ 70,621	
24	11/1/2026	\$ 7,062,125		\$ 70,621	\$ 784,681	\$ 855,302	\$ 925,923
25	5/1/2027	\$ 6,277,444	\$ 62,774			\$ 62,774	
26	11/1/2027	\$ 6,277,444		\$ 62,774	\$ 784,681	\$ 847,455	\$ 910,229
27	5/1/2028	\$ 5,492,764	\$ 54,928			\$ 54,928	
28	11/1/2028	\$ 5,492,764		\$ 54,928	\$ 784,681	\$ 839,608	\$ 894,536
29	5/1/2029	\$ 4,708,083	\$ 47,081			\$ 47,081	
30	11/1/2029	\$ 4,708,083		\$ 47,081	\$ 784,681	\$ 831,761	\$ 878,842
31	5/1/2030	\$ 3,923,403	\$ 39,234			\$ 39,234	
32	11/1/2030	\$ 3,923,403		\$ 39,234	\$ 784,681	\$ 823,915	\$ 863,149
33	5/1/2031	\$ 3,138,722	\$ 31,387			\$ 31,387	
34	11/1/2031	\$ 3,138,722		\$ 31,387	\$ 784,681	\$ 816,068	\$ 847,455
35	5/1/2032	\$ 2,354,042	\$ 23,540			\$ 23,540	
36	11/1/2032	\$ 2,354,042		\$ 23,540	\$ 784,681	\$ 808,221	\$ 831,761
37	5/1/2033	\$ 1,569,361	\$ 15,694			\$ 15,694	
38	11/1/2033	\$ 1,569,361		\$ 15,694	\$ 784,681	\$ 800,374	\$ 816,068
39	5/1/2034	\$ 784,681	\$ 7,847			\$ 7,847	
40	11/1/2034	\$ 784,681		\$ 7,847	\$ 784,681	\$ 792,527	\$ 800,374
			\$ 1,650,839	\$ 1,647,829	\$ 15,693,610	\$ 18,992,278	\$ 18,992,278
			Total Interest	\$ 3,298,668			

POST-BID SRF Loan Amortization Schedule
Henderson Water Reclamation Facility Improvements
City of Henderson

Loan Amount		\$ 16,115,000	Estimated Start Date		3/15/2013		
Term (Years)		20	Contract Time (Days)		591		
Interest		0.00%	Estimated Completion Date		10/27/2014		
Payment	Due Date	Balance	Interest1	Interest2	Principal	6-Month Payment	Annual Total
1	5/1/2015	\$ 16,115,000	\$ -			\$ -	
2	11/1/2015	\$ 16,115,000		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
3	5/1/2016	\$ 15,309,250	\$ -			\$ -	
4	11/1/2016	\$ 15,309,250		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
5	5/1/2017	\$ 14,503,500	\$ -			\$ -	
6	11/1/2017	\$ 14,503,500		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
7	5/1/2018	\$ 13,697,750	\$ -			\$ -	
8	11/1/2018	\$ 13,697,750		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
9	5/1/2019	\$ 12,892,000	\$ -			\$ -	
10	11/1/2019	\$ 12,892,000		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
11	5/1/2020	\$ 12,086,250	\$ -			\$ -	
12	11/1/2020	\$ 12,086,250		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
13	5/1/2021	\$ 11,280,500	\$ -			\$ -	
14	11/1/2021	\$ 11,280,500		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
15	5/1/2022	\$ 10,474,750	\$ -			\$ -	
16	11/1/2022	\$ 10,474,750		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
17	5/1/2023	\$ 9,669,000	\$ -			\$ -	
18	11/1/2023	\$ 9,669,000		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
19	5/1/2024	\$ 8,863,250	\$ -			\$ -	
20	11/1/2024	\$ 8,863,250		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
21	5/1/2025	\$ 8,057,500	\$ -			\$ -	
22	11/1/2025	\$ 8,057,500		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
23	5/1/2026	\$ 7,251,750	\$ -			\$ -	
24	11/1/2026	\$ 7,251,750		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
25	5/1/2027	\$ 6,446,000	\$ -			\$ -	
26	11/1/2027	\$ 6,446,000		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
27	5/1/2028	\$ 5,640,250	\$ -			\$ -	
28	11/1/2028	\$ 5,640,250		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
29	5/1/2029	\$ 4,834,500	\$ -			\$ -	
30	11/1/2029	\$ 4,834,500		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
31	5/1/2030	\$ 4,028,750	\$ -			\$ -	
32	11/1/2030	\$ 4,028,750		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
33	5/1/2031	\$ 3,223,000	\$ -			\$ -	
34	11/1/2031	\$ 3,223,000		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
35	5/1/2032	\$ 2,417,250	\$ -			\$ -	
36	11/1/2032	\$ 2,417,250		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
37	5/1/2033	\$ 1,611,500	\$ -			\$ -	
38	11/1/2033	\$ 1,611,500		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
39	5/1/2034	\$ 805,750	\$ -			\$ -	
40	11/1/2034	\$ 805,750		\$ -	\$ 805,750	\$ 805,750	\$ 805,750
			\$ -	\$ -	\$ 16,115,000	\$ 16,115,000	\$ 16,115,000
			Total Interest \$				



January 8, 2013

Mr. Frank Frazier
Assistant City Manager
City of Henderson
PO Box 1434
Henderson, North Carolina 27536

RE: Award Recommendation
Henderson Water Reclamation Improvements
City of Henderson, North Carolina

Dear Mr. Frazier:

A total of six (6) bids were received on December 20, 2012 for the Henderson Water Reclamation Facility Improvements project. DeVere Construction Company, Inc. of Alpena, Michigan, submitted the lowest bid with a total base bid amount of \$15,459,000. The four (4) alternate bid items for demolition work total \$60,000. The total bid amount including these alternate bid items is \$15,519,000.

DeVere Construction Inc. is licensed with the North Carolina General Contractor Board as "unclassified" and "unlimited", and is therefore appropriately licensed to perform this project. We recommend award of the Henderson Water Reclamation Facility Improvements project to DeVere Construction Inc. in the amount of \$15,519,000. The award should be made contingent upon approval by NC DENR Infrastructure Finance Section.

Enclosed for your use are the certified bid tabulation and project cost summary. If you have any questions or comments, please do not hesitate to contact us at (828) 328-2024.

Sincerely,
McGILL ASSOCIATES, P.A.

A handwritten signature in blue ink, appearing to read 'Doug Chapman', is written over the printed name.

DOUGLAS G. CHAPMAN, PE
Senior Project Manager

DC:jw

Enclosures

Cc: A. Ray Griffin, Jr., City Manager
Tom Spain, Water Reclamation Director
Andy Lovingood, PE, McGill Associates

E n g i n e e r i n g * P l a n n i n g * F i n a n c e

McGill Associates, P.A. • P.O. Box 1136, Hickory, NC 28603 • 1240 19th St. Suite NW, Hickory, NC 28601
Office: 828-328-2024 • Fax: 828-328-3870

City Council Action Form

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



Agenda Item: _____

Council Meeting: 14 Jan 13 Regular Meeting

14 December 2012

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

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

RE: **CAF: 13-08**

Consideration of Approval of Resolution 13-06, Supporting the 2013-2015 Funding for the Clean Water Management Trust Fund (CWMTF).

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

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

Recommendation:

- Approval of Resolution 13-06, Supporting the 2013-2015 Funding for the Clean Water Management Trust Fund (CWMTF).

Executive Summary:

The City of Henderson received a letter from the CWMTF requesting we adopt a resolution to show support of an increase in their recurring funding from the Governor and the General Assembly for the 2013-2015 Biennial Budget.

The City has been fortunate to receive funding from the CWMTF in excess of \$2.6 Million for work related to Sanitary Sewer Collection System rehabilitation, Ultraviolet Disinfection System replacement and upcoming work relative to improvements at the Henderson Water Reclamation Facility. Future funding is critical to Henderson and other cities to insure that safe and reliable infrastructures are provided to their citizens.

Enclosure:

1. Resolution 13-06
2. CWMTF Letter dated 29 November 2012

R E S O L U T I O N 13-06

SUPPORTING THE 2013-2015 FUNDING FOR CLEAN WATER MANAGEMENT TRUST FUND

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 5: Provide Reliable, Dependable Infrastructure and Environmentally Compliant Infrastructure Systems.

WHEREAS, the 1996 General Assembly established the Clean Water Management Trust Fund to provide an innovative and non-regulatory approach to the protection and restoration of the surface waters all across the state.; *and*

WHEREAS, the Clean Water Management Trust Fund is a non-regulatory program established to help meet infrastructure needs of municipalities and counties, restore degraded surface water, protect watersheds, increase recreational opportunities and enhance quality of life in this state, all critical components for communities to obtain a competitive edge in their economic development; *and*

WHEREAS, the Clean Water Management Trust Fund has funded 452 infrastructure projects to assist North Carolina Communities balance infrastructure needs with environmental protection and to help struggling communities become self-reliant with future infrastructure needs; *and*

WHEREAS, the City of Henderson has received funding for major projects, including Sanitary Sewer Collection System rehabilitation, Ultraviolet Disinfection Replacement and major work relative to the Henderson Water Reclamation Facility in excess of \$2.6 million; *and*

WHEREAS, infrastructure needs across the state addressing drinking water, wastewater, and storm water are estimated at \$16.6 billion between 2005 and 2030; *and*

WHEREAS, the Clean Water Management Trust Fund has leveraged more than \$1 billion of private, local and federal funds to support projects; *and*

WHEREAS, the General Assembly has reduced funding for the Clean Water Management Trust Fund by 78% since 2010; *and*

WHEREAS, limited funding for the Clean Water Management Trust Fund left 88% of 2012 critical needs unmet across the state; *and*

WHEREAS, our economic vitality, health and ability to sustain ourselves and the natural environment all rely on clean water; *and*

WHEREAS, surface water must be protected to ensure sufficient drinking water supply for the state's growing industrial base and population.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY support Clean Water Management Trust Fund and that the Fund received an increase in recurring funding from the Governor and the North Carolina General Assembly for the 2013-2015 Biennial Budget.

The foregoing Resolution 13-06, 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. **,*



November 29, 2012

Dear Colleague,

On behalf of the North Carolina Clean Water Management Trust Fund (CWMTF), I would like for you to support the CWMTF through the adoption of the attached resolution. As the new administration under the direction of Governor Elect McCrory and the new legislature under the direction of Speaker Thom Tillis and President Pro Tempore Phil Berger prepare to initiate their budget development for the next biennium 2013-2015, it is imperative that the CWMTF receive increased funding and is funded as a recurring item in the budget. Because CWMTF was funded as a nonrecurring item in the 2012-2013 budget CWMTF is not assured of any funds in the upcoming budget cycle.

Established in 1996 by the General Assembly to the growing concerns about health of our rivers, streams and other surface water in the state the legislature created a non-regulatory, community focused program to protect and restore surface waters across the state. This non-regulatory program has provided more than 1500 grants to help meet infrastructure needs of municipalities, increase recreational opportunities, and enhance quality of life in this state, all critical components for communities to obtain a competitive edge in their economic development.

Over the past four years the CWMTF has had its funds reduced by more than 89%. In 2012 CWMTF funded less than 10% of the requested project funds.

Your support for CWMTF through this resolution will allow the fund to continue to protect current and future drinking water supplies for our growing population. Your support will enable local governments and communities to address their local needs and support them in their efforts to grow their economies and protect water, a critical resource, for the success of the state today and tomorrow.

Attached is contact information for the Governor-Elect, the Speaker of the House and the President Pro Tempore of the Senate. The 2013-2015 budget is already being developed by the new administration and the legislature so please submit your adopted resolution at your earliest convenience. Please forward your resolution to your local legislative delegations and send a copy to CWMTF as well. If you have questions pertaining to the resolution please contact our Executive Director, Richard Rogers, at richard.rogers@ncdenr.gov or 919-707-9123. Thanks you for your support.

Sincerely,

John B. McMillan

TEL 919 707-9120 | FAX (919) 715-0397 | www.cwmf.net
515 N. Salisbury St., Suite 1209, Raleigh, NC 27604
1651 MAIL SERVICE CENTER, RALEIGH, NC 27699-1651

Richard E. Rogers, Jr.
Executive Director

CWMTF TRUSTEES

Chair, John B. McMillan
RALEIGH

Harold Bass
RUFFIN

Ron Beane
LENOIR

Frank Bragg
HUNTERSVILLE

Yevonne S. Brannon
RALEIGH

Karen Cragolin
ASHEVILLE

John Garrou
WINSTON-SALEM

Joseph M. Hester, Jr.
ROCKY MOUNT

William Hollan
WINSTON-SALEM

George Howard
RALEIGH

Charles Johnson
GREENVILLE

Renee Kumor
HENDERSONVILLE

Kevin Markham
CARY

Christine Mele
ORIENTAL

Preston Pate
NEWPORT

Betty Chafin Rash
CHARLOTTE

Aaron Thomas
PEMBROKE

Stan Vaughan
CHARLOTTE

Charles Vines
BAKERSVILLE

Claudette Weston
WINSTON-SALEM

Jerry Wright
JARRISBURG

One
North Carolina
Naturally

City Council Action Form

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



Agenda Item:

Council Meeting: 14 Jan 13 Regular Meeting

19 December 2012

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

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

RE: **CAF: 13-10**

Consideration of Approval of 1) Ordinance 13-07, FY 12-13 Budget Amendment #21, Amending Fund 73: Economic Development Capital Reserve Fund; and 2) Resolution 13-07, Authorizing an Amendment to the Capital Reserves Economic Development Fund Increasing City's Share of Funding for Thermo King Water Line Project, EDP Prospect 12-2.

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 13-07, FY 12-13 Budget Amendment #21, Amending Fund 73: Economic Development Capital Reserve Fund; *and* **2)** Resolution 13-07, Authorizing an Amendment to the Capital Reserves Economic Development Fund Increasing City's Share of Funding for Thermo King Water Line Project, EDP Prospect 12-2.

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.

On 8 October 2012, additional requirements for the project, primarily from NCDOT, made it necessary for an increase to the original estimate. At that time the county increased its match portion from \$3,209 to \$4,836 and asked the City to increase their portion from \$954 to \$1,209. Council approved that increase via Resolution 12-A-16.

Following a review of the project budget along with a redesign of the project, it has been determined that the NC Rural Center will be reducing their grant into the project to only cover 50% of the project cost (as per NC Rural Center guidelines). With this reduction, it is necessary once again for an additional amount of \$4,053 to be put in the project of which the County is asking the City to contribute 25% or \$1,013.

Enclosures:

1. Ordinance 13-07
2. Resolution 13-07
3. Resolution 12-A-16
4. Resolution 12-16
5. Vance County Request

ORDINANCE 13-07

AN AMENDMENT TO THE FY 2012 – 2013 BUDGET BUDGET AMENDMENT #21 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 #21 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:

FUNDS: 73: Capital Reserves Fund			Ordinance 13-07 FY 12-13 Budget Amendment # 21			
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	\$ -	\$ 16,300	\$ (1,000)	\$ 15,300
	EDP 12-2 Thermo King	73-660-509851	\$ -	\$ 1,300	\$ 1,000	\$ 2,300
	EDP 12-1 Appliance Store	73-660-509852		\$ 800	\$ -	\$ 800
		Total	\$ -	\$ 18,400	\$ -	\$ 18,400
						\$ 18,400
		Variance			\$ -	
Reference:			Notes:			
CAF 13-10, Ord 13-07 FY 13 BA # 21			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 13-07 upon motion of Council Member _____ and second by Council Member _____ and having been submitted to a roll call vote and received the following votes and was _____ on this the 14th day of January 2013:
YES: NO: ABSTAIN: ABSENT:

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

*Reference: Minute Book 42 p. ***, CAF 13-10*

**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 13-07, adopted by the Henderson, City Council in Regular Session on _____ 2013(*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 _____ 2013.

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

Attachment A
Ordinance 13-07
FY 12-13 Budget Ordinance Amendment 21
(Reference: CAF 13-10: Resolution 13-07)

This Budget Ordinance serves to amend the Economic Development Capital Reserve Fund to increase the City's match for a grant shared with Vance County for the purpose of supplying water to Thermo King. The last amendment approved on 8 October 2012 increased the grant match from \$954 to \$1,209. The County has requested that we increase our match once again, bringing the total to \$2,222. This amount is being rounded up for budgetary purposes.

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

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

R E S O L U T I O N 13-07

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.

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, following design of the project, it has been determined that additional requirements, primarily from NCDOT, would increase the original cost estimates; *and*

WHEREAS, After reviewing the project budget and the design revision, the NC Rural Center has indicated it will only be able to provide 50% funding of said project; *and*

WHEREAS, with this reduction in funding, it is necessary for Vance County and the City of Henderson to increase their contributions to keep the project moving forward; *and*

WHEREAS, Vance County would provide 75% of the local funding match and the City would provide 25% of the local funding match; *and*

WHEREAS, Vance County intends to increase its share of the project from \$4,836 to \$7,876 to fill the gap left by the NC Rural Center reduction in funding; *and*

WHEREAS, Vance County has requested that the City increase its share as well, from \$1,209 to \$2,222.

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 \$1,209 to \$2,222.

The foregoing Resolution 13-07, 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 _____ 2013: YES: NO: ABSTAIN: ABSENT:

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 42, p. *****, CAF 13-07*

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.

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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



Vance COUNTY

NORTH CAROLINA

Planning and Development Department

156 Church Street, Suite 3
Henderson, NC 27536
Ph: (252) 738-2091
Fax: (252) 738-2089

www.vancecounty.org

TO: City of Henderson City Council
FROM: Vance County
SUBJECT: Satterwhite Point Road (Thermo King) Waterline Extension
DATE: December, 2012

Grant Matching Funds

Previously the Council approved a match portion of \$1,209 (resolution 12-A-16) to be contributed to the Satterwhite Point Road Waterline (Thermo King) extension. Following a review of the project budget along with a redesign of the project, it has been determined that the NC Rural Center will be reducing their grant into the project to only cover 50% of the project cost (As per NC Rural Center guidelines). With this reduction, it is necessary for an additional amount of \$4,053 to be put in the project of which the County is asking the City to contribute 25% or \$1,013.

This additional amount will allow the project to move forward in the very near future and is critical for the 10 jobs and total investment in excess of \$1.25 million that has been invested by the Temperature Control Solutions (dba Thermo King) business.

The County appreciates the willingness of the City to partner together for the completion of this extension which will ultimately become a part of the City water system.

Request: Increase the City's match portion from \$1,209 to \$2,222 to secure the necessary funding for completion of the waterline extension project.

City Council Action Form

Office of City Manager
P. O. Box 1434
Henderson, NC 27536
252-430-5701



Agenda Item: _____

Council Meeting: 14 Jan 13 Regular Meeting

20 December 2012

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

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

RE: CAF 13-04

Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of November 2012

Ladies and Gentlemen:

Recommendation:

- Approval of tax releases and refunds from Vance County for the month of November 2012.

Executive Summary

The Vance County Tax office submitted the following tax releases and refunds to the Finance Department for the month November 2012. These releases and refunds are found to be in order and are being recommended for approval.

November 2012 Tax Releases			
Name ▼	Reason ▼	Tax Year ▼	Amount ▼
Real & Personal Property			
Baskerville, Josephine	Correct Value	2010	\$ 146.25
Barrera, Sandro	Remove Late List	2012	\$ 3.89
Cruz, Ricardo	Remove Late List	2012	\$ 3.16
Falkner, John Henry II	Remove Late List	2012	\$ 4.53
Franklin, Melvin C	Remove Late List	2012	\$ 3.36
Frazier, Dwight M., Jr.	Remove Late List	2012	\$ 6.37
Garcia, Miquel	Pers Prop Billed	2012	\$ 34.78
McDaniel, Shirley J.	Adjust Value	2012	\$ 818.42
Rubio, Mera	Remove Late List	2012	\$ 3.16
Smith, B. Michael	Remove Late List	2012	\$ 11.76
Wells Fargo Financial Serv.		2012	\$ (0.27)
Zuniga, Felipe	Pers Prop Billed	2012	\$ 24.14
Total Releases/R & P Prop			\$ 1,059.55
Registered Vehicles			
Refunds			
Creasman, Brian Keith	Pro-Rate	2012	\$ 3.10
Henderson, Kenneth Ray	Pro-Rate	2012	\$ 14.60
Kessler, James Roy	Pro-Rate	2012	\$ 1.47
White, Jessie Earl	Pro-Rate	2012	\$ 3.26
Total Refunds			\$ 22.43
Registered Vehicles			
Releases			
Creech-Brown, Robin	Pro-Rate	2011	\$ 2.92
Gregory, Rubin Boyd II	Pro-Rate	2011	\$ 12.25
Hargrove, Nannie Brand	Pro-Rate	2011	\$ 2.84
Harris, Cassandra Ann	Pro-Rate	2011	\$ 5.76
Hester, Ralph Thomas	Correct Situs	2011	\$ 932.38
Lemus, Israel Amaya	Pro-Rate	2011	\$ 8.35
Maldonado Maria Ines	Pro-Rate	2011	\$ 2.25
Roberson, Justine Wester	Pro-Rate	2011	\$ 1.73
Roberson, Leland Hayes	Pro-Rate	2011	\$ 0.93
Sub Total Reg Veh Releases			\$ 969.41

November 2012 Tax Releases Continued			
Name	Reason	Tax Year	Amount
Shivers, Shaquana Nichelle	Pro-Rate	2011	\$ 6.26
Steed, Angela Denise	Pro-Rate	2011	\$ 7.19
Woodard, Sherleen Terry	Pro-Rate	2011	\$ 2.43
Bailey, Latoya Mitchell	Pro-Rate	2012	\$ 14.94
Bates, Eric	Pro-Rate	2012	\$ 75.06
Fisher, Mamie Kersey	Pro-Rate	2012	\$ 5.85
Griffin, Linda Waddell	Pro-Rate	2012	\$ 3.85
Henderson, Kenneth Ray	Pro-Rate	2012	\$ 5.50
Keeter, Debra Lowe	Pro-Rate	2012	\$ 109.64
Perry, Wanda Cofield	Pro-Rate	2012	\$ 10.25
Yancey, Vivian Cox	Pro-Rate	2012	\$ 5.31
Total Reg Veh Releases			\$ 1,215.69
Total Reg Veh Releases			
& Refunds			\$ 1,238.12
Total All Release & Refunds			\$ 2,297.67

City Council Action Form

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



Agenda Item: _____

Council Meeting: 14 Jan 13 Regular Meeting

3 January 2013

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

FR: A Ray Griffin, Jr., City Manager

RE: CM: 13-02

Re: Promissory Note for Sanitary Sewer Project

Ladies and Gentlemen:

Attached is a copy of an executed Promissory Note for the funds related to the Sanitary Sewer Rehabilitation that is currently under construction. Of the \$1,000,000 received, \$500,000 is a loan at 2% interest and the remainder is in the form of a principal forgiveness.

This loan was accepted by the Council via Resolution 10-107 on 25 Oct 2010 and serves as a matter of record and status of the project.

Enclosures:

1. Promissory Note
2. NC Dept. of State Treasurer Letter & Payment Schedule
3. Resolution 10-107

CM 13-02: 14 January 2013

Page 1 of 8

PROMISSORY NOTE

For value received, the City of Henderson herein referred to as the "Unit," hereby promises to pay the State of North Carolina the principal sum of One Million Dollars (\$1,000,000) on the unpaid principal sum, from the estimated completion date for a loan made to the Unit by the Department of Environment and Natural Resources for a Sanitary Sewer Project, herein referred to as the "Project," until said principal sum shall be paid. The unpaid principal sum is immediately reduced by one half of the loan amount as "Principal Forgiveness".

Interest will accrue at the rate of 2.00 percent per annum on the unpaid principal sum from the Water Pollution Control Revolving Fund. The first payment is due not earlier than six months nor later than twelve months after the certified completion of the Project by The Department of Environment and Natural Resources - Division of Water Quality. All payments will be made annually, payable on or before May 1. (see attached maturity schedule).

The principal sum shall be repaid in not more than 20 annual installments on May 1, the first principal payment is due not earlier than six months after completion of the Project.

The Unit may be required by the North Carolina Department of Environment and Natural Resources to prepay this note in whole and any further commitment of funds may be withdrawn if the Unit fails to: (i) adopt on or before completion of Project, place into effect, and agree to maintain until the principal sum is paid, a schedule of fees, charges, and other available funds, that will adequately provide for proper operation, maintenance, and administration of the project and for repayment of all principal of and interest on loans; (ii) arrange for necessary financing of the Project within one year of the date of acceptance of a revolving loan; (iii) award a contract for construction of the Project within one year of the date of acceptance of a revolving loan.

The principal sum will be used entirely within the intent of Water Pollution Control Revolving Fund for the purpose of acquiring, constructing and equipping the Project.

The Unit shall keep the Project continuously insured against such risks as are customarily insured against. In case of material damage to the Project, prompt notice shall be given to Department of Environment and Natural Resources. Proceeds from any insurance settlement shall either be used to reduce the unpaid principal amount or replace, repair, rebuild or restore the Project, in the discretion of the unit.

The Project will be made accessible for inspection by any duly authorized representative of the State.

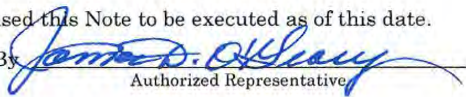
This note is not secured by a pledge of the faith and credit of the State of North Carolina or of the Unit, but is payable solely from the revenues of the Project or benefited systems, or other available funds.

Payments of principal and interest on this Note shall be made directly to Department of Environment and Natural Resources. All obligations of the Unit hereunder shall terminate when all sums due and to become due pursuant to this Note have been paid. This Note shall be governed by, and construed in accordance with, the laws of the State of North Carolina.

The Unit agrees that any other monies due to the unit of local government from the State may be withheld by the State and applied to the payment of this obligation whenever the unit fails to pay any payment of principal or interest on this note when due.

The obligation of the Unit to make payments on this Note and observe all conditions herein stated shall be absolute and unconditional. The Unit shall not suspend or discontinue any such payment on this Note for any cause including, without limitation, failure to complete the Project, failure of title to all or any part of the Project, destruction or condemnation of all or any part of the Project.

In Witness Whereof, the City of Henderson caused this Note to be executed as of this date.

By 

Authorized Representative

ACKNOWLEDGMENT OF EXECUTIONSTATE OF North CarolinaCOUNTY OF Vance

This 2nd day of January, 2013, personally came before me James D. O'Geary who, being by me duly sworn, says that he is the authorized representative of City of Henderson and that the said writing was signed by him, in behalf of said governmental unit by its authority duly given. And the said authorized representative acknowledged the said writing to be the act and deed of the said governmental unit.

CM 13-02: 14 January 2013

Page 2 of 8



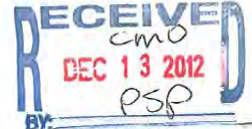
JANET COWELL
TREASURER

NORTH CAROLINA
DEPARTMENT OF STATE TREASURER
STATE AND LOCAL GOVERNMENT FINANCE DIVISION
AND THE LOCAL GOVERNMENT COMMISSION

T. VANCE HOLLOMAN
DEPUTY TREASURER

December 11, 2012

Mr. Frank Frazier
Water Resources Assistant Manager
City of Henderson
P.O. Box 1434
Henderson, North Carolina 27536



Re: Preliminary Maturity Schedule and Promissory Note
\$1,000,000 Revolving Loan
Project # E-SRF-T-12-0300
CS370410-05

Dear Mr. Frazier,

Enclosed is a preliminary maturity schedule reflecting the principal payments on the City's above-referenced revolving loan note. The schedule is provided to you at this time for **budgeting purposes only**.

When the Department of Environment and Natural Resources notifies us that the project is complete, we will prepare a final maturity schedule. After the final maturity schedule is prepared, our office will notify you before each payment is due in the form of a "Notice of Bond Principal and Interest Due" statement. Your office should receive this statement approximately 30 days before each payment date. Enclosed also, please find two (2) copies of the promissory note for your Revolving Loan. Please complete and notarize **both** copies and return **one** (1) to:

North Carolina Department of State Treasurer
Attn: Dianne Kelly
State and Local Government Finance Division
325 North Salisbury Street
Raleigh, NC 27603-1385

If you have any questions, please feel free to contact me at 919-807-2367.

Sincerely,

Dianne Kelly
Debt Management

Enclosures

325 NORTH SALISBURY STREET, RALEIGH, NORTH CAROLINA 27603-1385
Courier #56-20-45 Telephone (919) 807-2350 Fax (919) 807-2352
Physical Address: 4505 Fair Meadow Lane, Blue Ridge Plaza, Suite 102, Raleigh, NC 27607
Website: www.nctreasurer.com

City of Henderson
Preliminary Schedule for Federal Revolving Loan
For Planning Purposes Only
Prepared by the Department of State Treasurer

Amount:	\$500,000	LGC Approval Date:	May 1, 2012
Term (Years):	20	Approval Amount:	\$1,000,000
Interest Rate:	2.00%	Loan Amount:	\$500,000
Est. Date of Completion:	May 7, 2012	Principal Forgiveness:	\$500,000
State Project Number:	E-SRF-T-12-0300	Certified Completion Date:	
	CS370410-05		

Fiscal Year	Outstanding Balance	Interest Rate	Nov. 1 Interest Payment	May 1 Interest Payment	May 1 Principal Payment	Total Payment
05/01/14	\$ 500,000.00	2.00%	\$ -	\$ 9,835.62	\$ 25,000.00	\$ 34,835.62
11/01/14	\$ 475,000.00	2.00%	\$ 4,750.00	\$ -	\$ -	\$ 4,750.00
05/01/15	\$ 475,000.00	2.00%	\$ -	\$ 4,750.00	\$ 25,000.00	\$ 29,750.00
11/01/15	\$ 450,000.00	2.00%	\$ 4,500.00	\$ -	\$ -	\$ 4,500.00
05/01/16	\$ 450,000.00	2.00%	\$ -	\$ 4,500.00	\$ 25,000.00	\$ 29,500.00
11/01/16	\$ 425,000.00	2.00%	\$ 4,250.00	\$ -	\$ -	\$ 4,250.00
05/01/17	\$ 425,000.00	2.00%	\$ -	\$ 4,250.00	\$ 25,000.00	\$ 29,250.00
11/01/17	\$ 400,000.00	2.00%	\$ 4,000.00	\$ -	\$ -	\$ 4,000.00
05/01/18	\$ 400,000.00	2.00%	\$ -	\$ 4,000.00	\$ 25,000.00	\$ 29,000.00
11/01/18	\$ 375,000.00	2.00%	\$ 3,750.00	\$ -	\$ -	\$ 3,750.00
05/01/19	\$ 375,000.00	2.00%	\$ -	\$ 3,750.00	\$ 25,000.00	\$ 28,750.00
11/01/19	\$ 350,000.00	2.00%	\$ 3,500.00	\$ -	\$ -	\$ 3,500.00
05/01/20	\$ 350,000.00	2.00%	\$ -	\$ 3,500.00	\$ 25,000.00	\$ 28,500.00
11/01/20	\$ 325,000.00	2.00%	\$ 3,250.00	\$ -	\$ -	\$ 3,250.00
05/01/21	\$ 325,000.00	2.00%	\$ -	\$ 3,250.00	\$ 25,000.00	\$ 28,250.00
11/01/21	\$ 300,000.00	2.00%	\$ 3,000.00	\$ -	\$ -	\$ 3,000.00
05/01/22	\$ 300,000.00	2.00%	\$ -	\$ 3,000.00	\$ 25,000.00	\$ 28,000.00
11/01/22	\$ 275,000.00	2.00%	\$ 2,750.00	\$ -	\$ -	\$ 2,750.00
05/01/23	\$ 275,000.00	2.00%	\$ -	\$ 2,750.00	\$ 25,000.00	\$ 27,750.00
11/01/23	\$ 250,000.00	2.00%	\$ 2,500.00	\$ -	\$ -	\$ 2,500.00
05/01/24	\$ 250,000.00	2.00%	\$ -	\$ 2,500.00	\$ 25,000.00	\$ 27,500.00
11/01/24	\$ 225,000.00	2.00%	\$ 2,250.00	\$ -	\$ -	\$ 2,250.00
05/01/25	\$ 225,000.00	2.00%	\$ -	\$ 2,250.00	\$ 25,000.00	\$ 27,250.00
11/01/25	\$ 200,000.00	2.00%	\$ 2,000.00	\$ -	\$ -	\$ 2,000.00
05/01/26	\$ 200,000.00	2.00%	\$ -	\$ 2,000.00	\$ 25,000.00	\$ 27,000.00
11/01/26	\$ 175,000.00	2.00%	\$ 1,750.00	\$ -	\$ -	\$ 1,750.00
05/01/27	\$ 175,000.00	2.00%	\$ -	\$ 1,750.00	\$ 25,000.00	\$ 26,750.00
11/01/27	\$ 150,000.00	2.00%	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00
05/01/28	\$ 150,000.00	2.00%	\$ -	\$ 1,500.00	\$ 25,000.00	\$ 26,500.00
11/01/28	\$ 125,000.00	2.00%	\$ 1,250.00	\$ -	\$ -	\$ 1,250.00
05/01/29	\$ 125,000.00	2.00%	\$ -	\$ 1,250.00	\$ 25,000.00	\$ 26,250.00
11/01/29	\$ 100,000.00	2.00%	\$ 1,000.00	\$ -	\$ -	\$ 1,000.00
05/01/30	\$ 100,000.00	2.00%	\$ -	\$ 1,000.00	\$ 25,000.00	\$ 26,000.00
11/01/30	\$ 75,000.00	2.00%	\$ 750.00	\$ -	\$ -	\$ 750.00
05/01/31	\$ 75,000.00	2.00%	\$ -	\$ 750.00	\$ 25,000.00	\$ 25,750.00
11/01/31	\$ 50,000.00	2.00%	\$ 500.00	\$ -	\$ -	\$ 500.00
05/01/32	\$ 50,000.00	2.00%	\$ -	\$ 500.00	\$ 25,000.00	\$ 25,500.00
			\$ 47,250.00	\$ 57,085.62	\$ 475,000.00	\$ 579,335.62

NOTE: The first interest payment is calculated for the period May 7, 2013 to May 1, 2014 on a 365-day basis (359 days). Subsequent interest payments are calculated on a six-month basis.

RESOLUTION 10—107

A RESOLUTION OF THE HENDERSON CITY COUNCIL AUTHORIZING THE ACCEPTANCE OF LOAN INTEREST FOR STATE REVOLVING FUND (SRF) LOAN

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

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

WHEREAS, the City of Henderson (City) performed a sewer survey analysis that identified and prioritized the need for the repair and replacement of various mains within the wastewater collection system and has formulated a project described as *The Sanitary Sewer Rehabilitation Project*, the **Project**, to assist the City in the control of infiltration and inflow, *and*

WHEREAS, the Council authorized City Administration to submit a grant application on 23 August 2010 via Resolution 10—83, *and*

WHEREAS, the City received notice on 4 October 2010 that the City's proposed project was eligible for a loan amount of \$1,000,000 with \$500,000 of the total amount in the form of principal forgiveness.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Henderson, North Carolina that it does hereby authorize the acceptance of the State Revolving Fund Loan, *and said loan award announcement being more fully articulated in Attachment No. 1 to this Resolution.*

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign the grant award and other applicable documents as necessary to this grant acceptance.

The foregoing Resolution 10-107, on this the 25th day of October 2010 upon a motion by Council Member Rainey and seconded by Council Member Inscoe and **APPROVED** by the

following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Davis and Daye. NO: None. ABSTAIN: None. ABSENT: Evans.

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, pp. 690-691.

CERTIFICATION BY RECORDING OFFICER

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, A. Ray Griffin, Jr., the duly appointed, qualified Interim City Clerk of the City of Henderson, do hereby certify: That the foregoing/attached Resolution 10—107 is a true and correct copy of the Resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Henderson City Council duly held on the 25th day of October 2010; and, further, that said Resolution has been fully recorded in the journal of proceedings and records in my office as follows: *Minute Book 41*, pp. 690-691 and *Resolution Book 1*, p. 673.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of October 2010.

MUNICIPAL SEAL:

A. Ray Griffin, Jr.
Interim City Clerk



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Beverly Eaves Perdue
Governor

Coleen H. Sullins
Director

Dee Freeman
Secretary

October 1, 2010

Mr. Ray Griffin, City Manager
City of Henderson
Post Office Box 1434
Henderson, NC 27536-1434



SUBJECT: Clean Water State Revolving Fund
Notice of Intent to Fund
City of Henderson Sewer Rehabilitation
September 1st, 2010 Application Cycle

Dear Mr. Griffin:

Congratulations! Your application for a Clean Water State Revolving Fund loan has been reviewed and your proposed project found eligible to receive a low interest SRF loan. The total loan amount will be \$1,000,000. \$500,000 of the total amount will be in the form of principal forgiveness, with the balance at the prevailing SRF interest rate at the time of approval by the Local Government Commission (LGC).

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

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

The next milestone is the submittal of an Engineering Report by close of business on **January 3, 2011**. The Engineering Report must be developed using the guidance found on our website. Reports not received in this office on or before January 3, 2011 will be returned and CWSRF funding for the proposed project will be forfeited.

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

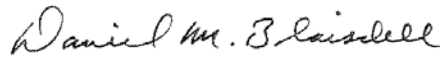
One
North Carolina
Naturalist

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

Please note that if funding is based on the recipient's agreement to develop an Asset Management Plan, that plan **must** be adopted by the recipient and approved by CG&L before the contract execution milestone. Otherwise, project funding will be forfeited. The 2009/2010 IUP and an overview of our CWSRF funding process is available on our website (<http://portal.ncdenr.org/web/wq/cgls>).

If you have questions, please contact the Mr. Kim H. Colson, P.E. Assistant Chief, Engineering Branch at 919-715-6212.

Sincerely,



Daniel M. Blaisdell, P.E., Chief
Construction Grants & Loans Section

DMB

cc: Mark Hubbard
Jennifer Haynie
Kim Colson
SRF File

Meetings and Events Calendar

<i>Date</i>	<i>Time</i>	<i>Event</i>	<i>Location</i>
Jan 21 st		City Hall Closed Martin Luther King Day Holiday	
Jan 23 rd	8:00 AM	City Council Strategic Planning Retreat	Aycock Recreation Center
Jan 25 th	10:00 AM	Henderson-Vance E911 Advisory Board Meeting	E 911 Operations Center
Jan 28 th	6:00 PM	City Council Meeting Work Session to Follow	City Council Chambers
Feb 4 th	3:30 PM	Henderson Planning Board	City Council Chambers
Feb 5 th	3:30 PM	Henderson Zoning Board of Adjustments	City Council Chambers
Feb 11 th	6:00 PM	City Council Regular Meeting	City Council Chambers
Feb 12 th	3:00 PM	Henderson Appearance Committee	City Council Chambers
Feb 14 th	12:00 PM	Henderson-Vance Parks & Recreation Commission	Aycock Recreation Center
Feb 21 st	7:00 PM	Human Relations Commission	City Council Chambers
Feb 25 th	6:00 PM	City Council Meeting Work Session to Follow	City Council Chambers
Mar 4 th	3:30 PM	Henderson Planning Board	City Council Chambers
Mar 5 th	3:30 PM	Henderson Zoning Board of Adjustments	City Council Chambers
Mar 11 th	5:00 PM	Library Board of Trustees	H. Leslie Perry Memorial Library Board Room
Mar 11 th	6:00 PM	City Council Regular Meeting	City Council Chambers
Mar 12 th	3:00 PM	Henderson Community Appearance Commission	City Council Chambers
Mar 14 th	12:00 PM	Henderson-Vance Park & Recreations Commission	Aycock Recreation Center
Mar 21 st	7:00 PM	Human Relations Commission	City Council Chambers
Mar 25 th	6:00 PM	City Council Meeting Work Session to Follow	City Council Chambers
Mar 29 th	10:00 AM	Henderson-Vance E911 Advisory Board Meeting	E 911 Operations Center
April 1 st	3:30 PM	Henderson Planning board	City Council Chambers
April 2 nd	3:30 PM	Henderson Zoning Board of Adjustment	City Council Chambers
April 8 th	6:00 PM	City Council Regular Meeting	City Council Chambers
April 9 th	3:00 PM	Henderson Community Appearance Commission	City Council Chambers

Last Updated: 1/9/2013 9:42 AM



Henderson Fire Department

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

Daniel E. Wilkerson
Fire Chief

TO: RAY GRIFFIN, CITY MANAGER
FROM: DANIEL E. WILKERSON, FIRE CHIEF
DATE: January 3, 2013

FIRE SUPPRESSION AND RESCUE ACTIVITY REPORT FOR: DECEMBER, 2012

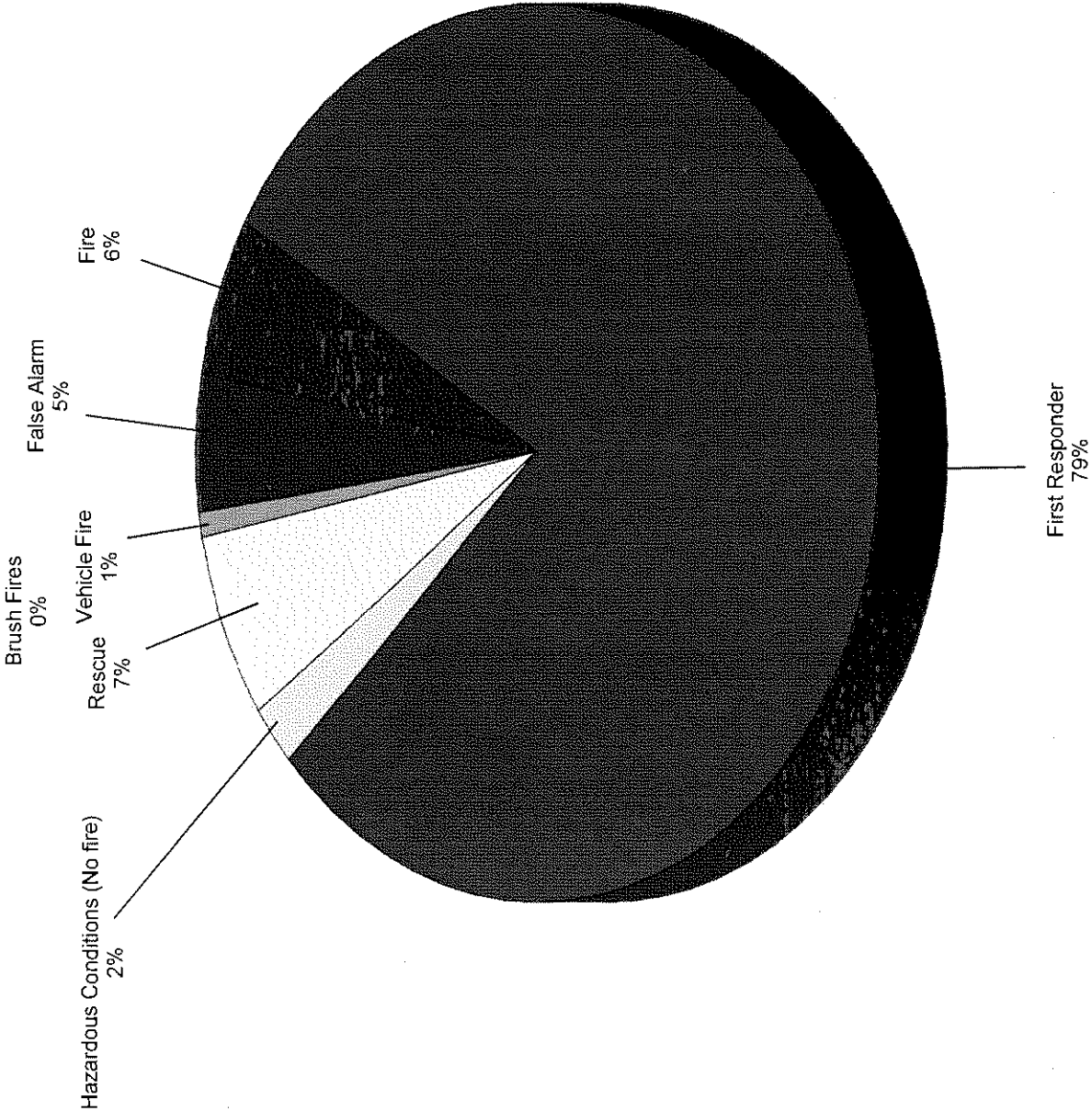
TYPE OF CALL	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
PRIVATE DWELLINGS (1 or 2 Family), Including Mobile Homes	0	3	57
APARTMENTS (3 or More Families)	1	2	12
HOTELS AND MOTELS	0	0	0
ALL OTHER RESIDENTIAL (Dormitories, Boarding Houses, Tents, etc.)	0	0	2
PUBLIC ASSEMBLY (Church, Restaurant, Clubs, etc.)	0	0	5
SCHOOLS AND COLLEGES	0	0	0
HEALTH CARE AND PENAL INSTITUTIONS (Hospitals, Nursing Homes, Prisons, etc.)	0	0	3
STORES AND OFFICES	1	0	4
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	0	1	15
FIRES IN HIGHWAY VEHICLES (Autos, Trucks, Buses, etc.)	1	1	28
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	4	20
FIRES IN RUBBISH, INCLUDING DUMPSTERS (Outside structures), With No Value Involved	7	5	43
ALL OTHER FIRES	0	3	9
RESCUE	15	18	226
FIRST RESPONDER	178	147	1975
FALSE ALARM RESPONSES (Malicious or Unintentional False Calls, Malfunctions, Bomb Scares)	11	8	181
MUTUAL AID OR ASSISTANCE RESPONSES	3	3	17
HAZARDOUS MATERIALS RESPONSES (Spills, Leaks, etc.)	5	3	31
OTHER HAZARDOUS RESPONSES (Arcing wires, Bomb Removal, Power Line Down, etc.)	0	1	28
ALL OTHER RESPONSES (Smoke Scares, Lock-Outs, Animal Rescues, etc.)	1	5	24
TOTALS	223	204	2681

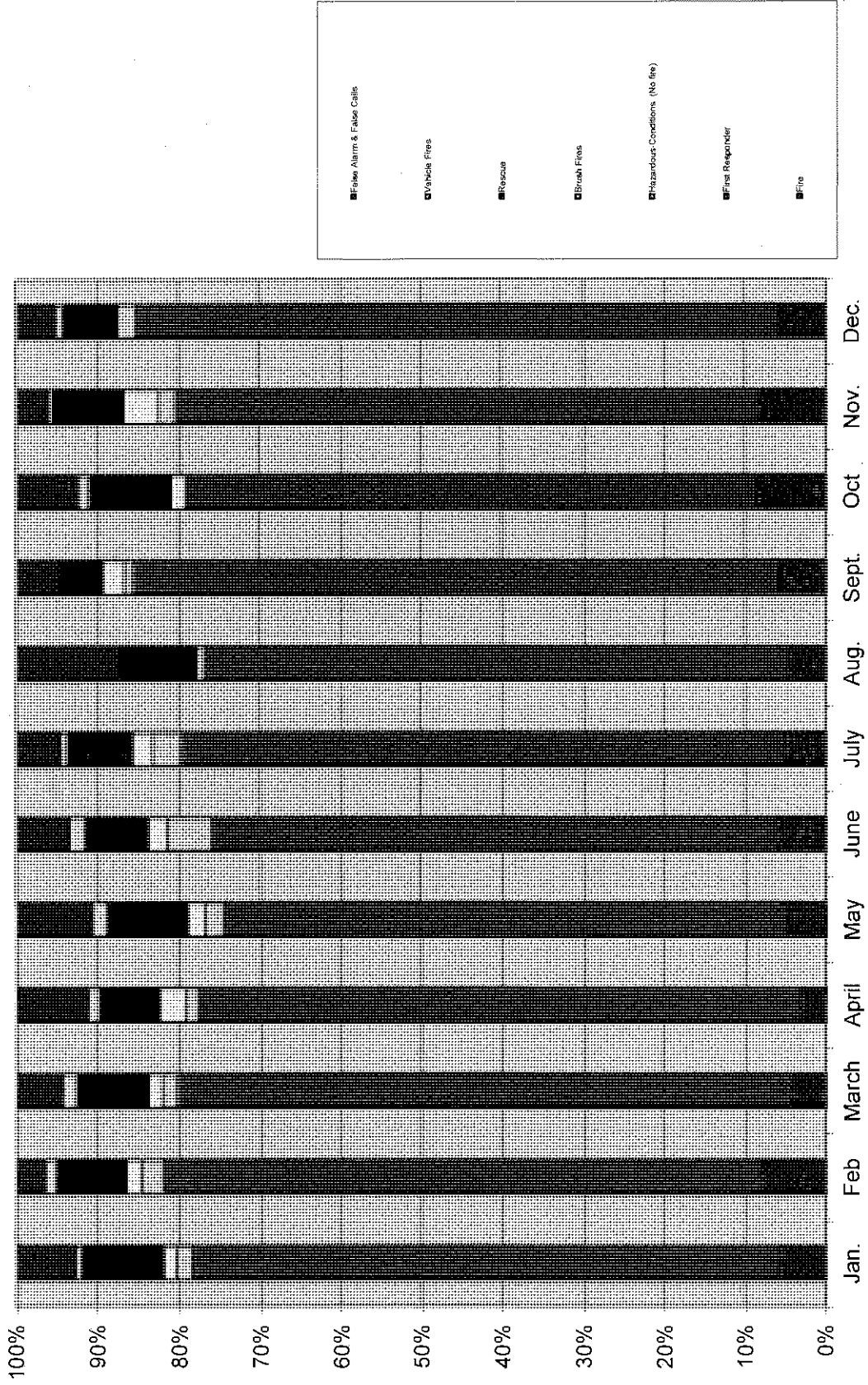
	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
Total Fire Incidents With Property and/or Contents Loss	1	7	78
Total of Property and Contents Value Saved	\$ 995,000.00	\$ 697,700.00	\$ 14,162,138.00

	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	1	1
FIRE CASUALTIES CIVILIAN - INJURIES	0	0	1

Incident Summary For December
2012



YEAR TO DATE SUMMARY BY MONTH FOR 2012



INSPECTION ACTIVITIES REPORT FOR: DECEMBER, 2012

INSPECTIONS	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
ASSEMBLY	2	2	72
BUSINESS	6	10	218
EDUCATIONAL	0	0	9
HAZARDOUS	0	0	0
INDUSTRIAL	0	0	7
INSTITUTIONAL	0	0	5
MERCANTILE	2	3	105
RESIDENTIAL	7	0	42
STORAGE	0	0	4
DAY CARE	1	2	18
HOME CARE	0	0	0
FOSTER CARE	1	1	18
VACANT	0	1	30
TOTALS	19	19	528

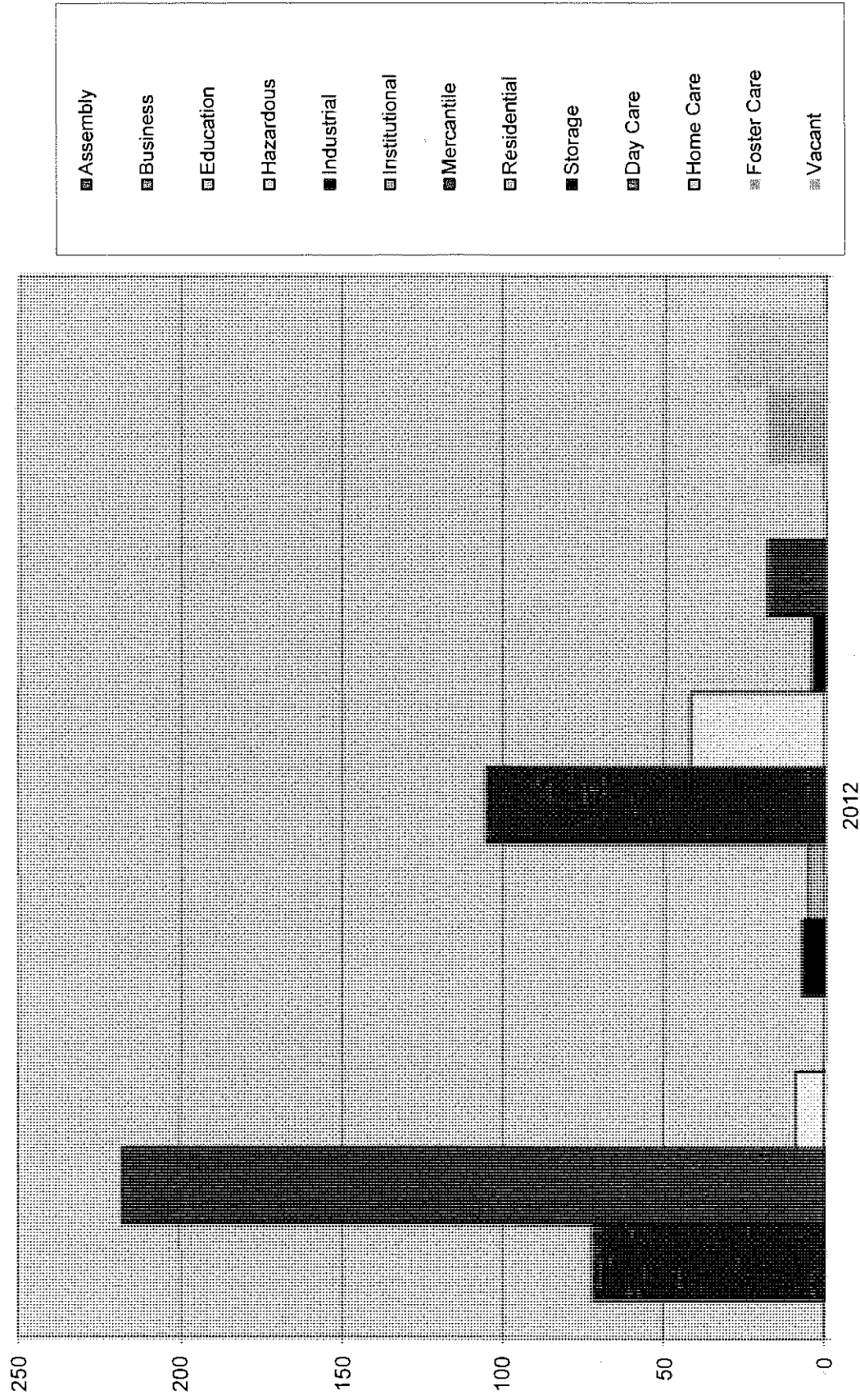
	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
CODE VIOLATIONS	29	7	804
FOLLOW UP INSPECTIONS	6	1	165

INSPECTION ACTIVITIES REPORT FOR YEAR OF 2012

INSPECTIONS	2012 TOTAL	AVG. PER MONTH
ASSEMBLY	72	6.00
BUSINESS	218	18.17
EDUCATIONAL	9	0.75
HAZARDOUS	0	0.00
INDUSTRIAL	7	0.58
INSTITUTIONAL	5	0.42
MERCANTILE	105	8.75
RESIDENTIAL	42	3.50
STORAGE	4	0.33
DAY CARE	18	1.50
HOME CARE	0	0.00
FOSTER CARE	18	1.50
VACANT	30	2.50
TOTALS	528	44.00

	2012 TOTAL	AVG. PER MONTH
CODE VIOLATIONS	804	67.00
FOLLOW UP INSPECTIONS	165	13.75

INSPECTION ACTIVITIES REPORT FOR YEAR OF 2012



MONTHLY CITATION REPORT FOR THE MONTH OF: December 2012

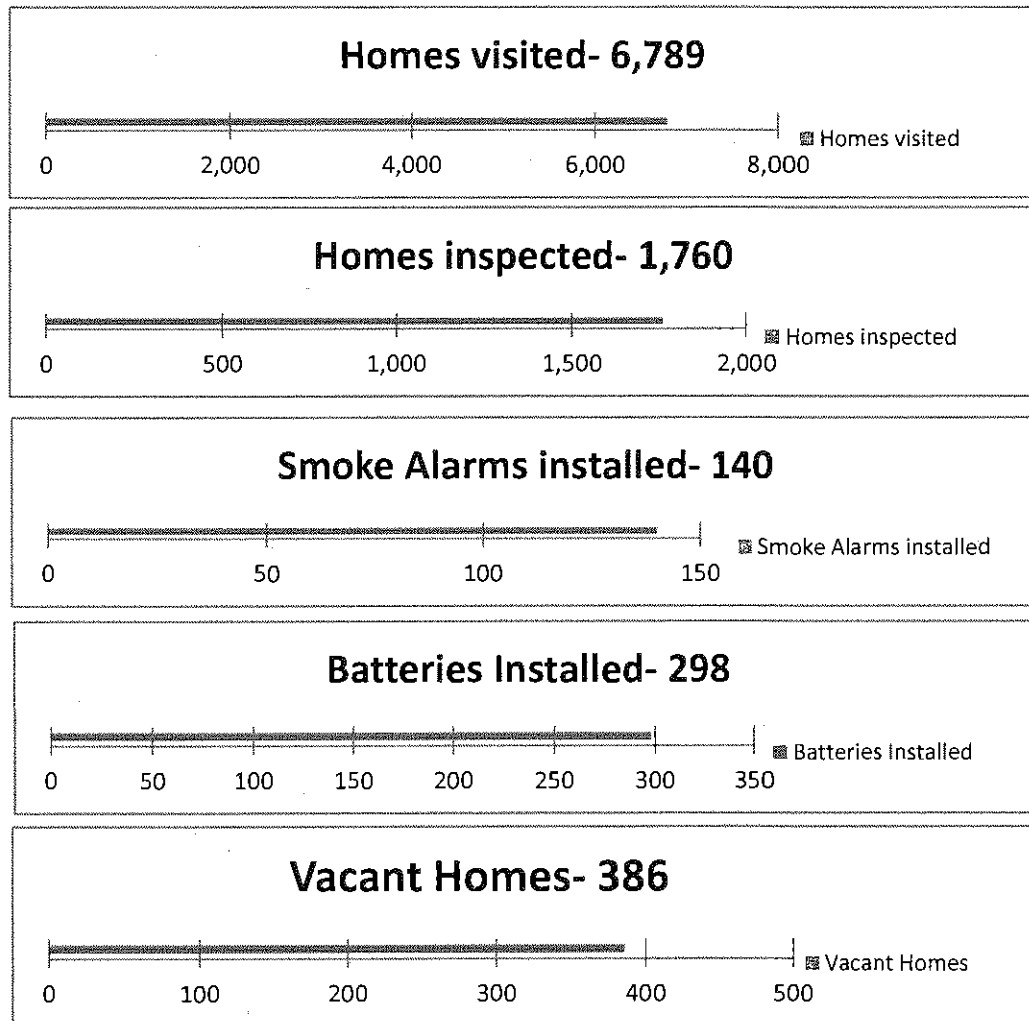
LOCATION	CURRENT MONTH FIRE LANE	CURRENT MONTH HANDICAPPED	LAST MONTH FIRE LANE	LAST MONTH HANDICAPPED	YEAR TO DATE
Cardinal Plaza					0
Compare Foods					0
Crossroads Shopping Center					0
Dabney Shopping Center					1
Dabney West Mall					1
Golden Corral					0
Guardian Care					0
Henderson Mall					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					66
Walgreens					0
TOTALS	0	0	0	0	68

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	4,100	2689	15	6889
Home Inspections / Door Hanger Follow Ups										205	50	20	275
Smoke Alarms Installed	4	7	1	5	8	4	6	0	5	110	140	11	301
Batteries Installed in Smoke Alarms	6	4	8	11	5	4	10	8	10	154	200	9	429
Fire Extinguisher Classes	0	0	0	0	0	1	0	2	3	4	1	3	14
School / Daycare Presentations	3	1	2	1	2	3	4	2	4	6	1	0	29
Community / Civic Group Presentations	3	1	0	1	3	1	2	3	1	2	0	6	23
Station Tours	2	0	5	1	2	3	4	0	3	7	6	0	33
Total Participants in Fire & Life Safety Programs	200	50	150	400	500	350	450	400	600	5000	3000	600	11700
Community / Business Displays	0	0	0	4	1	2	1	1	1	2	0	0	12
Child Safety Seat Clinics	0	0	1	0	0	1	0	0	1	0	0	1	4
Child Safety Seats Inspected	8	11	7	20	10	6	9	15	5	10	5	9	115
Child Safety Seats Distributed	2	4	0	5	0	1	4	2	0	0	0	1	19

Home Fire and Safety Inspections for 2012

For the year 2012 the Henderson Fire Department visited six thousand, seven hundred, eighty nine (6,789) homes. We went inside and inspected one thousand, seven hundred, sixty (1,760) homes. We installed one hundred forty (140) smoke alarms and replaced two hundred ninety eight (298) batteries. We found three hundred eighty six (386) homes vacant.



TRAINING DIVISION PRODUCTIVITY - DECEMBER 2012

Henderson Fire Department

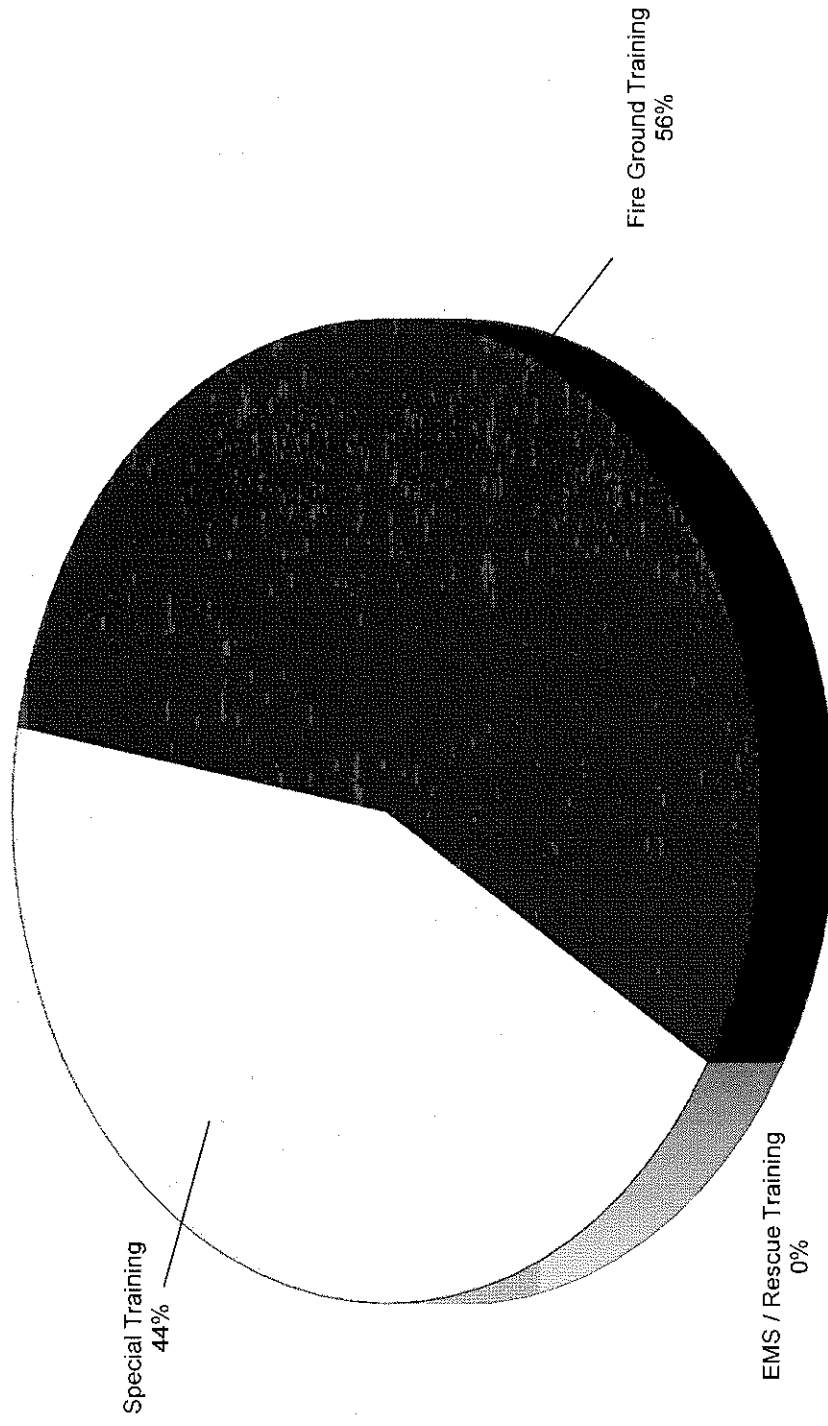
Types of Courses Taught	Course Hours Taught	Man-hours of Training
Fire Ground Training	77	566.5
EMS / Rescue Training	0	0
Special Training	30	450

Totals	107	1016.5
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	Course Hours Taught	Man-hours of Training
PREVIOUS MONTH TOTAL	141.5	1038

YEAR - TO - DATE TOTAL	1,798.80	13,956
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Training Hours by Category - December 2012



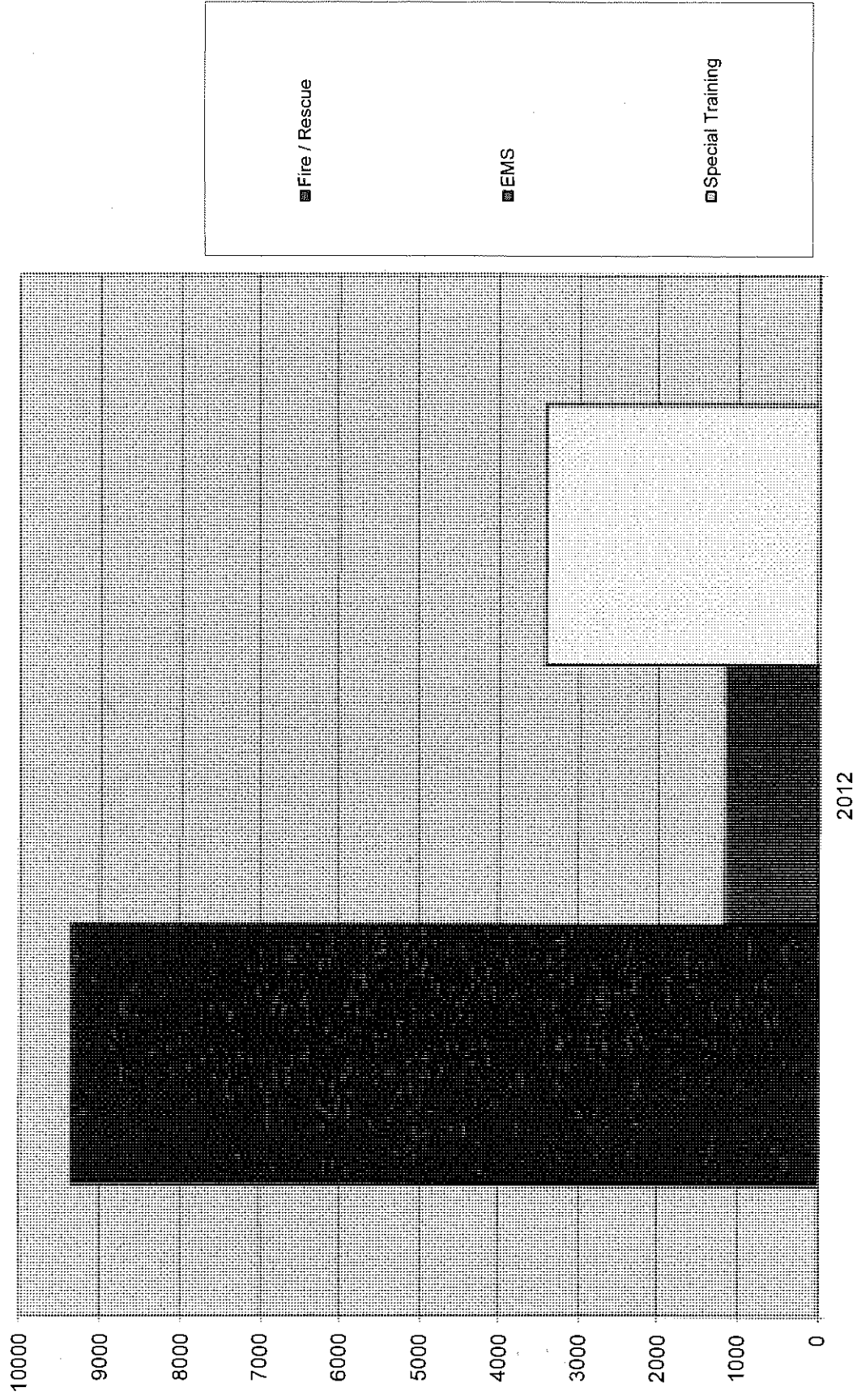
Henderson Fire Department

TRAINING DIVISION PRODUCTIVITY - 2012

Types of Courses Taught	Course	Man-Hours
Fire / Rescue	1,383	9,363
EMS	116	1,156
Special Training	300.0	3,437.0
Totals	1,798.8	13,956.3

2012	Course	Man-Hours
JAN	139.0	1,655.5
FEB	142.5	1,143.5
MAR	173.8	1,084.8
APR	145.5	945.0
MAY	195.5	1,378.5
JUN	169.5	1,055.5
JUL	153.5	1,143.5
AUG	146.0	1,125.5
SEP	147.0	1,226.0
OCT	138.0	1,144.0
NOV	141.5	1,038.0
DEC	107.0	1,016.5
Y-T-D	1,798.8	13,956.3

TRAINING- MAN HOURS FOR YEAR OF 2012



Hydrant Yearly Report For 2012

Total Hydrants in City and County	995
Total Private Hydrants in City	53
Total City Hydrants	668
Total County Hydrants	327
Total Hydrants With Only Two Discharges	31
Total With Flow Over 1500 gpm (Blue)	1
Total With Flow Of 1000-1499 gpm (Green)	551
Total With Flow Of 500-999 gpm (Orange)	402
Total With Flow Of 0-499 gpm (Red)	41
Total Flowed / Tested	971
Total Hydrants Painted	393
Total Preventive Maintenance Performed- (Including Flushing)	971
Total Number Of Hydrants Out Of Service	2

Fire Department Regulatory Compliance

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

The Fire Department has met all regulatory compliance items for the year of 2012.