



AGENDA

Henderson City Council Regular Meeting

Monday 13 May 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)* 22 April Short Regular Meeting *[See Notebook Tab 1]*
- b)* 22 April Work Session

VII. 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

VIII. NEW BUSINESS

- a)* Consideration of Approval of Resolution 13-37, 1) Authorizing the Submission of the FY14 BJA Bulletproof Vest Grant Application & 2) NCLM Risk Management Service Reimbursement Funding for the Police Department. *(CAF 13-50) [See Notebook Tab 2]*
 - Resolution 13-37
- b)* Consideration of Approval of Ordinance 13-25. FY13, Budget Amendment #30, Authorizing an Additional Assessment of \$21,362 for FY12-13 to Kerr-Tar Regional Council of Governments for Payment of Funds Owed to the Revolving Loan Funds. *(CAF 13-52) [See Notebook Tab 3]*
 - Ordinance 13-25
- c)* Consideration of Approval of Resolution 13-38, Authorizing the Dedication and Acceptance of Vance Granville Community College Water Main Extension. *(CAF 13-51) See Notebook Tab 4]*
 - Resolution 13-38
- d)* Consideration of Approval of 1) Resolution 13-34, Approval of Sole Source for New Radio Read Water Meter Purchases and to Purchase the Meters from HD Supply Waterworks, LTD; and Authorizing the Mayor to Sign the Promissory Note for the Loan for Project #H-LRX-F-11-1693 for the Purchase of Radio Read Water Meters; and 2) Ordinance 13-24, FY13, Budget Amendment #29, Amending the Budget for Above Mentioned Project. *(CAF 13-48) [See Notebook Tab 5]*
 - Resolution 13-34
 - Ordinance 13-24

- e) Consideration of Approval of 1) Resolution 13-35, Authorizing the Execution of a Contract with McGill Associates, P.A. for the Completion of an Engineering Report for the Elmwood Cemetery Outfall Project; and 2) Ordinance 13-23, FY13, Budget Amendment #31, Establishing a CIP Project Budget for the Elmwood Cemetery Outfall Project. (CAF 13-49) [See Notebook Tab 6]
 - Resolution 13-35
 - Ordinance 13-23
- f) Consideration of Approval of Resolution 13-40, Authorizing Vance County to Extend 2,500 Linear Feet of Waterlines into Warren County. (CAF 13-58) [See Notebook Tab 7]
 - Resolution 13-40
- g) Consideration of Approval of Resolution 13-39, Authorizing an Agreement Between the Embassy Cultural Center Foundation and the City of Henderson. (CAF 13-57) [See Notebook Tab 8]
 - Resolution 13-39
- h) Consideration of Approval of Resolution 13-32, Amending Separate Contracts Between the City and Cordell's Lawn Care, Inc. and Perks Lawn Care, LLC to Include Additional Landscaping Services. (CAF 13-46) [See Notebook Tab 9]
 - Resolution 13-32
- i) Consideration of Approval of Resolution 13-41, Award of FY13, Audit Contract Between the City of Henderson and William L. Stark and Company. (CAF 13-60) [See Notebook Tab 10]
 - Resolution 13-41

IX. CONSENT AGENDA

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

- a) Consideration of Approval of Ordinance 13-14, Updating the Sewer Use Ordinance, Chapter 15. (CAF 13-23) [See Notebook Tab 11]
 - Ordinance 13-14

- b)** Consideration of Approval of Resolution 13-29, Issuing Sewer Credit for Outside Watering of Lawns, Plants, and Vegetation from June 1, 2013 through October 31, 2013. (CAF 13-37) [See Notebook Tab 12]
- Resolution 13-29
- c)** Consideration of Approval of Ordinance 13-21, FY13, Budget Amendment #32, Amending and/or Closing Out the Following Grants: Fund 55-201: Fire FM Global Grant; Fund 55-203: BJA Bulletproof Vests Grant; and Fund 55-302: Orange Breckenridge Redevelopment Grant. (CAF 13-42) [See Notebook Tab 13]
- Ordinance 13-21
- d)** Consideration of Approval of Ordinance 13-26, FY13, Budget Amendment #31, Amending the General Fund and Water Fund. (CAF 13-53) [See Notebook Tab 14]
- Ordinance 13-26
- e)** Consideration of Approval of Ordinance 13-18, FY13, Budget Amendment #33, Amending Fund 510: Police Department and Fund 530: Fire Department of the General Fund. (CAF 13-54) [See Notebook Tab 15]
- Ordinance 13-18
- f)** Consideration of Approval of Ordinance 13-28, FY13, Budget Amendment #34, Authorizing an Additional Appropriation of \$25,000 to the Departmental Budget for the City Attorney. (CAF 13-56) [See Notebook Tab 16]
- Ordinance 13-28
- g)** Consideration of Approval of Ordinance 13-27, FY13 Budget Amendment #36, Closing Out the Water Main Replacement/Relocation of the Red Bud Creek Bridge Project Fund 43-848; and Amending Capital Reserve Utilities Fund 70. (CAF 13-55) [See Notebook Tab 17]
- Ordinance 13-27
- h)** Consideration of Approval of Ordinance 13-29, FY13, Budget Amendment #37, Amending the General Fund – Recreation Department Budget. (CAF 13-59) [See Notebook Tab 18]
- Ordinance 13-29
- i)** Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of March 2013. (CAF 13-20) [See Notebook Tab 19]

X. WORK SESSION

- a)** Quality Inn Presentation [See Notebook Tab 20]

XI. 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 below.³

XII. REPORTS

- a) Mayor/Mayor Pro-Tem**
- b) City Manager**
 - i. Declaration of Surplus Property *[See Notebook Tab 21]*
- c) City Attorney**
- d) City Clerk**
 - i. Calendar Update *[See Notebook Tab 22]*
 - ii. Various Departmental Reports
 - a) Henderson Fire Department
 - b) Henderson-Vance County 911

XIII. CLOSED SESSION

- a) Pursuant to G.S.§143-318.11 (a)(6) regarding a Personnel Matter.**

XIV. ADJOURNMENT

³ **Citizen Comment Guidelines**

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

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

City Council Minutes - DRAFT

Short Regular Meeting

22 April 2013

PRESENT

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

ABSENT

None.

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Recreation and Parks Director Alan Gill, Youth Services Director Donna Stearns, Henderson Water Reclamation Facility Director Tom Spain and Code Compliance Director Corey Williams.

CALL TO ORDER

The 22 April 2013 Short 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 Brenda Peace-Jenkins led those in attendance in a prayer and the Pledge of Allegiance.

Mayor O'Geary was delighted to have the Leadership Vance Class in attendance and welcomed everyone to the meeting.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin said there was one item to be added to the agenda: *Consideration of Approval of Resolution 13-36, A Resolution of the Henderson City Council Approving the Acceptance of State Revolving Fund (SRT) Grant/Loan Funding for the Sandy Creek Pump Station Project No. CS370410-07.* Council Member Coffey asked for a Closed Session regarding a personnel matter. Council Member Rainey moved to accept the adjusted Agenda. Motion seconded by Council Member Inscoe and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Daeke moved the approval of the 8 April 2013 minutes as presented. Motion seconded by Council Member Daye and unanimously approved.

PRESENTATIONS/RECOGNITIONS

Mayor O'Geary asked the Leadership Vance Class of 2013 to stand while he welcomed them. He then asked Henderson-Vance County Chamber of Commerce Director John Barnes to come forward. The Mayor read a proclamation declaring 22 April 2013 as Ambassador's Day and welcomed all the Ambassadors present.

The Mayor explained 21-27 April 2013 is National Volunteer Week and thanked all those who volunteer on City boards and commissions. A copy of an official recognition was sent to the over 50 City volunteers and copies were distributed to Council.

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

Carey Chapel Crossing Project Update. (Reference: None)

Mayor O'Geary asked Mr. Dennis Tharrington to come forward and update Council. Mr. Tharrington said after he spoke to Council on the 8 April meeting, he wanted to clarify some of his statements regarding Section 8 rental assistance. He said it is true Section 8 funding cannot be used to make mortgage payments but his project will be rental property and anyone who has a Section 8 voucher can go to any apartment complex, including his, and if they qualify, then the landlord is obligated to accept the voucher. So Mr. Tharrington said if someone came to him and qualified with a Section 8 voucher, then, by law, he would be obligated to rent to them. If someone qualified with a Section 8 voucher, they could not use those funds to purchase the

property. He said his goal is to recruit families to purchase the homes rather than courting Section 8 people to live in the homes.

Council Member Daeke asked for confirmation that Section 8 vouchers do not count toward equity in the homes Mr. Tharrington plans to build. Mr. Tharrington said that is correct. He then shared there was an individual in the first phase of Carey Chapel Crossing that received some type of Section 8 assistance that could not be used to purchase the house. Mr. Daeke said he understood part of the incentive with this program is for people to rent to obtain equity to purchase but if someone came with Section 8 assistance, Mr. Tharrington would be bound to let them rent. Mr. Tharrington agreed.

Council Member Coffey asked what happens after 15 years as Section 8 renters when the whole purpose is to build equity in the house to be able to get a loan to purchase the house. She asked for clarification that after 15 years, they will still be a renter, as opposed to a home owner unless on their own they can come up with a big down payment --- that they would not be building equity using Section 8. Mr. Tharrington agreed that no equity would be built using Section 8. He felt the ordinary Section 8 recipient would have a hard time coming up with the funds on their own for home ownership. Ms. Coffey then asked how this project is different than what already exists. Mr. Tharrington agreed that this project would be rental property for a period of time and said the difference is at the end of that period of time, the people living there would become homeowners. He said when people move in, even with Section 8, they will have to go through home ownership training and will be in a purchase mode so Mr. Tharrington said most Section 8 individuals would not be interested and qualify for his project.

Council Member Kearney asked if Mr. Tharrington was considering applying for Section 8 assistance to support the project. Mr. Tharrington said no. Mr. Kearney said he has limited knowledge of the program but thought they would be cutting back and it will be harder to obtain Section 8 certificates. Mr. Kearney confirmed the project will be composed of single family homes which does not lend itself to traditional Section 8 housing. Mr. Tharrington agreed.

Council Member Rainey asked if someone qualified for one of the homes, can they then apply for and receive Section 8 assistance. He said he is not opposed to housing but felt there was no need for more Section 8 units. Mr. Tharrington said to qualify one would have to have income in addition to Section 8 assistance.

Council Member Inscoe asked how many units would be inside City limits. Mr. Tharrington said he did not know how many units would be inside the City but he would request the entire project be inside the City. Mr. Inscoe said currently the City has no authority in the ETJ except for zoning. Mr. Inscoe asked if Mr. Tharrington was considering voluntary annexation. Mr. Tharrington said yes. Mr. Inscoe said he was thinking out loud, but was not sure the City could or would want to take on this voluntary annexation at this time due to the goods and services the City would be required to provide according to the new State laws. City Attorney Zollicoffer, Jr., said the new annexation laws are more restricting; thus making annexation for cities more difficult. Mr. Inscoe also asked if he understood correctly that a management company would

take over once the project is complete. Mr. Tharrington said yes, they would keep the grounds up. Mr. Inscoe's follow-up question was who would have ownership. Mr. Tharrington said ownership would be with whoever purchased the tax credits. He said he would retain 1% ownership until the tax credits expired. Mr. Inscoe next asked if having the Mayor write a letter of support creates any legal problems with other projects.

City Attorney Zollicoffer, Jr., said it could set a precedent but did not feel it would be a legal issue.

Council Member Rainey felt the Council had the option to endorse only those projects they approved.

Council Member Kearney asked to clarify the Section 8 premise, which he understood to be based on 30% of an individual's household income being able to support the housing costs. Mr. Tharrington said that is correct.

Council Member Brown verified that Section 8 assistance cannot be used to make mortgage payments and felt perhaps understanding the home ownership program would provide incentive for Section 8 recipients to look for ways to make payments to make the mortgage payment so they could become homeowners. Mr. Tharrington said that is correct; however, it might be possible for an individual to have enough income to make the mortgage payment on their own and still received some Section 8 assistance.

Council Member Daeke said, as a follow up to Mr. Inscoe's comments, that the Planning Board recently approved by special permit, a development within city limits of townhouses on Andrews Avenue. Mr. Daeke felt they are probably trying to obtain the same type of tax credits as Mr. Tharrington. Mr. Tharrington said the difference is the townhouses will always be rentals where his project will be home owners.

Council Member Inscoe said only a portion of this project will be within city limits unless the City chose to move forward with an annexation and current taxes paid per unit do not cover the cost of police, fire and sanitation and expressed concern that this project is a long way from the nearest fire station. On the other hand, the homes in the project outside the city pay 2.5 times in-city for water and sewer which would provide more revenue.

City Manager Griffin said Council previously authorized a letter of support be written by the Mayor O'Geary and said Council now needs to verify that authorization.

Mayor O'Geary asked for the consent of Council which was unanimous as follows: YES: Kearney, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: Coffey. ABSTAIN: None. ABSENT: None.

NEW BUSINESS

Demolition of the Abandoned Structure Located at 207 Andrews Avenue (West). *(Reference: CAF 13-43; Ordinance 13-22)*

City Manager Griffin asked Code Compliance Director Corey Williams to come to the podium to advise Council on this matter. Mr. Williams said the property is owned by Mr. Matt Russell and after following proper enforcement procedures is recommending this action. He added additional information was received today during a telephone conversation with Mr. Russell who does not disagree with the need to demolish the structure but feels he can have the work done for less than the City. His goal is to demolish the structure himself.

Council Member Kearney inquired about the structure next door to this property that is for sale. He stated one individual had lost three tenants due to the condition of these structures. Mr. Williams said the property for sale is not owned by Mr. Russell.

Council Member Rainey asked about the timeframe for demolition. Mr. Williams said there is a thirty (30) day appeal time. Mr. Rainey asked if there would be any ramifications if Mr. Russell chose to demolish the structure during the appeal time. Mr. Williams responded not that he was aware of at this time.

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

Motion was made by Council Member Daeke to approve Ordinance 13-22, *Demolition of the Abandoned Structure located at 207 Andrews Avenue (West)*. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: None. *(See Ordinance Book 8, p 563)*

Amending the FY 13-14 Budget Review Calendar and Schedule of Special Council Budget Work Sessions. *(Reference: CAF 13-47; Resolution 13-33)*

City Manager Griffin asked Council to change the Budget Work Session dates previously approved as more time is needed to prepare the FY 13-14 Budget.

Council Member Inscoe stated he had a conflict on the 4 June and 6 June and asked if it would be possible to move the dates to the week prior to review regional water and perhaps another segment of the budget.

Council Member Coffey asked when the budget process needed to complete. Mr. Griffin responded by the 24th of June. City Attorney Zollicoffer, Jr., said a special meeting could be scheduled prior to June 30 which is the deadline.

Council Member Kearney asked if the delay is being caused by something unusual. Mr. Griffin said it was a combination of being out of town and being ill for a week, along with lack of staffing.

City Manager Griffin said he will do his very best and suggested holding a special meeting on Monday 20 May for the proposed budget presentation.

Mayor O'Geary asked if this date was agreeable with everyone and there was no disagreement.

Mr. Griffin then suggested Work Sessions be scheduled for 23 May, 28 May and 30 May and the work sessions of 3 June, 4 June and 6 June as needed. Mayor O'Geary asked if this was agreeable and again, there was no disagreement.

Mayor O'Geary asked for Council's pleasure.

Council Member Peace-Jenkins moved the approval of Resolution 13-33, *Amending the FY 13-14 Budget Review Calendar and Schedule of Special Council Budget Work Sessions* with the date changes discussed. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 167)

Approving Acceptance of State Revolving Fund (SRF) Grant/Loan Funding for the Sandy Creek Pump Station Project No. CS370410-07. (Reference: No CAF; Resolution 13-36)

City Manager Griffin said this loan/grant arrived late this afternoon and is a technical revision to the original loan agreement. He said there are no changes in the \$900,000 principal forgiveness and \$900,000 loan amount.

Council Member Daeke asked for a reminder regarding the interest on this project. Assistant City Manager Frank Frazier said the interest is 0%.

There was no further discussion. Mayor O'Geary asked for the consensus and approval of Council as follows: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised two citizens wished to address City Council.

Mr. Elbert Ouzts, 421 Fields Avenue Mr. Ouzts expressed concern regarding the derelict homes in his area, many within 1,000 yards of the L.B. Yancy school. He felt there were code violations and were endangering children. He said this area is in the ETJ but wondered what laws govern the school zone, what can be done. He asked if the taxes were being paid on these derelict properties.

Mayor O'Geary thanked Mr. Ouzts for bringing this before Council and asked the City Manager to have staff look into the situation. Mr. Griffin said he would follow up on this with staff.

Ms. Geraldine Champion, 325 Charles Street Ms. Champion expressed her concern regarding the Police Department. She said as an employee if she had as many complaints filed against her as the Police Department has against them, she would have been fired. Ms. Champion said her niece has a nine (9) year old child who is being stalked by a predator and that a warrant was taken out on her behalf. She said they have gone to the court house, the City Manager, the police department and people in authority have not stayed in contact. Ms. Champion understands the Council has no jurisdiction over court cases but she felt the Police Chief was unapproachable and asked the City Manager, Mayor and Council to step forward and have the Chief of Police do as he should by giving the courtesy of returning calls. She felt it was unacceptable to have to talk with a Captain or Lieutenant. She asked the City Manager to call her within 48 hours so she can know what can be done.

City Attorney Zollicoffer, Jr., said her concerns were shared but there are statutory provisions that govern actions regarding personnel issues.

REPORTS

a) Mayor/Mayor Pro-Tem (No Report)

b) City Manager – Mr. Griffin gave an update regarding Council Member Rainey request to look into closing basketball courts near churches during worship hours. An existing ordinance was found by City Attorney Zollicoffer, Jr. which restricts use of basketball courts within 500 feet of churches during worship, revivals or special events. Mr. Griffin asked Parks and Recreation Director Alan Gill to begin enforcing the ordinance and also mentioned churches should inform the City when they have special events.

Council Member Rainey thanked the Manager for the follow up and suggested signage be placed at basketball courts within the 500 feet of churches.

City Attorney Zollicoffer, Jr., suggested churches should also be notified of this ordinance.

c) City Attorney – (No Report)

d) City Clerk – Ms. McCrackin reminded Council of the Day of Prayer breakfast 2 May and also the Prayer service at City Hall at noon. She also reminded Council of the Ethics Class webinar on May 15.

Council Member Coffey thanked those who attended the Prayer Walk on Saturday and said over 300 participated.

Mayor O'Geary said the Litter Sweep was successful and thanked those who took part.

Mayor O'Geary then asked if Council was prepared to go into Closed Session and stated there would be no report following the session.

CLOSED SESSION

Council Member Daeke moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(5) for a Personnel Matter. Motion seconded by Council Member Daye and unanimously approved.

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

Mayor O'Geary asked if Council was prepared to adjourn and move into the Work Session.

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Rainey and unanimously approved. The meeting adjourned at 7:38 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk

City Council Minutes--DRAFT
Work Session
22 April 2013

PRESENT

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

ABSENT

None.

STAFF PRESENT

City Manager Ray Griffin, City Clerk Esther McCrackin, Assistant City Manager Frank Frazier, Youth Services Director Donna Stearns, Henderson Water Reclamation Facility Director Tom Spain and Recreation and Parks Director Alan Gill.

CALL TO ORDER

The 22 April 2013 Work Session of the Henderson City Council was called to order by Mayor James D. O'Geary at 7:38 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

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

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin said the Quality Inn representatives were unable to attend due to a family emergency and will be rescheduled. It was the consensus of Council to approve the Agenda as adjusted.

WORK SESSION ITEMS

Henderson-Vance Parks & recreation Department Master Plan Proposal Presentation. (Reference: None)

City Manager Griffin asked Mr. Randy Oxendine, Chairperson of the Parks & Recreation Commission to come forward. Mr. Oxendine shared a PowerPoint presentation. He expressed the importance of grant funding and said the dollar amounts suggested for the master plan came from conversations with other municipalities of like size. Mr. Oxendine has made the same presentation to the County and asked Council to consider the plan which sets the goals for coming years.

Council Member Rainey asked what the \$40,000 covers. Mr. Oxendine said they would like to begin with a public survey/analytical report. He said they want the plan to be proactive.

City Manager Griffin asked if the plan included facilities. Mr. Oxendine said yes and stressed the need for upkeep of existing structures along with new facilities.

Council Member Kearney asked if there was potential for private funding. Mr. Oxendine said at this point, private funding is unknown.

Council Member Inscoe asked for verification of the City/County agreement. City Manager Griffin said it is currently 55/45 City/County for operations and 50/50 for Capital Improvements.

Mr. Griffin went on to say in the past, the County has honored whatever budget Council approves.

There was no further discussion and this item will be considered during the FY 13-14 budget process.

Updating the Sewer Use Ordinance, Chapter 15. (Reference: CAF 13-36; Ordinance 13-14)

City Manager Griffin asked Henderson Water Reclamation Facility Tom Spain to come forward. Mr. Spain said basically this update makes hazy areas specific.

Council Member Inscoe asked if the changes coincide with State requirements. Mr. Spain said yes.

Council Member Daeke asked if the City is able to meet the required changes. Mr. Spain said yes.

Mr. Spain also said he will ensure all business and industrial customers are aware of the changes.

There was no further discussion. It was the consensus of Council to bring this item forward to the next Council meeting.

OTHER INFORMATION

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

ADJOURNMENT

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Kearney and unanimously approved. The meeting adjourned at 8:02 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin, City Clerk

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Reg. Meeting

26 April 2013

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

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

RE: CAF: 13-50

Consideration of Approval of Resolution 13-37, 1) Authorizing the Submission of the FY14 BJA Bulletproof Vest Grant Application and 2) NCLM Risk Management Service Reimbursement Funding for the Police Department

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- KSO 2: Reduce Crime: *To reduce crime and provide for a safe community*
- KSO 8: Financial Resourcing: *To provide sufficient funds for municipal operations and capital outlay necessary to meet the needs of citizens, customers and mandates of regulatory authorities*

Recommendation:

- Approval of Resolution 13-37, 1) Authorizing the Submission of the FY14 BJA Bulletproof Vest Grant Application and 2) NCLM Risk Management Service Reimbursement Funding for the Police Department.

Executive Summary

The BJA Bulletproof Vest Grant, if awarded, would provide reimbursement for 50% of all expenditures (including shipping and handling) for the purchase of law enforcement body armor and body armor carriers. Total project cost is \$10,575. If all estimated vests are purchased the City will be requesting the maximum amount available which is \$5,287.50. This grant, if awarded, will take effect 1 October 2013 and will cover vests purchased after 1 April 2013.

We are also requesting to submit reimbursement funding requests to the NC League of Municipalities Risk Management Service in the coming fiscal year for reimbursement of 50% of up to ten (10) vests (costing \$7000) for the amount of maximum amount allowable under the NCLM grant of \$2500.

Enclosures:

1. Resolution 13-37
2. Internal Process Form
3. Grant Application

CAF 13-50: 13 May 2013 Council Meeting

Page 1 of 6

RESOLUTION

13-37

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE OFFICE FOR THE FY14 BULLETPROOF VEST PROGRAM GRANT AND NCLM RISK MANAGEMENT GRANT FOR THE POLICE DEPARTMENT

WHEREAS, the Henderson City Council identified eight Key Strategic Objectives (KSO) at its 2013 Strategic Planning Retreat; *and*

WHEREAS, two of the Key Strategic Objectives are addressed by this request as follows: KSO 2: To Reduce Crime and Provide for a Safe Community, 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 Henderson Police Department is seeking approval to apply for a grant to assist in the purchase of bullet proof vests; *and*

WHEREAS, the grant application is seeking \$5,287.50 in federal funds from the BJA to provide for 50% reimbursement of all expenditures for the purchase of law enforcement body armor and body armor carriers; *and*

WHEREAS, the Henderson Police Department is also seeking approval to submit a request for reimbursement funding from the NC League of Municipalities Risk Management Division for the purchase of Ballistic Vests for sworn officers in the 2013-2014 fiscal year for the maximum amount allowable under the NCLM grant of \$2500.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE the City Manager to file the grant application to the Bureau of Justice Assistance Office and NCLM Risk Management Grant as outlined above.

The foregoing Resolution, introduced by Councilmember ***** and seconded by Councilmember ***** on this the **** day of ***** 2013 and having been submitted to a roll call vote, was approved by the following votes: Yes: No: Absent: Abstain:

James D. O'Geary, Mayor

ATTEST:

Esther McCracken, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

CITY OF HENDERSON

INTERNAL PROCESS TO DECIDE WHETHER GRANT APPLICATION IS APPROPRIATE

Department: Police **Staff Contact:** Captain P.L. Twisdale

Funding Sources:

Bureau of Justice Assistance Bullet-Proof Vest Program FY 2014
NC League of Municipalities Bullet-Proof Vest Program FY 2014

Grant/Project Name: Bulletproof Vest Program Grant 2013-2014

Date Application Due: May 8, 2013

This is a X NEW or RECURRING Grant.

Brief Project Summary:

This grant is an application to renew the Henderson Police Department's participation in the Department of Justice's Bureau of Justice Assistance Bullet-Proof Vest grant program.

We are also requesting in advance to apply for reimbursement grant funding from the NC League of Municipalities Risk Management Division for the purchase of Ballistic Vests for sworn officers in the 2013-2014 fiscal year.

The League Grant is on an "as-purchased" basis and will reimburse 50% of the expense for purchasing personal body armor for sworn law enforcement officers up to ten (10) vests in a fiscal year. The information from the application for the BJA JAG Bullet-Proof Vest Program is also included.

We are estimating that in FY 2013-2014 there will possibly be up to 15 needed vest purchases for sworn officers.

- Seven (7) ballistic vests purchased as replacement vests for old vests issued to current officers that have exceeded the warranty period of five (5) years from the date of manufacture.
- Five (5) new vests in the upcoming fiscal year for new officers. This includes one (1) officer currently being hired at the end of the current fiscal year; replacement hires for two (2) officers who are intending to retire in the 2013-2014 fiscal year and two (2) unplanned vacancies.

- Three (3) new vests in the next fiscal year due to either vest problems or weight loss by an officer currently issued a vest.

The cost per vest unit is \$700 plus \$5.00 shipping and handling. The estimated cost for fifteen (15) vests is \$10,575.00. The BJA Program will reimburse the department for 50% of the cost of personal ballistic armor for sworn officers.

We are requesting to submit the application for the BJA JAG Bullet-Proof Grant Program for the amount of \$10,575 with the reimbursement amount of \$5,287.50

We are also requesting to submit reimbursement requests to the NC League of Municipalities Risk Management Service in the coming fiscal year for reimbursement of 50% of up to ten (10) vests (costing \$7000) for the amount of maximum amount allowable under the NCLM grant of \$2500.

PLEASE NOTE: These grants do not cover the cost of tactical exterior body armor such as that worn by SWAT Team Members.

Maximum amount available from Funding Sources:

BJA Bullet-Proof Vest Program	\$5,287.50
NCLM Bullet-Proof Vest Program	\$2,500.00
Total	\$7,787.50

Anticipated Award Notification Date: 07/01/2013

Anticipated Grant Term: Start Date: 09/01/2013
Finish Date: 06/01/2014

Amount to be requested: \$7,787.50

Does the amount of the match requirement or other grant requirements necessitate City Council approval prior to the award? Yes No X

Eligible types of match: Any funding OTHER THAN BJA JAG funding may be used as match funding.

If the match is cash, where will the match come from? (Provide Account Number)

The match will be budgeted in the Body Armor line item.

Is this project a cash award or reimbursement (or drawdown)?

This project would be a reimbursement of funds expended by the Police Department from our Body Armor line item.

If this is a reimbursement grant, will funds be available? Yes

Is this project included in?

Departmental Budget	No
Capital Improvements Plan	No

No. This grant was not announced until after the department had submitted its budget request for the FY 2013-2014 fiscal year.

Grant funds will be used for the following:

Funds will be used to reimburse the City of the cost of purchasing new Ballistic Armor for sworn law enforcement officer.

How will the program be funded after the grant expires?

There is no recurring cost for the body armor for five (5) years until replacement is recommended and the warranty expires.

If the department receives only a portion of the amount requested, how will the project be funded?

The grant application is requesting the full amount for this project.

Some additional questions to consider:

Are any other departments within the City of Henderson eligible for this funding?

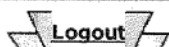
No.

Are any other departments within the City of Henderson willing to collaborate on this project?

This is a law enforcement project only.

Will this project duplicate or compete with another service or program provided by the City of Henderson or other local agency?

No, this is a law enforcement only grant.

**1. Registration**1.1 [Agency Information](#)1.2 [Agency Contacts](#)**2. Application**2.1 [Application Profile](#)2.2 [Manage Application](#)2.3 [Review Application](#)2.4 [Submit Application](#)**3. Receipts**3.1 [Manage Receipts](#)3.2 [Review LEA Receipts](#)3.3 [Receipt History](#)**4. Payment**4.1 [Bank Information](#)4.2 [Print Bank Form](#)4.3 [Request Payment](#)4.4 [Payment History](#)**5. Status**5.1 [Current Status](#)5.2 [LEA Status](#)5.3 [Application History](#)**6. Personal Information**6.1 [User Profile](#)6.2 [Change Password](#)

BVP HELP DESK
 (Toll-Free 1-877-758-3787)
 (Toll 1-301-595-4595)

Section Application > Submit Application > Submit Application
 for Funding for BVP Approval

OMB #1121-
 0235
 (Expires:
 10/31/2006)

PLEASE NOTE: Applications for funding may be submitted for the purchase of any armor that meets the established NIJ ballistic or stab standards ordered **on or after April 1, 2013**. Once the open application period closes, funding levels will be established and all applicants will be notified.

Application Profile

Participant	HENDERSON CITY
Fiscal Year	2013
Number of Agencies Applied	1
Total Number of Officers for Application	60
Number of Officers on Approved Sub-Applications	60
<u>Unspent BVP Funds</u> Remaining	\$0.00
Unspent BVP Funds <u>Obligated</u> for Vest Purchases	\$0.00

Sub-Application Profile

Fiscal Year	2013
<u>Vest Replacement Cycle</u>	5
Number of Officers	60
Zylon Replacement	0
<u>Emergency Replacement</u> Stolen or Damaged	0
<u>Needs</u> Officer Turnover	6

Submit Application for Funding for BVP Approval

Application for Funding				
Name	Quantity	Extended Cost	Tax, S&H*	Total Cost
HENDERSON CITY	15	\$10,500.00	\$75.00	\$10,575.00
Grand Totals	15	\$10,500.00	\$75.00	\$10,575.00
Requested BVP Portion of Total Cost, up to:				\$5,287.50

* Total Taxes, Shipping and Handling Cost for each Application

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Reg. Meeting

24 April 2013

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

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

RE: CAF: 13-52

Consideration of Approval of Ordinance 13-25, FY13 Budget Amendment #30, Authorizing an Additional Assessment of \$21,362 for FY 12-13, to Kerr-Tar Regional Council of Governments for Payment of Funds Owed to the Revolving Loan Funds.

Ladies and Gentlemen:

Recommendation:

- Approval of Ordinance 13-25, FY13 Budget Amendment #30, Authorizing an Additional Assessment of \$21,362 for FY 12-13, to Kerr-Tar Regional Council of Governments for Payment of Funds Owed to the Revolving Loan Funds.

Executive Summary:

An e-mail was received from the Kerr-Tar Council of Government (KTRCOG) on 24 April 13 , followed by a letter dated April 26, 2013 requesting an additional \$21,362 as Henderson's portion of funds owed to the Revolving Loan Funds which need to be paid in full immediately. According to the information supplied to the City, certain budgeted receivables were uncollectable which led to inappropriate and inadvertent use of restricted funds which ultimately created this shortage.

Enclosure:

1. Ordinance 13-25
2. Letter from KTRCOG

O R D I N A N C E 13-25

AN AMENDMENT TO THE FY 2012 -- 2013 BUDGET BUDGET AMENDMENT #30

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

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating budget from time-to-time, said amendment incorporated in this Ordinance; *and*

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

Fund: 10: General			Ordinance 13-25			
			FY 12-13 Budget Amendment #30			
REVENUES			Approved	Current		
Department	Line Item	Code	1-Jul-12	Budget	Amendment	Revised
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
		Total	\$ -	\$ -	\$ -	\$ -
						\$ -
EXPENDITURES			Approved	Current		
Department	Line Item	Code	1-Jul-12	Budget	Amendment	Revised
Governing Body	Dues & Subscriptions	10-410-505300	\$ 22,000	\$ 20,690	\$ 21,362	\$ 42,052
Hend-Vance DDC	Grant Match Funds	10-496-509901	\$ 50,000	\$ 50,000	\$ (21,362)	\$ 28,638
		Total	\$ 72,000	\$ 70,690	\$ -	\$ 70,690
						\$ 70,690
		<i>variance</i>			\$ -	
Reference:			Notes:			
CAF 13-52; Ordinance 13-25; BA #30; 13-May-2013			This budget amendment serves to amend the dues & subscriptions budget for the Governing Body Department. The current budget of \$22,000 is being amended as a result of a request from the Kerr-Tar Regional Council of Governments (COG) for additional funding totalling \$21,362. The Economic Development Administration has notified the COG that funds owed to its Revolving Loan Fund are to be paid back immediately due to restricted funds being used inappropriately. The COG has issued a special assessment to its member governments to fully fund the \$310,107.30 required to replenish the Revolving Loan Fund. The City's portion of that assessment is \$21,362. These funds are being re-allocated from the \$50,000 Grant Match Funds initially appropriated as part of the Henderson-Vance Downtown Development Commission budget.			

The foregoing Ordinance 13-25 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 13 day of May 2013: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

*Reference: Minute Book 42 p. ***; CAF 13-52*

**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 13-25 adopted by the Henderson, City Council in Regular Session on 13 May 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 May 2013.

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



Diane Cox
Interim Executive Director

April 26, 2013

Member
Governments

COUNTIES

Franklin
Granville
Person
Vance
Warren

MUNICIPALITIES

Bunn
Butner
Creedmoor
Franklinton
Henderson
Kittrell
Louisburg
Macon
Middleburg
Norlina
Oxford
Roxboro
Stem
Stovall
Warrenton
Youngsville

Mr. Ray Griffin
PO Box 1434
Henderson, NC 27536

Dear Mr. Griffin:

The Kerr-Tar Regional Council of Governments respectfully request a one-time special assessment of our member governments. The request is that each member government pay an additional \$1.39 per capita contribution to the COG before May 31, 2013. This special assessment request is required to fully replenish the Revolving Loan Fund.

During the audit review for 2011-2012, it was discovered that there were certain receivables which were budgeted that did not come in as projected or deemed uncollectible. Some of these receivables had been carried on the COG balance sheet for more than 12 months. Those audit adjustments caused a significant impairment of the fund balance in the General Fund.

The COG utilized a General Fund checking account as the central depository for all its funds. While an overdraft situation did not occur, the inappropriate and inadvertent use of restricted funds from the Revolving Loan Fund did occur and was a compliance finding in the 2011-2012 audit. At the time of discovery the COG Board of Directors took many steps to not only correct the situation, but to make the COG a financially stable organization.

The Economic Development Administration informed the Kerr-Tar COG last Friday that the funds owed to the Revolving Loan Funds were to be paid back in full immediately. The COG is statutorily prohibited from borrowing money and, as a result, there is no quicker mechanism for obtaining the funds.

The COG Board of Directors has carefully reviewed this matter and has found no evidence of any intentional wrongdoing. Management and the board are fully aware of the internal control problems that led to this situation and are committed to ensuring that policies are implemented which make a reoccurrence impossible.

Planning and Development for a Better Region K
PO Box 709 - 1724 Graham Avenue - Henderson, NC 27536 - Phone (252) 436-2040 - Toll Free (866) 506-6223 - Fax (252) 436-2055

RECEIVED
APR 29 2013
BY: PGP

We fully acknowledge the gravity of this situation. We hope, however, that each member government will recognize that the COG has provided valuable services to this region for many years. The problems that led to this situation have been addressed through new management and new internal control mechanisms.

Attached you will find a copy of the proposed assessments for the member governments. Also, attached is a "draft" Return on Investment (ROI) analysis for the past five fiscal years of programs and services provided to member governments in our region.

Please let me know if I can provide any further information or if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bryan Pfohl".

Bryan Pfohl, Chairman
Kerr-Tar Regional Council of Governments
Board of Directors

KERR-TAR REGIONAL COUNCIL OF GOVERNMENTS

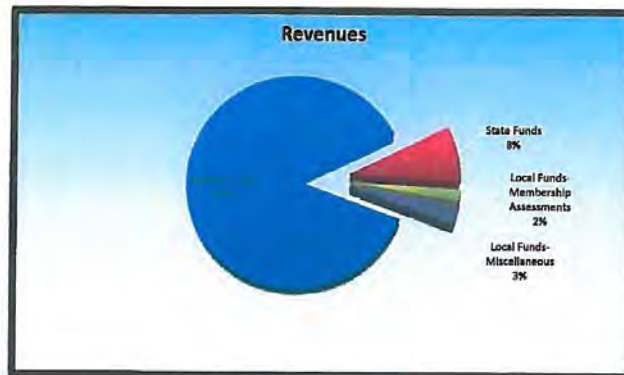
2012/2013

Analysis of Population and Assessment for Budget Purposes

UNIT	2010 by County	2010 by Unit	2012/2013 at \$1.39
Franklin County	60,619	53,736	\$ 74,693
Bunn		344	\$ 478
Franklinton		2,023	\$ 2,812
Louisburg		3,359	\$ 4,669
Youngsville		1157	\$ 1,608
			\$ -
Granville County	57,529	36,472	\$ 50,696
Butner		7,591	\$ 10,551
Creedmoor		4,124	\$ 5,732
Oxford		8,461	\$ 11,761
Stem		463	\$ 644
Stovall		418	\$ 581
			\$ -
Person County	39,464	31,102	\$ 43,232
Roxboro		8,362	\$ 11,623
			\$ -
Vance County	45,422	29,454	\$ 40,941
Henderson		15,368	\$ 21,362
Kittrell		467	\$ 649
Middleburg		133	\$ 185
			\$ -
Warren County	20,972	18,873	\$ 26,233
Macon		119	\$ 165
Norlina		1118	\$ 1,554
Warrenton		862	\$ 1,198
TOTAL	224,006	224,006	\$ 311,367

Pop Assessment for Budget.xls

**KERR TAR REGIONAL COUNCIL OF GOVERNMENTS
RETURN ON INVESTMENT
FY 2008-FY 2012**

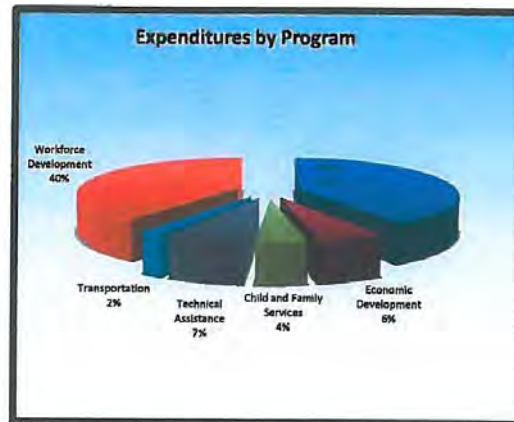


Revenues By Funding Source		
Funding Source	Revenue	Percentage
Federal Funds	\$ 26,808,175	86.75%
State Funds	\$ 2,633,806	8.52%
Local Funds- Membership Assessments	\$ 501,064	1.62%
Local Funds- Miscellaneous	\$ 960,074	3.11%
Total	\$ 30,903,118	100.00%

Membership Assessments of \$501,064 were 1.6% of total revenues

ROI of \$61 in federal and state grants for every \$1 in membership assessments

Percentage of Expenditures by Category		
Aging	\$ 12,702,638	41.01%
Economic Development	\$ 1,799,518	5.81%
Child and Family Services	\$ 1,368,196	4.42%
Technical Assistance	\$ 2,037,313	6.58%
Transportation	\$ 589,178	1.90%
Workforce Development	\$ 12,480,516	40.29%
Total	\$ 30,977,359	100.00%



Kerr-Tar COG assists member governments by writing grant applications, administering grants funds, monitoring for federal and state compliance, facilitating discussions and organizing coalitions to address regional concerns.

Below is an analysis of services and programs delivered by the COG for FY2008-FY 2012

Aging:

- **\$9,000,000** in Home and Community Care Block Grant to fund aging services in the region which have served 11,598 seniors with Home Delivered Meals, In-Home Aide, Transportation, etc.
- Manage and administer Region K Senior Games with an average of 260 seniors participating annually.
- Long-Term Care Ombudsman Program provides advocacy and assistance to the residents of 46 long-term care facilities in the region. The Regional Ombudsman responds to over 450 requests for Technical Assistance annually.
- Provided outreach and/or application assistance to 3000 seniors and their caregivers who might be eligible for federal Low Income Subsidy and Medicare Savings Programs.
- In FY2008, the COG completed a Senior Center Needs Assessment for Granville County.
- In FY2009, the COG managed and operated the Warren County Senior Center.
- In FY2010, the COG managed and operated the Person County Senior Center.
- In FY2012, the COG was awarded a **\$400,000** NCDOT grant to provide transportation to elderly and/or disabled citizens in the region. 329 citizens have received grant funded transportation services.

Community Development Technical Assistance:

- The COG has assisted its members by applying for and/or administering over **\$7,000,000** in Community Development grants including:
 - Scattered Site projects in Granville, Person, Vance and Warren counties
 - Single Family Rehabilitation programs in Granville, Person and Vance counties
 - Infrastructure Hook-Up projects in Warren County and the City of Henderson
 - Neighborhood Stabilization Project and Community Revitalization Project in Vance County
 - Economic Recovery Project in Granville County.

Economic Development:

- The COG has assisted its members by applying for over **\$1,500,000** in grants to support economic development activities including:
 - Rural Center grants for the Town of Louisburg, Town of Youngsville, Town of Franklinton, Town of Warrenton, Town of Bunn and the County of Franklin.
 - Received a USDA Rural Business Center Service Enterprise Grant (RBEG) and Rural Business Opportunity Grant (RBOG) for the region.
 - NCDENR grant to assist in the administration and coordination of the Roanoke River Bi-State Commission and North Carolina Roanoke River Basin Advisory Committee
- Prepared grant applications totaling **\$734,000** to the US Department of Homeland Security for fire departments in Vance County and Franklin County.
- Assisted Franklin County and the Route 401 Action Committee in preparation of a **\$67 million** grant application to the USDOT. While the grant was not funded, the process created a large groundswell of support and collaborative spirit in the county.
- Assisted Vance County with the administration of a **\$750,000** CDBG Building Re-Use Grant for Semiprius Corporation.
- Coordinated and administered a **\$50,000** CDBG grant for NC Tomorrow to develop a regional Comprehensive Economic Development Strategy.
- Assisted Franklin County in the preparation and administration of a **\$1,743,000** grant from EDA and **\$900,000** from NCDOT for the construction of an access road from Route 401 into the Triangle North Business Park.

- Administered a Revolving Loan Program that over the past 25 years has loaned over \$4,500,000 to 66 businesses throughout the region which has leveraged a total of \$7,425,000 in private investment and resulted in 1,050 jobs created or maintained.

Workforce Development:

- The Kerr-Tar Workforce Development Board received **\$9,195,000** in Workforce Investment Act (WIA) funds to provide a range of activities and services to unemployed and underemployed adults, dislocated workers and youth through contracts with local providers. 3,148 individuals received services including assistance with job search and job placement, skills assessments, resume writing, and work experience.
- Received and administered **\$200,230** in Incumbent Workforce Development Program grants that provides training to help avert layoffs through skills enhancement.
- For the past two years, COG has entered into On-The-Job Training contracts with 13 companies, placing 46 people in employment. These companies are reimbursed up to 50% of their training costs for the dislocated workers they hire.
- Rapid Response Services to Employees at the following companies were offered:
 - Franklin County- Apogee Medical and HON Company
 - Granville County - Maysteel, LLC and Flextronics
 - Person County -Georgia Pacific Wood Products and Loxcreen Company
 - Vance County- Clayton Homes, Purolator Products and Harper Prints

Transportation and Land Use Planning:

- The COG Rural Transportation Planning Organization completed for the following:
 - Comprehensive Transportation Plans (CTP) for the counties of Franklin, Granville, Person, Vance and Warren and the municipalities within those counties.
 - Coordinated a Camp Butner Joint Land Use Study
 - Requested and received ARRA funding to resurface US1 in Franklin County and funding for a comprehensive corridor study for NC 50 in Granville County.
 - Assisted with CMAQ grant applications for projects in non-attainment counties.
 - Assisted the Town of Franklinton to update and enhance the Town's Code of Ordinances
 - Awarded a NCDOT grant to create a Lakes District Bike and Pedestrian Plan
 - Completed a comprehensive housing survey for Warren County
 - Updated Hazard Mitigation Plans for the City of Roxboro and Franklin County

Child and Family Services:

- System of Care Community Collaborative awarded **\$240,000** to various agencies to strengthen the availability of community based mental health services for at-risk youth and their families.
- Served as a collaborative partner in the North Central Alliance for Youth which provided 874 days of emergency shelter care to 42 youth who were under the supervision of the Department of Juvenile Justice.
- Completed Gang Assessment Initiatives in Granville and Vance counties.
- Spearheaded an initiative in Franklin and Vance counties, Project R.I.D.E (Reducing Impaired Driving Everywhere) to reduce the incidence of drunk driving and underage drinking.

Other Initiatives:

- Kerr-Tar Regional Economic Development Corporation is a non-profit entity that provides organization for **Triangle North**, a multi county collaboration of four economic development sites. The COG provides management and administrative support for the Corporation.
- Region K Community Assistance Corporation is a non-profit organization that currently manages the **Person County Senior Center**. The COG provides management and administrative support for the Corporation.

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Reg. Meeting

7 May 2013

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

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

RE: CAF: 13-51

Consideration of Approval of Resolution 13-38, Authorizing the Dedication and Acceptance of Vance Granville Community College Watermain Extension

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

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

Recommendation:

- Approval of Resolution 13-38, Authorizing the Dedication and Acceptance of Vance Granville Community College Watermain Extension.

Executive Summary

Vance Granville Community College has extended approximately 540 LF of 6" DIP water main with associated appurtenances to serve the newly acquired building (former Power Equipment Plus, located just off of Ruin Creek Road adjacent to the Staples Distribution Center) to be used for their school expansion. The water mains was inspected and constructed in accordance to the City's construction standards. All testing for the water main has been performed and are deemed acceptable. Approval from DENR has been obtained for the use of the water system.

A one year warranty will be placed on the system as a condition for acceptance by the City.

Enclosures

1. Resolution 13-38
2. Map of Area

RESOLUTION 13-38
A RESOLUTION AUTHORIZING THE DEDICATION AND ACCEPTANCE OF
VANCE GRANVILLE COMMUNITY COLLEGE WATER MAIN EXTENSION

WHEREAS, the Henderson City Council (Council) conducted its Annual Planning Retreat in January 2013, and during said retreat identified eight Key Strategic Objectives (KSO) and Goals and 12 Core Values; *and*

WHEREAS, this Resolution addresses one of the Key Strategic Objectives as follows: **KSO 5:** To Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems; *and*

WHEREAS, Vance Granville Community College is expanding to an existing building; *and*

WHEREAS, approximately 540 LF of 6" water main with associated appurtenances were constructed; *and*

WHEREAS, the water and sewer mains have been constructed in accordance to City standards; *and*

WHEREAS, all testing of the water and sewer mains have been performed with acceptable results; *and*

WHEREAS, approval from regulatory agencies (NC DENR) have been received for use of the water main; *and*

WHEREAS, the water and sewer mains are located within properly recorded easement(s) and/or public right-of-ways per Plat Book Y, Page 259 of the Vance County Register of Deeds.

NOW THEREFORE BE IT RESOLVED by the Henderson City Council that it does hereby authorize the execution of the Water and Sewer Main Conveyance and Dedication form , **Attachment A** to this Resolution, for City acceptance of the Vance Granville Community College Water Main Extension.

The foregoing Resolution 13-38, 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 APPROVED on this the ** day of *** 2013: YES: . NO: None. ABSTAIN: None. ABSENT:

James D. O'Geary, Mayor

ATTEST:

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

John H. Zollicoffer, Jr., City Attorney

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

STATE OF NORTH CAROLINA
COUNTY OF VANCE

**WATER AND SEWER MAIN
CONVEYANCE AND DEDICATION**

THIS AGREEMENT, made and entered into this _____ day of _____, 20____ by and between Vance-Granville Community College referred to hereinafter as "Grantors", and the City of Henderson, a municipal corporation, hereinafter referred to as "Grantee".

WITNESSETH:

WHEREAS, Grantor has installed 6 inch water main(s) in a permanent easement and/or street right-of-ways which are shown on the record drawings entitled Vance-Granville Community College as prepared by Bobbitt Surveying, PA and on file in the Engineering Department of the City of Henderson and on the plat recorded in Plat Book(s) Y Page(s) 259 of the Vance County Register of Deeds.

WHEREAS, the Grantor is desirous of conveying all of its right, title and interest in said water main to the Grantee within the easement and/or right-of-ways with the understanding that the Grantee will repair and maintain said 6 inch water main(s) and connecting equipment; and

NOW THEREFORE, The parties hereto do agree as follows:

1. Grantor does hereby dedicate and convey to Grantee the rights-of-way as shown on the aforesaid plat, including that certain 6 inch water main(s) within the designated easement and rights-of-ways, and manholes, taps and all other equipment and materials installed in relation to the water and sewer mains, within the right-of-way, and the Grantor's

respective interest in the various properties on which the same are located within the right-of-ways on the above plat.

2. Grantee does hereby accept said water and sewer main as property of the Grantee, and does hereby covenant to repair and maintain same, at its sole cost, beginning one year from and after the date hereof of acceptance. Grantor does certify to the Grantee a one year warranty by the contractor and or payment to the City for repair work performed by the City within one year period of acceptance.

IN TESTIMONY WHEREOF, the parties hereto have caused this instrument to be executed in duplicate originals, this the day and year first above written.

Vance-Granville Community College

By: _____ (SEAL)
(TITLE)

STATE OF NORTH CAROLINA
County of _____

I, the undersigned Notary Public of the County of _____ and State aforesaid, certify that _____ personally came before me this day and acknowledged that he/she is the _____ of _____, a North Carolina _____ and that by authority duly given and as the act of such entity, he/she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

Notary Public

Notary's Printed or Typed Name

My Commission expires: _____ (Affix Seal)

CITY OF HENDERSON

CITY of Henderson

(SEAL)

By: _____
James O'Geary, Mayor

ATTEST:

Esther McCrackin, CITY CLERK

STATE OF NORTH CAROLINA

County of Vance

I, the undersigned Notary Public of the County of _____ and State aforesaid, certify that Esther McCrackin personally came before me this day and acknowledged that she is the City Clerk of the CITY of Henderson, a North Carolina Municipal Corporation, and that by authority duly given and as the act of such entity, the foregoing instrument was signed in its name by its Mayor, sealed with the Municipal Corporate Seal and attested by the City Clerk.

Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

Notary Public

Notary's Printed or Typed Name

My Commission expires: _____ (Affix Seal)

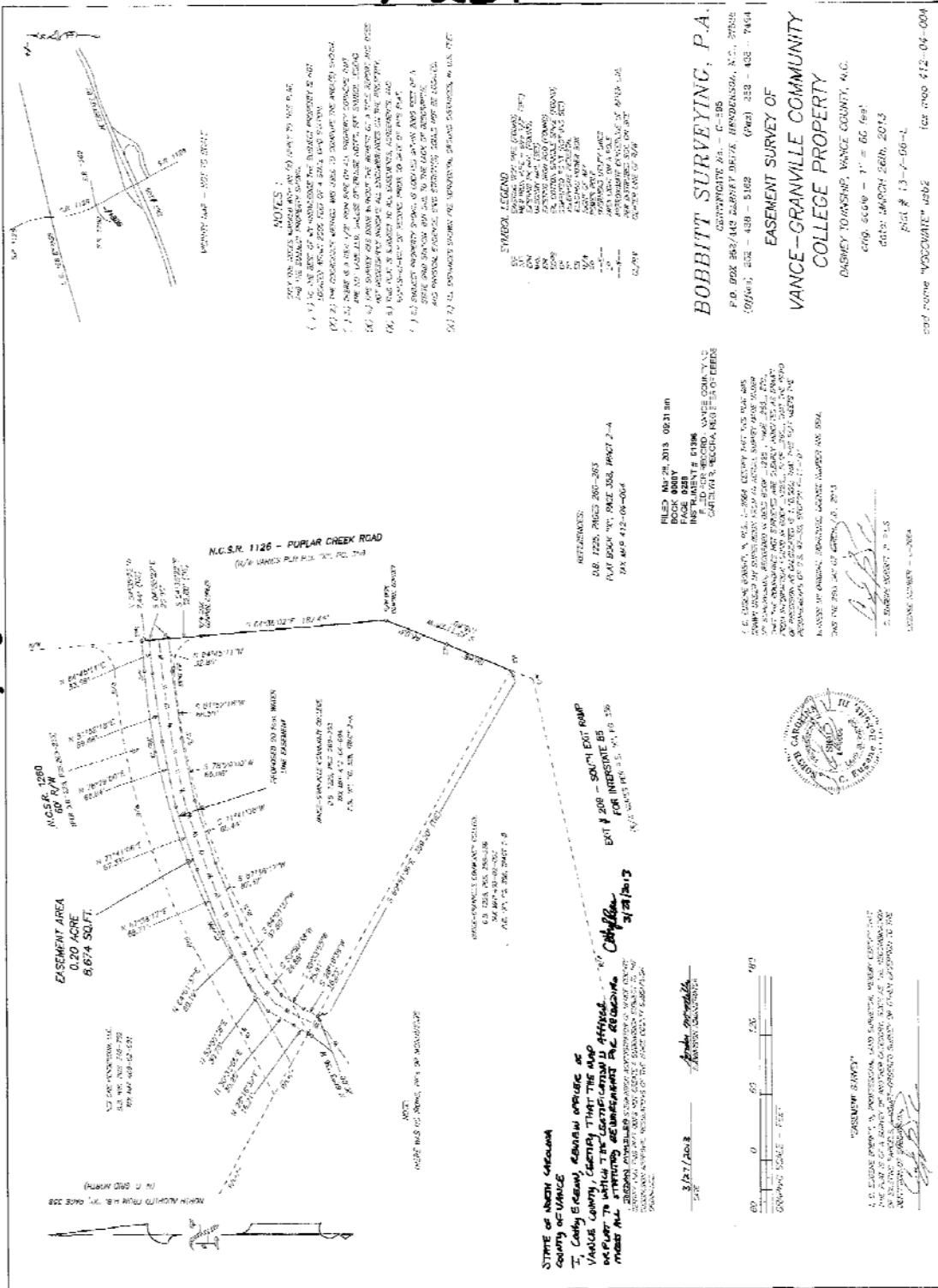
Approved as to legal form:

CITY Attorney

Date

Y-259

Y-259



City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Regular Meeting

23 April 2013

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

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

RE: CAF: 13-48

Consideration of Approval of 1) Resolution 13-34, Approval of Sole Source for New Radio Read Water Meter Purchases and to Purchase the Meters from HD Supply Waterworks, LTD; and Authorizing the Mayor to Sign the Promissory Note for the Loan for Project # H-LRX-F-11-1693 for the Purchase of Radio Read Water Meters; and 2) Ordinance 13-24, FY 13 Budget Amendment # 29, Amending the Budget for Above Mentioned Project

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- KSO 5 – Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems.
- KSO 8 – Provide Sufficient Funding for Municipal Services.

Recommendation:

Approval of:

- **1) Resolution 13-34, Approval of Sole Source for New Radio Read Water Meter Purchases and to Purchase the Meters from HD Supply Waterworks, LTD ;and Authorizing the Mayor to Sign the Promissory Note for the Loan for Project # H-LRX-F-11-1693 for the Purchase of Radio Read Water Meters**
- **2) Ordinance 1, FY 13-24 Budget Amendment #29 Amending the Budget for Above Mentioned Project.**

Executive Summary

On 26 September 2011, City Council approved, via Resolution 11-88, the application for a loan/grant to the NCDENR for various projects with one being the purchase of new radio read water meters. On 17 July 2012, the City of Henderson received notification that a DWSRF loan was approved for the purchase of new radio read water meters in the amount of \$294,000, which lead to Council approving the acceptance of said loan on 13 August 2012 via Resolution 12-63 and authorizing the Mayor to sign the acceptance agreement.

CAF 13-48: 13 May 2013 Council Meeting

Page 1 of 13

On April 19, 2013 DENR approved and accepted the Part B for the loan offer for \$294,000 and released the funds to begin the project. The project will begin immediately with the purchase of the following quantity of radio read meters:

- 1,276 - ¾" residential water meters
- 20 - 1" water meters
- 5 - 2" water meters
- 2 - 4" water meters
- 1,296 MBX1 lids with 2" holes

The meters that are being utilized by the City are only sold by one company in North Carolina, HD Supply. The manufacturer (Neptune) allows for exclusive rights for their meters in each state. This limits the ability to follow normal procurement procedures if we stay with the Neptune brand meters. Staff recommends staying with the Neptune brand as the City has already installed over 2,000 Neptune meters and all of the current spare parts are with the Neptune brand. The City staff recommends that the City purchase the Neptune meters and qualify the purchase as a sole source product with HD Supply. The State has accepted the sole source purchase of the meters for this project as it has with other communities in similar situations.

The current budget for the project was setup in Ordinance 12-51 based on the original Preliminary Engineering Report performed by McGill Associates. As the meters will be installed with in-house forces, the only items on the contract is the purchase of the meters and the closing cost fees to the State for the loan. The meters will be installed in accordance with the plan as approved and presented to the City Council via CM 13-04. Since this is a procurement project only, it is recommended that the contingency funds be removed and all funds transferred to the Water Meter Purchase line item as shown in the budget amendment and listed below to the two line items to remain in the account:

SRF Admin/Closing Fee	\$ 5,879.00
Water Meter Purchase	\$ 288,049.00

The total amount is \$293,928.00, which is just below the \$294,000 allotted in the SRF loan.

On 22 April 2013, the City received the promissory note from the NC Department of State Treasurer for the above mentioned loan. The loan rate is 20 years at 0% interest with repayment of the loan in the amount of \$14,696.40 per year to begin no later than 6 months after the completion of the project, or in this case, expenditures of all the funds.

Enclosures:

1. Resolution 13-34
2. Ordinance 13-24
3. Loan Amortization Schedule
4. Resolution 11-88
5. Resolution 12-63

RESOLUTION 13-34

APPROVAL OF SOLE SOURCE FOR NEW RADIO READ WATER METER PURCHASES AND APPROVAL TO PURCHASE THE METERS FROM HD SUPPLY WATERWORKS, LTD; AND AUTHORIZING THE MAYOR TO SIGN THE PROMISSORY NOTE FOR THE LOAN FOR PROJECT # H-LRX-F-11-1693 FOR THE PURCHASE OF RADIO READ WATER METERS

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

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

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

WHEREAS, the City received an offer of acceptance of a loan for a water system project (project number WIF-1693); *and*

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

WHEREAS, the amount of the loan is \$294,000 for twenty years with a 0.00% interest rate; *and*

WHEREAS, the new meters will be used to replace existing, aging meters throughout the City; *and*

WHEREAS, the City Council approved and accepted the loan per Resolution 12-63; *and*

WHEREAS, the City Council approved the plan and procedures for the location and installation of the meters via CM 13-04; *and*

WHEREAS, the City will continue to utilize Neptune brand meters, effectively allowing sole source to HD Supply for the purchase of the water meters; *and*

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

1. Approves the sole source purchase of the water meters with HD Supply, and
2. Authorizes the Mayor to sign the Promissory Note for Project Number H-LRX-F-11-1693 for the purchase of the radio read water meters being more fully articulated in **Attachment A** to this Resolution.

The foregoing Resolution 13-34 introduced by Council Member ** and seconded by Council Member ** on this the ____ day of ____ 2013, and having been submitted to a roll call vote, was *** by the following votes: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

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

**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 13-34*, adopted by the Henderson, City Council in Regular Session on _____ 2013 (See *Minute Book 42*, p. **.). This Resolution is recorded in *Resolution Book # 3*, pp. **.

Witness my hand and corporate seal of the City, this ** day of *** 2013.

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

North Carolina Drinking Water State Revolving Fund

Project No H-LRX-F-11-1693

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 Two Hundred Ninety Three Thousand Nine Hundred Twenty Eight Dollars (\$293,928) together with any additional amount disbursed under GS 159G with interest 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 Water Project, herein referred to as the "Project," until said principal sum shall be paid

Interest will accrue at the rate of 0 percent per annum on the unpaid principal sum from the Drinking Water State 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 Resources.

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 the Drinking Water State 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 EXECUTION

STATE OF _____

COUNTY OF _____

This _____ day of _____, 20____, personally came before me _____ who, being by me duly sworn, says that he is the authorized representative of the 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.

O R D I N A N C E 13-24

AN AMENDMENT TO THE FY 2012 -- 2013 BUDGET BUDGET AMENDMENT #29

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

WHEREAS, the Council has created and uses a Capital Improvements Fund for active capital projects related to the Water Fund, said fund referred to as 43: CIP Water 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; *and*

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

FUND: 43: CIP - Water			Ordinance 13-24			
PROJECT: 851: New Radio Read Water Meter Purchases			FY 12-13 Budget Amendment #29			
Project Budget Created: 13 August 2012			Budget Amendment #1 to this Capital Project			
REVENUES			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	13-Aug-12	Budget	Amendment	Revised
	State Revolving Loan	43-851-458100	\$ 294,000	\$ 294,000	\$ (72)	\$ 293,928
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
		Total	\$ 294,000	\$ 294,000	\$ (72)	\$ 293,928
						\$ 293,928
EXPENDITURES			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	13-Aug-12	Budget	Amendment	Revised
	Legal/Admin	43-851-510200	\$ 5,000	\$ 5,000	\$ (5,000)	\$ -
	Engineering Design	43-851-510301	\$ 8,000	\$ 8,000	\$ (8,000)	\$ -
	Water Meter Replacement	43-851-535701	\$ 250,000	\$ 250,000	\$ 38,049	\$ 288,049
	SRF Admin/Closing Fee	43-851-504514	\$ 6,000	\$ 6,000	\$ (121)	\$ 5,879
	Contingency	43-851-509900	\$ 25,000	\$ 25,000	\$ (25,000)	\$ -
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
		Total	\$ 294,000	\$ 294,000	\$ (72)	\$ 293,928
						\$ 293,928
		Variance			\$ -	
Reference:		Notes:				
		On 26 September 2011, Council, via Resolution 11-88, approved the application for a loan/grant to the NCDENR for various projects, with one being the purchase of new radio read water meters.				
		On 17 July 2012, the City received notification that a DWSRF loan in the amount of \$294,000 had been approved for the purchase of 250 new radio read water meters.				
CAF: 12-92; Ordinance 12-51, BA#6		Project budget was approved.				
CAF: 13-48; Ordinance 13-24; BA#29		Project budget amended to correspond to award notification from NCDENR.				

The foregoing Ordinance 13-24, 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 13 day of May 2013: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

*Reference: Minute Book 42 p. ***; CAF 13-48*

**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 13-24 adopted by the Henderson, City Council in Regular Session on 13 May 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 May 2013.

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



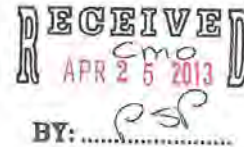
NORTH CAROLINA
DEPARTMENT OF STATE TREASURER
STATE AND LOCAL GOVERNMENT FINANCE DIVISION
AND THE LOCAL GOVERNMENT COMMISSION

JANET COWELL
TREASURER

T. VANCE HOLLOMAN
DEPUTY TREASURER

April 23, 2013

Mayor James O'Geary
City of Henderson
PO Box 1434
Henderson, North Carolina 27536



Re: Preliminary Maturity Schedule and Promissory Note
\$293,928 State Revolving Loan
Project # H-LRX-F-11-1693

Dear Mayor O'Geary,

Enclosed is preliminary maturity schedule reflecting the principal payments on the City's above-referenced revolving loan note. This 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
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
For Planning Purposes Only
Preliminary Schedule for Federal Revolving Loan
Prepared by the Department of State Treasurer

Amount:	\$293,928	LGC Approval Date:	June 5, 2012
Term (Years):	20	Approval Amount:	\$294,000
Interest Rate:	0.00%	Loan Amount:	\$293,928
Est. Date of Completion:	June 30, 2014	Certified Completion Date:	
State Project Number:	H-LRX-F-11-1693		

Fiscal Year	Outstanding Balance	Interest Rate			May 1 Principal Payment	Total Payment
05/01/15	\$ 293,928.00	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/16	\$ 279,231.60	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/17	\$ 264,535.20	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/18	\$ 249,838.80	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/19	\$ 235,142.40	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/20	\$ 220,446.00	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/21	\$ 205,749.60	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/22	\$ 191,053.20	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/23	\$ 176,356.80	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/24	\$ 161,660.40	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/25	\$ 146,964.00	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/26	\$ 132,267.60	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/27	\$ 117,571.20	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/28	\$ 102,874.80	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/29	\$ 88,178.40	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/30	\$ 73,482.00	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/31	\$ 58,785.60	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/32	\$ 44,089.20	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/33	\$ 29,392.80	0.000%			\$ 14,696.40	\$ 14,696.40
05/01/34	\$ 14,696.40	0.000%			\$ 14,696.40	\$ 14,696.40
					\$ 293,928.00	\$ 293,928.00

RESOLUTION 11—88

APPROVAL OF GRANT/LOAN APPLICATION TO THE NC DRINKING WATER STATE REVOLVING FUND FOR VARIOUS WATER SYSTEM IMPROVEMENTS

WHEREAS, the Henderson City Council (Council) identified eight Key Strategic Objectives (KSO) at its 2011 Strategic Planning Retreat; *and*

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

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

WHEREAS, the City of Henderson intends to construct drinking water system projects generally including water lines, service lines, and related appurtenances to replace aged and undersized water lines to provide a more reliable source of drinking water and improved operating pressures, the replacement of aged water meters for improved efficiencies, and the installation of a finished water pump, controls, valves, and piping for redundancy and improved reliability and efficiency, *and*

WHEREAS, the City of Henderson intends to request State loan or grant assistance for the project, *and*

WHEREAS, the amount of the loan/grant funding applications are \$3.0 Million; *and*

WHEREAS, the finished water pump, controls, valves and piping for redundancy would be for funding at the Kerr Lake Regional Water Plant.

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

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

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

The foregoing Resolution 11—88 introduced by Council Member Inscoe and seconded by Council Member Kearney on this the 26th day of September 2011, and having been submitted to a roll call vote, was APPROVED by the following votes: YES: Rainey, Peace-Jenkins, Daeke, Daye, Kearney, Coffey and Inscoe. NO: None. ABSENT: Davis.

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. 266.)

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 11—88*, adopted by the Henderson, City Council in Regular Session on 26 September 2011 (See *Minute Book 42*, p. 266). This Resolution is recorded in *Resolution Book 2*, p. 177.

Witness my hand and corporate seal of the City, this 27th day of September 2011.

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

RESOLUTION 12-63

ACCEPTANCE OF A LOAN FROM THE NC DRINKING WATER STATE REVOLVING FUND FOR PURCHASE OF NEW RADIO READ WATER METERS

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

WHEREAS, two of the Key Strategic Objectives are addressed by this request as follows:

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

KSO 8: To Provide Sufficient Funds for Municipal Operations and Capital Outlay Necessary to Meet the Needs of Citizens, Customers and Mandates of Regulatory Authorities; and

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

WHEREAS, the City received an offer of acceptance of a loan for a water system project (project number WIF-1693); *and*

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

WHEREAS, the amount of the loan is \$294,000 for twenty years with a 0.00% interest rate; *and*;

WHEREAS, the new meters will be used to replace existing, aging meters throughout the City.

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

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

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

The foregoing Resolution 12-63 introduced by Council Member Daeke and seconded by Council Member Daye on this the 13th day of August 2012, and having been submitted to a roll call vote, was APPROVED by the following votes: YES: Coffey, Inscocoe, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney and Rainey.

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. 546.)

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Reg. Meeting

3 May 2013

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

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

RE: CAF: 13-49

Consideration of Approval of 1) Resolution 13-35, Authorizing the Execution of a Contract with the McGill Associates, P.A. for the Completion of an Engineering Report for the Elmwood Cemetery Outfall Project; and 2) Ordinance 13-23 FY Budget Amendment #31 Establishing a CIP Project Budget for the Elmwood Cemetery Outfall Project.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- KSO 5: Provide Reliable, Dependable Infrastructure
- KSO 8: Provide Financial Resourcing

Recommendation:

Approval of:

1) Resolution 13-35, Authorizing the Execution of a Contract with the McGill Associates, P.A. for the Completion of an Engineering Report for the Elmwood Cemetery Outfall Project; and

2) Ordinance 13-23 FY Budget Amendment #31 Establishing a CIP Project Budget for the Elmwood Cemetery Outfall Project.

Executive Summary

Elmwood Cemetery Sewer Main Replacement – The Sandy Creek Pump Station Improvements project is currently under design and the force main empties into this outfall. The sewer main crossing under the CSX Railroad along Spring Street was completed in 2012 and there are additional sections along this main that are in need of rehabilitation/replacement.

The City received notice by letter dated 1 April 2013 that this project ranked high enough to receive a low interest CWSRF loan of 2% in the amount of \$1,800,000, which is contingent on approval of the loan through the Local Government Commission. The intent to fund is also contingent on meeting the following milestones.

- Engineering Report Submittal - 1 July 2013
- Engineering Report Approval - 2 December 2013
- Plans & Specification Submittal - 2 June 2014
- Plans & Specs/Permit Approval - 2 September 2014
- Advertise Project, Receive Bids, Submit Bid Information and Receive IFS's Authority to Award - 1 December 2014
- Execute Construction Contracts - 2 January 2015

McGill Associates has worked with the City in applying for low interest loans and grants in the past and is currently working with other CIP projects at this time. It is recommended that McGill Associates perform the Engineering Report that is required due to the work performed thus far in preparing the Grant/Loan application. The cost to perform this work is \$19,300 and is reimbursable as a part of the project loan proceeds once approved by IFS and the LGC.

Enclosures:

1. Resolution 13-35
2. Ordinance 13-23

RESOLUTION 13-35

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MCGILL ASSOCIATES, P.A. FOR COMPLETION OF AN ENGINEERING REPORT FOR THE ELMWOOD CEMETERY OUTFALL PROJECT

WHEREAS, the Henderson City Council identified eight Key Strategic Objectives (KSO) at its 2013 Strategic Planning Retreat; and

WHEREAS, two of the Key Strategic Objectives are addressed by this request as follows: KSO 5: Provide Reliable, Dependable Infrastructure. To provide reliable, dependable and environmentally compliant infrastructure systems; and KSO 8: Provide Financial Resourcing: To provide sufficient funds for municipal operations and capital outlay necessary to meet the needs of citizens, customers and mandates of regulatory authorities; *and*

WHEREAS, McGill Associates has been instrumental in assisting the City in applying for low interest loans and grants; *and*

WHEREAS, the City received notice from the Infrastructure Finance Section that the project ranked high enough to receive a low interest CWSRF loan of 2% in the amount of \$1,800,000; and

WHEREAS, an Engineering Report is required to be submitted by 2 July 2013; *and*

WHEREAS, McGill Associates , P.A. has submitted a proposed contract in the amount of \$19,300 to perform this work; *and*

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF HENDERSON, that James D. O'Geary, Mayor, is authorized to enter into a contract with McGill Associates, P.A., being more fully articulated in **Attachment A** to this Resolution, for the purposes of preparing the Engineering Reports as required by the grant/loan applications.

The foregoing Resolution 13-35, 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: None. ABSTAIN: None. ABSENT: None.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney



April 29, 2013

Mr. A. Ray Griffin, Jr., Manager
City of Henderson
Post Office Box 1434
Henderson, North Carolina 27536

RE: Proposal for Engineering Services
Engineering Report and Environmental Document
Elmwood Cemetery Sewer Replacement
City of Henderson, North Carolina

Dear Mr. Griffin:

During the Capital Improvements Planning process, the need for sewer improvements was identified within the City of Henderson's wastewater collection system. Through meetings with staff and Council, it was determined that McGill Associates would prepare and submit a Clean Water SRF application to the Infrastructure Finance Section (IFS) of the NC DENR for this important project. The funding application for this project has recently been determined eligible to receive a low interest SRF loan in the amount of \$1,800,000. The next milestone to remain eligible for this funding is to submit the Engineering Report (ER) and Environmental Information Document (EID) to IFS by July 1, 2012.

Pursuant to your request, we are pleased to provide you with this Proposal for Engineering Services for the proposed project. This proposal includes the preparation of the ER and EID in accordance with IFS's *Guidance for the Preparation of ERs and EIDs*.

The Elmwood Cemetery Sewer (Elmwood Sewer) has been identified as a source of sanitary sewer overflows within the City of Henderson's wastewater collection system. The Sandy Creek Pump Station sewer force main transfers sewer to the gravity sewer system just upstream of the problem areas. The Elmwood Sewer is affected by undersized sections of gravity sewer with several sections of the line visibly surcharging. During a previous sewer evaluation study it was noted that during wet weather periods there are several sections of the gravity sewer line that are performing insufficiently. The previous sewer evaluation analysis defined deficient as sewer surcharging at least "halfway up the manhole" depth.

The general recommendations for the Elmwood Sewer project involve replacement of the existing gravity sewer line sections with larger diameter gravity sewer lines. The project involves upsizing approximately 1,750 linear feet of existing 15-inch diameter gravity sewer line with new 18-inch piping along South Williams Street and East Spring Street, and the replacement of

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. Lane NW, Hickory, NC 28601
Office: 828-328-2024 • Fax: 828-328-3870

seven (7) existing manholes. The second section of the project involves upsizing approximately 3,160 linear feet of existing 18-inch diameter gravity sewer line with new 24-inch piping, and the replacement of eight (8) existing manholes.

We anticipate providing the following **Scope of Services** for the subject project:

PRELIMINARY PHASE SERVICES

- Meet with City staff to discuss current issues and needs associated with the existing collection system.
- Identify and evaluate areas of the collection system.
- Identify major sewer interceptors and pumping stations tributary to this section of the collection system.
- Review the capacity and age of the existing Sandy Creek pump station force main that discharges through the gravity sewers to be replaced. Considering capacity and age, recommend a proposed course of action for addressing future capital needs related to the force main.
- Review overflows in this area of the collection system and prepare a map.
- Review previously prepared reports pertinent to the collection system.
- Review the City's flow allocations.
- Perform population and wastewater projections if required by IFS.
- Prepare the alternatives analysis in accordance with IFS's guidance.
- Prepare opinions of probable construction costs, operations and maintenance costs, and present worth analysis for each alternative.
- Prepare the Financial Analysis for the selected alternative.
- Plan and prepare a project map for the proposed alternative.
- Prepare the ER and EID in accordance with IFS's guidance.
- Submit the draft report to City staff for review.
- Discuss draft report with City staff and incorporate any comments.
- Submit the ER and EID to IFS by the July 1, 2012 milestone.
- Respond in writing to comments received from IFS, and revise the ER and EID to address those comments.

BASIS OF COMPENSATION

McGill Associates proposes to provide the scope of services for the total lump sum fee of \$19,300.00. As this is the preliminary engineering phase, this fee does not include surveying, design plans and specifications, permitting, geotechnical, bidding and award, construction observation, or construction administration services.

This proposal also assumes the following:

- Necessary background and project information will be provided by the City of Henderson in a timely manner. Such items include GIS sewer mapping, record drawings, Daily Monitoring Reports, Notices of Violations, DWQ inspection reports, flow allocations, and previous studies.
- The City will designate a person to act as the Owner's representative with respect to the work to be performed under this proposal; and such person shall have complete authority to transmit instructions, receive information, interpret and define the City's policies and decisions pertinent to the scope of services.
- City staff will examine all studies, reports, sketches, estimates, and other documents presented and render decisions and comments pertaining thereto within a reasonable time so as not to delay the services.
- Payment for services shall be made monthly as work progresses.

ADDITIONAL SERVICES

Tasks outside the scope of services, including but not limited to the following items, will be considered additional services:

- Services resulting from significant changes in general scope of the project including changes in size, capacity, complexity, or schedule.
- Services normally furnished by the City and not otherwise provided for in this proposal.
- Preparing an Environmental Assessment beyond the scope of the EID, should one be required.
- Services in connection with securing and administering project funding.

We would be pleased to assist the City of Henderson with additional services in accordance with our enclosed Basic Fee Schedule.

Mr. A. Ray Griffin, Jr., Manager
April 29, 2013
Page 4

We appreciate the opportunity to provide this proposal and look forward to assisting the City of Henderson with this important effort. We are prepared to begin work immediately upon your authorization in order to submit the report within the prescribed timeline.

If this proposal is acceptable to you, please sign below and return one (1) copy to our office. If you have any questions concerning this proposal, please do not hesitate to contact us.

Sincerely,
MCGILL ASSOCIATES, P.A.



DOUGLAS CHAPMAN, PE
Senior Project Manager

Enclosure: Basic Fee Schedule

ACCEPTANCE:

This proposal is accepted this the _____ day of _____, 2013.

CITY OF HENDERSON

(Signature)

(Date)

(Name)

(Title)

O R D I N A N C E 13-23

FY 13 BUDGET AMENDMENT # 35 AMENDING THE CIP SEWER FUND and CAPITAL RESERVE UTILITIES FUND TO ESTABLISH BUDGET FOR PRELIMINARY ENGINEERING REPORT FOR THE ELMWOOD CEMETERY OUTFALL PROJECT

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:

				Ordinance 13-23			
FUNDS: 44: CIP SEWER; 70: CAPITAL RESERVE UTILITIES				FY 12-13 Budget Amendment #35			
PROJECT: Elmwood Cemetery Outfall Project				Amendment to Establish this Project Budget			
Project Budget Created on 13 May 13				Approved 1-Jul-12	Current Budget	Amendment	Revised
REVENUES							
Transfer from Cap Reserve Utilities Fund	44-854-461070			\$ -	\$ -	\$ 19,300	\$ 19,300
				\$ -	\$ -	\$ -	\$ -
	Total			\$ -	\$ -	\$ 19,300	\$ 19,300
							\$ 19,300
EXPENDITURES				Approved 1-Jul-12	Current Budget	Amendment	Revised
Preliminary Engineering Report	44-854-510296			\$ -	\$ -	\$ 19,300	\$ 19,300
				\$ -	\$ -	\$ -	\$ -
	Total			\$ -	\$ -	\$ 19,300	\$ 19,300
							\$ 19,300
	Variance					\$ -	
70: CAPITAL RESERVE UTILITIES FUND REVENUES				Approved 1-Jul-12	Current Budget	Amendment	Revised
Department	Line Item	Code					
	Fund Balance Appropriated	70-700-491000		\$ -	\$ 400,000	\$ 19,300	\$ 419,300
				\$ -	\$ -	\$ -	\$ -
	Total			\$ -	\$ 400,000	\$ 19,300	\$ 419,300
							\$ 419,300
70: CAPITAL RESERVE UTILITIES FUND EXPENDITURES				Approved 1-Jul-12	Current Budget	Amendment	Revised
Department	Line Item	Code					
	Trans to: 44 CIP Sewer	70-854-561044		\$ -	\$ -	\$ 19,300	\$ 19,300
				\$ -	\$ -	\$ -	\$ -
	Total			\$ -	\$ -	\$ 19,300	\$ 19,300
							\$ 19,300
	Variance					\$ -	
Reference:				Notes:			
13 May 13: CAF 13-49; Res 13-35; Ord 13-23; BA#35				Resolution 13-35 authorizing execution of contract with McGill Associates for the completion of a preliminary engineering report for the Elmwood Cemetery Outfall Project. Ordinance 13-23 and BA #35 establishing a CIP project budget.			

The foregoing Ordinance 13-23, 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 13th day of May 2013: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther McCrackin, City Clerk

*Reference: Minute Book 42, p.**; CAF 13-49*

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 13-23 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

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Reg. Meeting

17 July 2012

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

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

RE: CAF: 13-58

Consideration of Approval Resolution 13-40, Authorizing Vance County to Extend 2,500 Linear Feet of Waterlines into Warren County

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- *KSO 5:* Provide reliable, dependable and environmentally compliant infrastructure systems.
- *Core Value 7:* We value teamwork and collaborative efforts with our fellow workers, stakeholders and partners and believe that through such efforts we will be better able to achieve our goals and objectives.
- *Core Value 9:* We value a good working relationship with the County of Vance and believe by working together in a cooperative effort we can better address the strategic challenges and opportunities facing our community.

Recommendation:

- Approval of Resolution 13-40, Authorizing Vance County to Extend 2,500 Linear Feet of Waterlines into Warren County.

Executive Summary

Vance County has been approached by several residents along Tower Road directly across the county line within Warren County, requesting Vance County extend their waterlines to service that area. Subsequently, as per Section 15 of the Joint Water Purchase Agreement between the City of Henderson and Vance County, Vance County is requesting permission from the City to extend their waterlines into Warren County. They will also be presenting a similar request to Warren County for their approval of this action.

Enclosures

1. Resolution 13-40
2. Agreement with Edits
3. Letter from Vance County
4. Map of Area

RESOLUTION 13-40

A RESOLUTION AUTHORIZING VANCE COUNTY TO EXTEND 2,500 LINEAR FEET OF WATERLINES INTO WARREN COUNTY

WHEREAS, the Henderson City Council (Council) conducted its Annual Planning Retreat in January 2013, and during said Retreat identified eight Key Strategic Objectives (KSO) and Goals and 12 Core Values; *and*

WHEREAS, this Resolution addresses one Key Strategic Objective as follows: KSO 5: To Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems; *and*

WHEREAS, this Resolution further addresses two of the Core Values and Principles that Guide the City's Work as follows: CV 7: Teamwork and Collaborative Efforts, *and* CV 9: Good Working Relationship with Vance County; *and*

WHEREAS, the County has received several requests from residents along Tower Road in Warren County, directly across the county lines; *and*

WHEREAS, Section 15 of the joint water purchase agreement between the City of Henderson and Vance County states the County is to receive "official approval of the City Council" prior to constructing or selling water to customers outside of Vance County; *and*

WHEREAS, the County is requesting approval to extend 2,500 linear feet of waterlines into Warren County to service the Tower Road residents.

NOW THEREFORE BE IT RESOLVED by the Henderson City Council that it does hereby approve a Memorandum of Agreement, being more fully articulated in **Attachment A** to this Resolution, between the City and County authorizing the request for the above mentioned extension of waterlines.

The foregoing Resolution 13-40, 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: **.

ATTEST:

James D. O'Geary, Mayor

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

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

**AGREEMENT
BETWEEN THE VANCE COUNTY WATER DISTRICT AND WARREN
COUNTY RELATIVE TO SALE OF WATER ALONG A LIMITED
PORTION OF S.R. 1125 IN WARREN COUNTY**

WHEREAS, the Vance County Water District is currently constructing a water line in Phase 1A along Vance County SR 1513 (Tower Road) which turns into Warren County SR 1125 (also known locally as Tower Road) with plans to end the line at the county line of Vance and Warren Counties; and,

WHEREAS, several property owners directly across the county line within Warren County and along Tower Road beyond the point of planned termination of the newly constructed water line have expressed an interest in being able to receive water from a public water supply system such as the one being constructed; and,

WHEREAS, Warren County Public Utilities is not in a position to serve this area and does not currently have any future plans to be able to serve this area; and

WHEREAS, pursuant to the water purchase agreement between the City of Henderson, Vance County and Vance County Water District, official approval of the Henderson City Council is required to construct water lines to and/or sell water to customers outside of Vance County; and,

WHEREAS, Vance County Water District has requested Warren County to enter into an agreement to permit the installation and operation of a water line along SR 1513 in Vance County and portions located in Warren County along SR 1125 subject to obtaining approval from the City of Henderson.

NOW, THEREFORE, the parties agree as follows:

1. Vance County Water District may extend a waterline up to 2,500 feet crossing the border into Warren County for the purpose of providing public water to residents, customers and property owners along Warren County SR 1125 and located within 300 feet of the installed Vance County Water District water line. No such construction shall occur until this Agreement is fully executed by all parties hereto.
2. Vance County Water District shall not extend the water line main beyond the 2,500 feet to provide water to customers located outside of this area, and in no event will it overlap the current Warren County Public Utility line located further down said road.
3. Vance County Water District may charge fees, rates or charges and set water service policies for property owners, customers and residents within this area that are equal to those that are consistent with such charges and policies applicable to the other property owners, customers and residents that are being served public water through the Vance County Water District.

4. Warren County shall retain all rights to develop its water system as it desires outside of this designated area without any approval or interference from Vance County Water District.
5. It is understood that installation is contingent upon Vance County Water District obtaining any required approvals and funding sources, and this agreement does not commit the Vance County Water District to construct or install any amount of water line within Warren County. In the event the aforesaid line is not constructed by the Vance County Water District within five (5) years of the date of this Agreement, this Agreement shall then become null and void.
6. Vance County joins in the execution of this Agreement to evidence its consent to the same as a party to the said Water Sales Agreement with the City of Henderson. Vance County will not be involved in the construction, installation and/or operation of the water line or water sales.
7. The City of Henderson joins in the execution of the Agreement to evidence its consent to the same pursuant to the Water Sales Agreement with Vance County and the Vance County Water District and pursuant to the Regional Water Agreement to which both the City of Henderson and Warren County are parties, and for no other purpose, specifically excluding the City of Henderson from any direct obligation to Warren County hereunder.
8. This Agreement may be amended or changed only by a written amendment signed by all parties. Further, no additional extensions of said approved line shall take place without the written consent of the Warren County Board of Commissioners.

Effective this the ____ day of _____, 2013.

VANCE COUNTY WATER DISTRICT

Attest:

Kelly H. Grissom, Secretary

By: Thomas S. Hester, Jr., Chairman

WARREN COUNTY

Attest:

Secretary to Warren County
Board of Commissioners

By: Chairman of Warren County
Board of Commissioners

VANCE COUNTY

Attest:

Kelly H. Grissom, Secretary to the
Board of Commissioners

By: Thomas S. Hester, Jr., Chairman of
the Board of Commissioners

CITY OF HENDERSON

ATTEST:

BY: _____
James D. O'Geary, Mayor

City Clerk

(MUNICIPAL SEAL)

Approved as to legal form:

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

**AGREEMENT
BETWEEN THE VANCE COUNTY WATER DISTRICT AND, WARREN
COUNTY, ~~and the CITY OF HENDERSON~~
RELATIVE TO SALE OF WATER ALONG A LIMITED PORTION
OF S.R. 1125 IN WARREN COUNTY**

WHEREAS, the Vance County Water District is currently constructing a water line in Phase 1A along Vance County SR 1513 (Tower Road) which turns into Warren County SR 1125 (also known locally as Tower Road) with plans to end the line at the county line of Vance and Warren Counties; and,

WHEREAS, several property owners directly across the county line within Warren County and along Tower Road beyond the point of planned termination of the newly constructed water line have expressed an interest in being able to receive water from a public water supply system such as the one being constructed; and,

WHEREAS, Warren County Public Utilities is not in a position to serve this area and does not currently have any future plans to be able to serve this area; and

WHEREAS, pursuant to the water purchase agreement between the City of Henderson, Vance County and Vance County Water District, official approval of the Henderson City Council is required to construct water lines to and/or ~~and~~ sell water to customers outside of Vance County; and,

WHEREAS, Vance County Water District has requested Warren County to enter into an agreement to permit the installation and operation of a water line along SR 1513 in Vance County and portions located in Warren County along SR 1125 subject to obtaining approval from the City of Henderson.

NOW, THEREFORE, the parties agree as follows:

1. Vance County Water District may extend a waterline up to 2,500 feet crossing the border into Warren County for the purpose of providing public water to residents, customers and property owners along Warren County SR 1125 and located within 300 feet of the installed Vance County Water District water line. No such construction shall occur until this Agreement is fully executed by all parties hereto.
2. Vance County Water District shall not extend the water line main beyond the 2,500 feet to provide water to customers located outside of this area, and in no event will it overlap the current Warren County Public Utility line located further down said road.
3. Vance County Water District may charge fees, rates or charges and set water service policies for property owners, customers and residents within this area that are is equal to those that are consistent with such charges and policies applicable

to the other property owners, customers and residents that are being served public water through the Vance County Water District.

4. Warren County shall retain all rights to develop its water system as it desires outside of this designated area without any approval or interference from Vance County Water District.
5. It is understood that installation is contingent upon Vance County Water District obtaining any required approvals and funding sources, and this agreement does not commit the Vance County Water District to construct or install any amount of water line within Warren County. In the event the aforesaid line is not constructed by the Vance County Water District within five (5) years of the date of this Agreement, this Agreement shall then become null and void.
6. Vance County joins in the execution of this Agreement to evidence its consent to the same as a party to the said Water Sales Agreement with the City of Henderson. Vance County will not be involved in the construction, installation and/or operation of the water line or water sales.
7. The City of Henderson joins in the execution of the Agreement to evidence its consent to the same pursuant to the Water Sales Agreement with Vance County and the Vance County Water District and pursuant to ~~together with the~~ Regional Water Agreement to which both the City of Henderson and Warren County are parties, and for no other purpose, specifically excluding the City of Henderson from any direct obligation to Warren County hereunder.
8. This Agreement may be amended or changed only by a written amendment signed by all parties. Further, no additional extensions of said approved line shall take place without the written consent of the Warren County Board of Commissioners.

Effective this the ____ day of _____, 2013.

VANCE COUNTY WATER DISTRICT

Attest:

Kelly H. Grissom, Secretary

By: Thomas S. Hester, Jr., Chairman

WARREN COUNTY

Attest:

Secretary to Warren County By: Chairman of Warren County
Board of Commissioners Board of Commissioners

CITY OF HENDERSON

ATTEST: _____ BY: _____

James D. O'Geary, Mayor

City Clerk

(MUNICIPAL SEAL)

Approved as to legal form:

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

VANCE COUNTY

Attest:

Kelly H. Grissom, Secretary to the
Board of Commissioners

By: Thomas S. Hester, Jr., Chairman of
the Board of Commissioners

CITY OF HENDERSON

ATTEST: _____ BY: _____

James D. O'Geary, Mayor

City Clerk

(MUNICIPAL SEAL)

Approved as to legal form:

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

~~VANCE COUNTY WATER DISTRICT~~

Attest:

Kelly H. Grissom, Secretary

By: Thomas S. Hester, Jr., Chairman

~~WARREN COUNTY~~

Attest:

Secretary to Warren County
Board of Commissioners

By: Chairman of Warren County
Board of Commissioners



Vance COUNTY

NORTH CAROLINA

Planning and Development Department

www.vancecounty.org

156 Church Street, Suite 3
Henderson, NC 27536

Ph: (252) 738-2091
Fax: (252) 738-2089

April 17, 2013

Ray Griffin, City Manager
City of Henderson

RECEIVED
cmo
APR 18 2013
BY: PJP

Re: Permission from City Council to extend Vance County Waterline into Warren County

Dear Mr. Griffin,

As the County continues its construction of the county water system within Phase 1A (Sandy Creek) Township, it is necessary to make a request of the City Council in regard to the joint water purchase agreement between the City and the County. In accordance with Section 15 of that agreement, the County is to receive "official approval of the City Council" prior to constructing or selling water to customers outside of Vance County.

As such, the County has been approached by several residents along Tower Road directly across the county line within Warren County in regard to receiving water from the Vance County system. In order to serve these individuals and property owners it would be necessary to extend a waterline approximately 2,200 feet into Warren County. Thus far initial discussions have taken place with Warren County Public Utilities and with Warren County management in this regard and they are very supportive of this idea. Upon approval of the enclosed Memorandum of Agreement from the Henderson City Council, the County will be in position to formally request a similar memorandum of agreement from the Warren County Commissioners within the next 2 weeks.

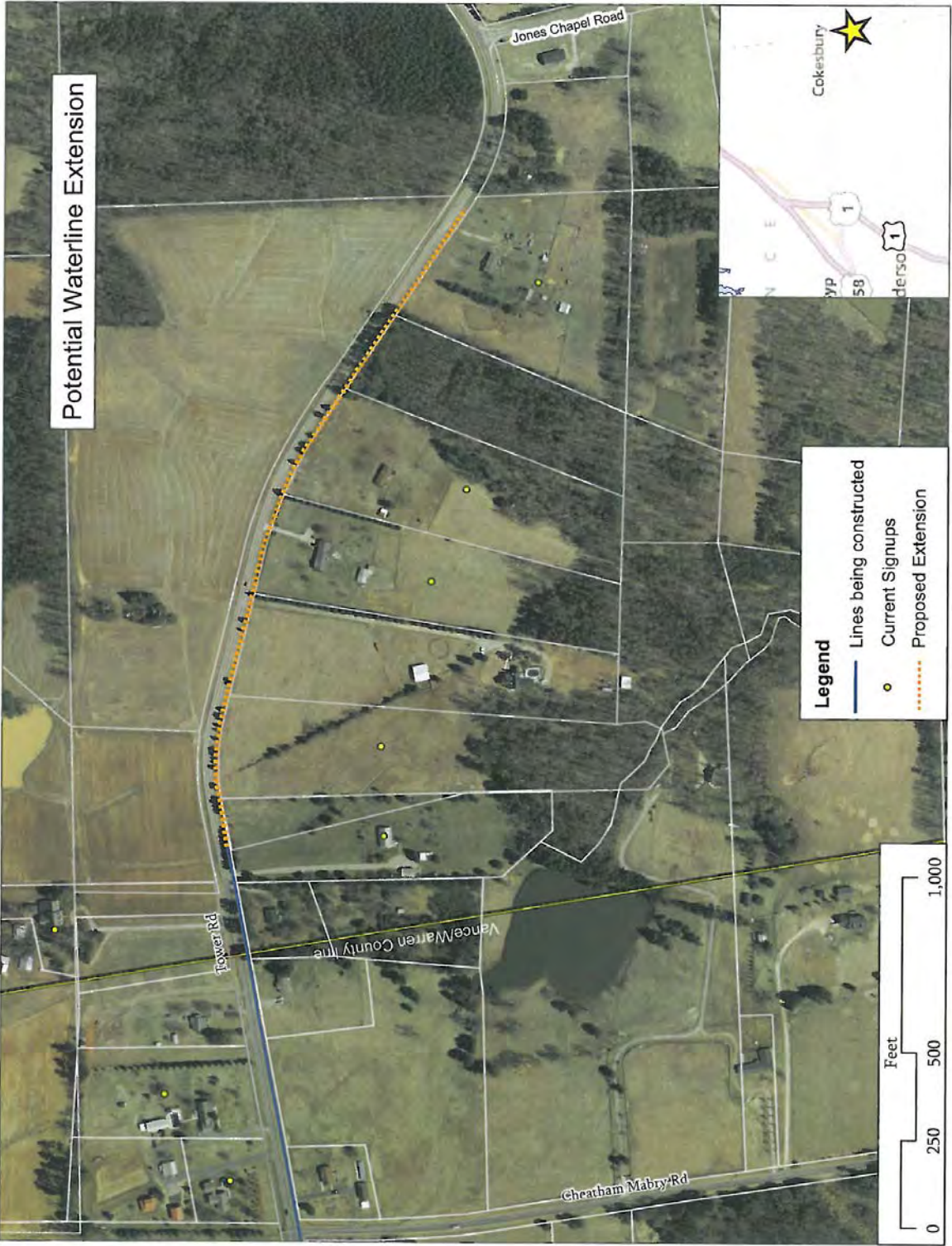
Due to the nature and progress of the Vance County waterline construction, it is important that this extension be included within the project as quickly as possible to prevent further expense. Overall, this will be a win-win situation for all parties while also providing public water to citizens that are interested and in need.

Your assistance in this matter would be greatly appreciated. If it would be helpful, I will be available for the Council meeting to discuss and answer any questions.

Sincerely,

Jordan McMillen
Director of Planning and Development

vision • vitality • variety



City Council Action Form

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



Agenda Item: _____

Council Meeting: 8 May 2013 Regular Meeting

8 May 2013

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

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

RE: CAF: 13-57

Approval of Resolution 13-39, Authorizing an Agreement Between the Embassy Cultural Center Foundation and the City of Henderson

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- KSO 3: Economic Development - Redevelop Downtown
- KSO 7: Expand Leisure and Cultural Services, Programs and Facilities

Recommendation:

- Approval of Resolution 13-39, Authorizing an Agreement Between The Embassy Cultural Center Foundation and the City of Henderson.

Executive Summary

Mr. John Wester, Chairman of the Embassy Cultural Center Foundation (Foundation), has spoken with the Mayor, City Attorney and me regarding the next phase of the development of the property on Breckenridge Street. The new development will build a performing arts center, part of the original plan set forth by the City and the Foundation. The City Attorney has briefed members of Council on this project and the several requests being made by the Foundation.

Several key elements of the agreement are: 1) the library would revert to the City's ownership once it has been affirmed all debt and encumbrances have been satisfied; 2) the City would waive its right of property reversion for McGregor Hall and the Performing Arts Center; 3) Cross easements would be provided to the City to continue to use McGregor Hall as the entrance to the Library and a closet on the library side would be used by the Foundation for storage; and 4) cross easements on the parking lot for use by both facilities.

As previously mentioned, the Foundation is not requesting the City to participate financially in either the construction and/or operations of the Performing Arts Center.

Enclosures:

1. Resolution 13-39
2. Letter from John Wester

RESOLUTION 13-39

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE EMBASSY CULTURAL CENTER FOUNDATION AND THE CITY OF HENDERSON

WHEREAS, the Henderson City Council (Council) conducted its Annual Planning Retreat in January 2013, and during said Retreat identified eight Key Strategic Objectives (KSO) and Goals; *and*

WHEREAS, two of the Key Strategic Objectives are addressed by this request as follows: KSO 3: Economic Development - Redevelop Downtown, and KSO 7: Expand Leisure and Cultural Services, Programs and Facilities; *and*

WHEREAS, the Embassy Cultural Center Foundation (Foundation) will build a performing arts center; *and*

WHEREAS, the agreement between the Foundation and the City of Henderson would allow the Library to revert to City ownership once it is affirmed all debts and encumbrances are satisfied; *and*

WHEREAS, the City will waive its right of property reversion for McGregor Hall and the Performing Arts Center; *and*

WHEREAS, cross easements will be provided to the City to continue to use McGregor Hall as the entrance to the Library and a closet on the Library side will be used for storage by the Foundation; *and*

WHEREAS, cross easements will exist on the parking lot for use by both facilities.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE this agreement (*see Attachment A*) between the Embassy Cultural Center Foundation and the City of Henderson.

The foregoing Resolution 13-39, upon motion of Council Member ** and second by Council Member **, and having been submitted to a roll call vote received the following votes and was ***** on this the 13th day of May 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 41, pp. **, CAF 13-57

CAF 13-57: 13 May 2013 Council Meeting

Page 2 of 8

STATE OF NORTH CAROLINA

AGREEMENT

COUNTY OF VANCE

This Agreement, made and entered into this the _____ day of _____, 2013, by and between the CITY OF HENDERSON (hereinafter referred to as "City") and THE EMBASSY CULTURAL CENTER FOUNDATION, INC. (hereinafter referred to as the "Foundation");

W I T N E S S E T H:

WHEREAS, the parties hereto entered into Contracts with each other dated February 12, 2001 and November 10, 2003;

WHEREAS, pursuant to said Contracts, the Foundation has acquired all of the property (located within the City Limits of the City of Henderson) bounded by Chestnut Street on the West, Breckenridge Street on the North, Wyche Street on the East and Winder Street on the South (hereinafter referred to as the "Block"), excepting only a portion of the southeastern parking lot owned by Variety Wholesalers, Inc. relative to which the Foundation has contractual rights; and

WHEREAS, on the northernmost corner of the Block (corner of Chestnut Street and Breckenridge Street), the Foundation has constructed the H. Leslie Perry Memorial Library, which is bounded on the Southeast by "McGregor Hall" (sometimes referred to as the "Gallery"), which serves as an entrance hall to the Library and to the properties located to the southeast thereof; and

WHEREAS, on the properties southeast of McGregor Hall, the Foundation has presently contracted with H. G. Reynolds Company, Inc. to construct a Performing Arts Theater building (the same being located on the southeast corner of the Block adjoining Wyche Street and Breckenridge Street); and

WHEREAS, the Foundation has given a deed of trust for the benefit of Branch Banking and Trust Company on the northwestern portion of the Block containing 1.92 acres; and

WHEREAS, the parties hereto desire to enter into a new contractual arrangement relative to said Block.

NOW THEREFORE, the parties hereto agree as follows:

- (1) Within fifteen (15) days after the execution of this Agreement by all parties, the Foundation will pay off in full its deed of trust to Branch Banking and Trust Company and all liens and encumbrances which it may have relative to the 1.92

acres consisting of the H. Leslie Perry Memorial Library and the parking lot located to the southwest thereof.

- (2) Within thirty (30) days after the execution of this Agreement by all parties, the Foundation will deed to the City in fee simple the 1.92 acres consisting of the northwestern portion of the Block (including the H. Leslie Perry Memorial Library and the adjacent parking lot) as described as set forth in Exhibit A attached hereto and as further shown on the plat marked Exhibit B attached, but excepting therefrom the space located in the southeastern corner thereof occupied by the building known as McGregor Hall. The Foundation will have no responsibility hereafter relative to the staffing or maintenance of the above property conveyed to the City.
- (3) Included within the aforesaid said deed will be a permanent cross easement for McGregor Hall for each of the parties hereto to access and use as an entrance to the their respective facilities. Also there is a small “vending closet” that is within the confines of the H. Leslie Perry Memorial Library building, but which opens onto the McGregor Hall lobby, and a permanent easement is reserved by and granted to the Foundation to access and use that “vending closet”.
- (4) The City will grant a perpetual easement to the Foundation to use ten (10) parking spaces located at the southern end of the parking lot on the 1.92 acres conveyed by the aforesaid deed to the City, said parking spaces to be utilized by the staff and employees of the proposed Performing Arts Theater (hereinafter referred to as “Breckenridge Commons”).
- (5) The parties agree that the parking lot on the 1.92 acre tract conveyed to the City can be utilized by the general public for Special Events occurring in the Breckenridge Commons. The waste bin also located on the 1.92 acres conveyed to the City can be jointly used for the Breckenridge Commons domestic and office trash (but not used relative to trash generated by productions or during construction).
- (6) As consideration of the above conveyance and this Agreement, the City hereby quitclaims and conveys to the Foundation all of its right, title and interest (including any re-conveyance rights and any reversionary interest or clause under any previous Agreement) in and to that portion of the Block (consisting of 1.50 acres as shown on Exhibit B attached hereto) located Southeast of the 1.92 acres herein conveyed to the City together with all of the City’s right, title and interest (excepting the joint easement for usage) in the McGregor Hall building located in the southeast corner of the 1.92 acre tract. The City will join in the execution of the deed (set forth in Paragraph 2) to recite the above provision.
- (7) As further consideration for this Agreement, the City forgives any and all indebtedness that may be presently owing by the Foundation to the City and releases the Foundation from any liability thereon.

- (8) The Foundation shall be solely responsible for the construction of the Performing Arts Theater known as Breckenridge Commons (on the corner of Breckenridge Street and Wyche Street) and shall be further responsible for the future operation, staffing, maintenance and repair of the same during the life of said facility (although the City agrees to join with the Foundation relative to any potential grants that could be available relative to the construction, maintenance or operation of the facilities on said property without the City assuming any responsibility or liability therefor). The Foundation shall bear all expenses and shall be entitled to receive all profits from the operation of the Performing Arts Theater. It is understood and agreed that the Foundation may assign or convey its rights and obligations under this Agreement relative to the Performing Arts Theater and/or its ownership of the same, in the future, if the Foundation so desires.
- (9) During construction of the Performing Arts Theater (Breckenridge Commons), the City grants H. G. Reynolds Company, Inc. permission to remove and replace six (6) maple trees and light pole fixtures and install security fencing and sandbagging along Breckenridge Street and Wyche Street and further to temporarily close fifteen (15) parking spaces adjacent to the construction site during construction and to further temporarily close ten (10) parking spaces on Wyche Street adjacent to said construction site during the actual construction of the Performing Arts Theater.
- (10) The City agrees to pay the attorneys' fees and closing costs relative to the preparation and execution of this Agreement and the related deed, including recording the deed.
- (11) This Agreement supercedes all prior agreements between the City and the Foundation and said prior agreements are hereby repealed and rendered null and void.

IN WITNESS WHEREOF, this Agreement has been signed by each of the Parties this the day and year first above written, all by authority of their respective governing bodies.

CITY OF HENDERSON
CENTER

By: _____
James D. O'Geary, Mayor

THE EMBASSY CULTURAL
FOUNDATION, INC.

By: _____
John P. Wester, President

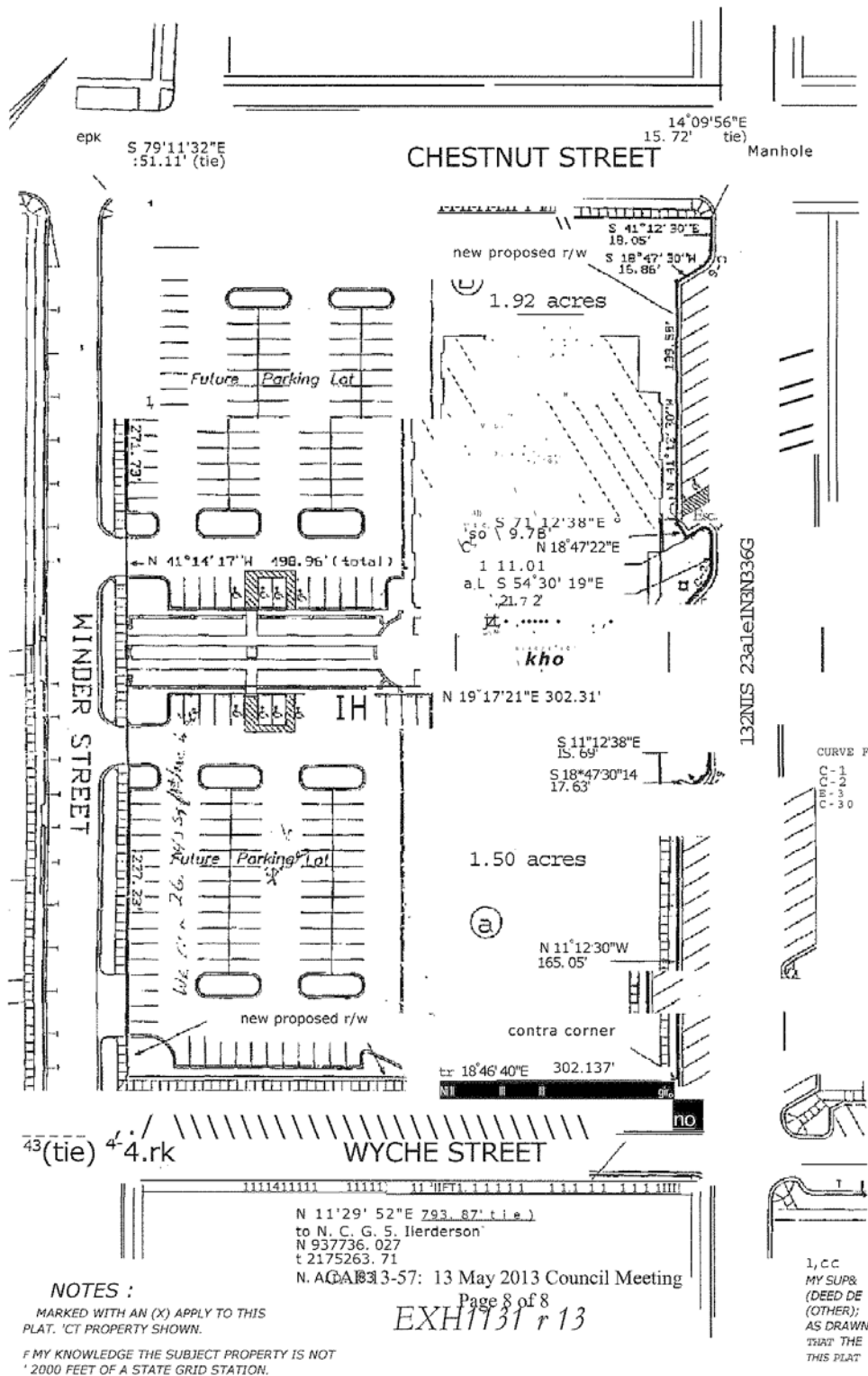
Attest:

Esther McCrackin, City Clerk

(Municipal Seal)

"EXHIBIT A"

Begin at a point located at the intersection of the southeastern new right-of-way of Chestnut Street with the northeastern new right-of-way of Winder Street; said beginning point being located S. 79° 11' 32" E. 51.11 feet from an existing pk nail located within the intersection of Chestnut Street and Winder, Street; run thence along the northeastern new right-of-way of Winder Street (and along the inner edge of a sidewalk being constructed thereon) S. 41° 14' 17" E. 271.73 feet to a point, the northwestern coiner of a 1.50 acre tract shown on plat hereinafter referred to; run thence along the line of said 1.50 acre tract (a new line for the Embassy Cultural Center Foundation, Inc) N. 43° 47' 24" E. 302.91 feet to a point located on the southwestern new right-of-way of Breckenridge Street; run thence along the southwestern new right-of-way of Breckenridge Street (and along the perimeter of a curve to the right having a radius of 46.67 feet with chord bearing and distance of N. 28° 27' 6" W, 57.64 feet) for a distance of 62.13 feet; continue thence along the southwestern new right-of-way of Breckenridge Street (and along the perimeter of a curve to the left having a radius of 18.33 feet with chord bearing and distance of N. 15° 45' 42" W. 15.75 feet) for a distance of 16.28 feet; continue thence along the southwestern new right-of-way of Breckenridge Street N. 54° 30' 19" W. 21.72 feet; continue thence along the southwestern new right-of-way of Breckenridge Street (and along the perimeter of a curve to the left having a radius of 3.33 feet with chord bearing and distance of S. 78° 47' 26" W. 5.77 feet) for a distance of 6.97 feet; continue thence along the southwestern new right-of-way of Breckenridge Street S. 18° 47' 22" W. 11.01 feet, N. 71° 12' 38" W, 9.78 feet, N. 41° 12' 30" W. 139.59 feet, and N. 18° 47' 30" E. 16.86 feet; continue thence along the southwestern new right-of-way of Breckenridge Street (and along the perimeter of a curve to the left having a radius of 11.50 feet with chord bearing and distance of N. 11° 2' 30" W. 11.5 feet) for a distance of 12.04 feet; continue thence along the southwestern new right-of-way of Breckenridge Street N. 41° 12' 30" W. 18.05 feet to a point where the southwestern new right-of-way of Breckenridge Street intersects the southeastern new right-of-way Chestnut Street (said point being further located S. 14° 9' 56" E, 45.72 feet from a manhole lying within the intersection of Breckenridge Street and Chestnut Street); run thence along the southeastern new right-of-way of Chestnut Street S. 48° 56' 53" W. 323.48 feet to the place of beginning. The same being and containing 1.92 acres designated as Lot "b" as shown on plat of "Property of the City of Henderson (sic) survey for the Embassy Cultural Center Foundation, Inc." prepared by Babbitt Surveying, P.A. dated October 14, 2004. For further reference see deeds recorded in Book 877 at Page 462, Book 905 at Page 781, Book 917 at Pages 594, 596, 598, 600, 602, and 606, Book 924 at Pages 735 and 737, Book 950 at Page 821, Book 1027 at Page 694, Book 1052 at Page 180, Book 1053 at Page 260, and Book 1040 at Page 330, Vance County Registry.



May 1, 2013

A Ray Griffin, City of Henderson Manager

Ray,

At our meeting on March 27, 2013 we discussed the pending announcement from the Embassy Cultural Center Foundation to fulfill the mission adopted by the City of Henderson, and subsequently assumed by the Embassy Cultural Center Foundation, to construct a Performing Arts Facility adjacent to the Perry Library.

At our informational meeting, R G Young and I discussed with you and Mayor O'Geary that we were prepared to GIFT to the City of Henderson the Perry Library Building component free and clear of all debt and encumbrances upon your request to do so.

The City of Henderson has indicated that they desire this transfer to occur and to sever any potential obligations or liability by the City of Henderson for the theater component. In order to facilitate this asset transfer, the City of Henderson indicated their desired intention to eliminate the reversionary clause on the site of the proposed Performing Arts Center Facility and the Lobby component known as McGregor Hall. The Theater and Lobby will be owned by the Embassy Cultural Center Foundation.

Ownership of the Lobby will be retained, as we discussed, by the Embassy Cultural Center Foundation and the City of Henderson will be granted usage of the Lobby component as an entrance into the Library. As we also discussed, the Lobby will receive significant upgrades, such as more efficient doorways, which will make the space more accessible. That expense, and other upgrades, will be addressed by the Embassy Cultural Center Foundation at no expense to the City of Henderson.

We also discussed the need to formally address our request to be extended parking privileges in the existing PARKING LOT, which we will also GIFT to the City of Henderson, and to have exclusive access to the Vending Closet that opens into the Lobby (but technically is in the parameters of the Library Building component).

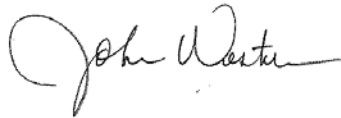
One issue that we did not discuss was to affirm that the original design of the Library and the Performing Arts Center addressed a shared concrete pad which houses the Waste Receptacles. Our desire is to be allowed to utilize the existing waste receptacle for office related refuse. Refuse generated by Performances will be removed from the Breckenridge Commons site by the Embassy Cultural Center Foundation. This was a design consideration that we believe is still warranted and do not anticipate it will be an economical or logistic hardship to either party.

The Embassy Cultural Center Foundation currently has a usage agreement with Variety Wholesale allowing "after-hour" usage of the parking lot owned by Variety Wholesale. The City of Henderson will not be a party to that contract and will relinquish any authority previously granted by Variety Wholesale (if any exists) to the Embassy Cultural Center Foundation.

The successful satisfaction of the above issues will enable the City of Henderson to accomplish their goal of Henderson having a facility *for the community* at minimal expense to the tax payers of Henderson. We anticipate total expenditures in excess of \$20,000,000 will be made to benefit our community and believe the *future* opportunities created by our partnership will continue to provide extended benefits to all of the residents of our community and beyond.

There may be specifics that need to be addressed and I will follow your lead to alleviate or identify any further mutual concerns.

John Wester- Chair Embassy Cultural Center Foundation



RECEIVED
MAY 07 2013

BY: 

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Reg. Meeting

9 May 2013

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

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

RE: CAF: 13-46

Consideration of Approval of Resolution 13-32, Amending Separate Contracts Between the City and Cordell's Lawn Care, Inc. and Perks Lawn Care, LLC to Include Additional Landscaping Services.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- KSO 1-AP 1-1: Implement Process Improvements. Process improvement reviews will include consideration of privatization of certain services as appropriate.

Recommendation:

- Approval of Resolution 13-32, Amending Separate Contracts Between the City and Cordell's Lawn Care, Inc. and Perks Lawn Care, LLC to Include Additional Landscaping Services.

Executive Summary

Cordell's Lawn Care, Inc., has provided the landscape management services for the Police Station and Breckenridge Streetscape since 2006 and Perks Lawn Care, LLC has provided these services at the KLRWP and Elmwood Cemetery. Both have done a very good job of performing this work. Following the guidelines of KSO-1-AP1-1, the staff has reviewed other areas of similar type work which could result in providing these services by way of a professional landscape firm. This included the Veterans Triangle at Charles Street and Garnett Street, the downtown landscape planters on Garnett Street (from Spring Street to Young Street) and the N. Garnett Street landscaped area along William Street just east of Andrews Avenue to just beyond Carter's Crossing. The City's Grounds Maintenance crew currently performs the mowing of these areas, as well as mowing of vacant lots now owned by the City and County. They also perform the mowing of street right of ways, city owned properties and the CSX corridor within the City. Upon relinquishing these areas to a private contractor, it will allow more time to be focused on properly maintaining other city owned properties as well as city streets.

The downtown area planters and general clean-up was once performed by the Downtown Development Commission utilizing INCO (Vocational Development) and the N. Garnett Street area was taken care of by the Henderson Appearance Commission, through a private landscape contractor. The pruning of the crepe myrtles has always been performed by the city, but this would be turned over to Perk's Lawn Care, LLC, if approved.

Proposals were received from Cordell's Lawn Care, Inc. and Perk's Lawn Care, LLC to provide monthly landscape services for these areas. The proposals received are outlined below.

Area	Cordell's Lawn Care, Inc.	Perk's Lawn Care, LLC
Bennett Perry House	\$125-mth/ \$1,500 Annually	\$181.83- mth / \$2,170 Annually
Veterans Triangle	\$160-mth/ \$1,920 Annually	\$169.17- mth/ \$2,030 Annually
Downtown Area	\$145-mth/ \$1,740 Annually	\$119.58- mth/ \$1,435 Annually
N. Garnett Street	\$600-mth/ \$7,200 Annually	\$525.00- mth/ \$6,300 Annually

Based on these proposals, it is recommended that Cordell's Lawn Care, Inc. be awarded the Bennett Perry House and Veteran's Triangle Areas and Perk's Lawn Care, LLC be awarded the Downtown area and the N. Garnett Street areas. Other provisions of each contract would remain in effect as previously approved.

Enclosures:

1. Resolution 13-32

RESOLUTION 13-32

A RESOLUTION APPROVING AMENDING SEPARATE CONTRACTS BETWEEN THE CITY OF HENDERSON AND CORDELL'S LAWN CARE INC. AND PERKS LAWN CARE, LLC TO INCLUDE ADDITIONAL LANDSCAPE SERVICES

WHEREAS, the Henderson City Council identified eight Key Strategic Objectives (KSO) at its 2013 Strategic Planning Retreat; *and*

WHEREAS, one of the Key Strategic Objectives is addressed by this request as follows: KSO 1:AP 1-1: Implement Process Improvement; *and*

WHEREAS, proposals were received from Cordell's Lawn Care, Inc. and Perk's Lawn Care, LLC for landscape services related to Veterans Triangle, Bennett Perry House, Downtown planter areas and the N. Garnett Street landscape area; *and*

WHEREAS, both firms currently provide landscape management services at various locations and perform well at providing these services; *and*

WHEREAS, Cordell's Lawn Care Inc. was the low bidder for the landscape services at Veteran's Triangle and Bennett Perry House *and*

WHEREAS, Perks Lawn Care, LLC was the low bidder for landscape services for the downtown area and N. Garnett Street landscape area; *and*

WHEREAS, the contract would begin 1 July 2013 and other existing conditions of each contract would remain in effect as previously approved.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF HENDERSON does hereby authorize the Mayor to sign amended contracts with Cordell's Lawn Care Inc., and Perks Lawn Care, LLC and the City of Henderson, being more fully articulated in **Attachment A** to this Resolution, for the additional landscape services at the locations as identified in this resolution.

The foregoing Resolution 13-32, introduced by Council Member _____ and seconded by Council Member _____ on this the ____th day of _____ 2013 and having been submitted to a roll call vote, was _____ by the following votes: YES:. NO:. ABSTAIN:. ABSENT:.

James D. O'Geary, Mayor

ATTEST:

Esther McCrackin, City Clerk
Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

Reference Minute Book 42, p 759; CAF 13-25

CORDELLS LAWN CARE

847 HORSESHOE Bend Rd Henderson NC 27537

Office: 252-492-9381 – Cell: 252-432-0761 – Fax: 252-436-2591

Contract

February 12, 2013

**I AM PLEASED TO SUBMIT THIS PROPOSAL FOR MONTHLY LAWN CARE AND
LANDSCAPING SERVICE FOR THE CITY OF HENDERSON / BENNETT PERRY HOUSE.**

1. Mow and trim all grassed areas every 10 days during growing season and as needed in order to maintain a high degree of curb appeal and as needed during non-growing season.
2. Edge all walkways, curbs, driveways, concrete pads as needed on a year round basis with all areas edge at least twice monthly.
3. Clean all grass and debris from walkways, curbs, and parking areas after each mowing and/or edging operation. Grass and debris will not be blown into areas where it will be unsightly.
4. Shrubs shall be pruned as needed to achieve a manicured appearance
5. Keep shrubbery and flowers beds weeded and groomed. All grass will be kept out of these areas.
6. Assume responsibility for damage to plants, shrubs, or flowers and building fixtures with string trimmer, lawnmowers or other equipment or chemical used by Cordell's Lawn Care.
7. Make available the services not covered in this maintenance agreement to property management at a fair and competitive cost and at a predetermine date
8. Maintain contact with property management for any possible complaints and/or suggestions.
9. Perform all services in such a way as to provide minimum inconvenience to staff and/or occupants of property.

TERMS OF CONTRACT:

This contract will begin on date of agreement and run for 12 consecutive months.

Payment Terms: All payments due 30 days from billing date. Late accounts will be subject to late charge of 3% per month and interest in the amount of 36% per annum. In any action to enforce the terms of this Agreements, including collection of feeds and/or expenses owed, the prevailing party shall be paid by the other party all costs, including attorney's fees, incurred as a result of the actions.

Please call with any question that you may have regarding this contract or the term therein.

COMPENSATION:

Total amount of contract to be paid is \$1500.00
\$125.00 to be paid monthly.

TERMINATION OF CONTRACT

This agreement may be terminated at any time during contract with a (30) thirty day written notice by either party for failure to meet terms of contract list above or failure of payment


Steve Cordell

Cordells Lawn Care Inc

Date: February 12, 2013

Signature / Title

Date _____

CORDELLS LAWN CARE

847 HORSESHOE Bend Rd Henderson NC 27537

Office: 252-492-9381 – Cell: 252-432-0761 – Fax: 252-436-2591

Contract

February 12, 2013

**I AM PLEASED TO SUBMIT THIS PROPOSAL FOR MONTHLY LAWN CARE AND
LANDSCAPING SERVICE FOR THE CITY OF HENDERSON / VETERANS SQUARE.**

1. Mow and trim all grassed areas as needed weekly during growing season and as needed in order to maintain a high degree of curb appeal and as needed during non-growing season.
2. Edge all walkways, curbs, driveways, concrete pads as needed on a year round basis with all areas edge at least twice monthly.
3. Clean all grass and debris from walkways, curbs, and parking areas after each mowing and/or edging operation. Grass and debris will not be blown into areas where it will be unsightly.
4. Fertilize all grass areas (3) three times a year
5. Aerate all grass areas in the fall.
6. Over seed all grass areas in fall.
7. Three (3) chemical lawn sprays for broad leaf weeds.
8. Mulch shall be applied once a year to all beds.
9. Shrubs shall be pruned as needed to achieve a manicured appearance
10. Keep shrubbery and flowers beds weeded and groomed. All grass will be kept out of these areas.

11. Remove leaves and pine straw from lawns, paved areas and walkways weekly as needed.
12. Assume responsibility for damage to plants, shrubs, or flowers and building fixtures with string trimmer, lawnmowers or other equipment or chemical used by Cordell's Lawn Care.
13. Make available the services not covered in this maintenance agreement to property management at a fair and competitive cost and at a predetermine date
14. Maintain contact with property management for any possible complaints and/or suggestions.
15. Perform all services in such a way as to provide minimum inconvenience to staff and/or occupants of property.

TERMS OF CONTRACT:

This contract will begin on date of agreement and run for 12 consecutive months.

Payment Terms: All payments due 30 days from billing date. Late accounts will be subject to late charge of 3% per month and interest in the amount of 36% per annum. In any action to enforce the terms of this Agreements, including collection of feeds and/or expenses owed, the prevailing party shall be paid by the other party all costs, including attorney's fees, incurred as a result of the actions.

Please call with any question that you may have regarding this contract or the term therein.

COMPENSATION:

Total amount of contract to be paid is \$1920.00
\$160.00 to be paid monthly.

TERMINATION OF CONTRACT

This agreement may be terminated at any time during contract with a (30) thirty day written notice by either party for failure to meet terms of contract list above or failure of payment


Steve Cordell

Cordells Lawn Care Inc

Date: February 12, 2013

Signature / Title

Date _____

Perk's Lawn Care Inc.
Adam Perkinson

Bid Proposal
City of Henderson

1. Mow and trim all grassy areas to keep a high quality of appeal on an as needed basis year round.
2. Mulch will be supplied by Perks Lawn Care Inc. Applied to beds and around trees.
3. Trees, flowers and shrubs will be pruned on an as needed basis.
4. Irrigation will be maintained by Perks Lawn Care Inc.
5. Spraying will be done by Perks Lawn Care Inc. in rock areas.

Keep communication open with the city of Henderson for future suggestions and complaints.

All services not included in the contract will be discussed between the city of Henderson and Adam before services rendered.

Proposal completed for \$525.00 a month for 12 months.

Perks Lawn Care Inc. is fully insured and will be responsible for any damages caused by equipment while providing services.

Adam Perkinson Adam Perkinson Date 5/1/2013
City of Henderson _____ Date _____

LANDSCAPING MANAGEMENT SPECIFICATIONS
City of Henderson - Garnett Street

Area	Activities	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Freq/Year	Cost Each	Total Cost
Turf	Prep/Travel	1	1	2	4	4	4	4	4	4	2	2	1	33	5	165
High Maintenance	Trash Pick up and Removal	1	1	2	4	4	4	4	4	4	2	2	1	33	5	165
Shrubs/Trees	Prune		1	1										2	450	900
General	Replace Hardwood Mulch			1						1				2	400	800

TOTAL BID \$2,030.00

DATE _____

Company Name Perk's Lawn Care INC
 Company Address 4085 Glebe Rd. Henderson NC 27537
 Company Phone 252-226-2176

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Regular Meeting

9 May 2013

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

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

RE: CAF 13-60

Consideration of Approval of Resolution 13-41, Award of FY 13 Audit Contract between the City of Henderson and William L. Stark and Company.

Ladies and Gentlemen:

Recommendation:

- Approval of Resolution 13-41, Award of FY 13 Audit Contract between the City of Henderson and William L. Stark and Company.

Executive Summary

Attached is a copy of the proposed contract to audit accounts for the City of Henderson from William L. Stark and Company. It is recommended that this contract be approved and this local auditing firm be allowed to conduct the audit for the 2nd consecutive year. This represents year two of a three year proposal submitted by William L. Stark and Company. The fee for the fiscal year 2013 audit totals \$41,550. William L. Stark and Company agrees to complete the audit by October 31, following the close of the fiscal year on June 30th.

Enclosures

1. Resolution 13-41

RESOLUTION 13-41

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT BETWEEN THE CITY OF HENDERSON AND WILLIAM L. STARK AND COMPANY

WHEREAS, the City of Henderson (City) is required to have an independent audit of its financial records performed on an annual basis; *and*

WHEREAS, the City has utilized the services of William L. Stark and Company (Company) for the fiscal year 2012 audit and has found the Company's services to be beneficial to the City and its financial staff, *and*

WHEREAS, the Company has provided a proposal for the FY13 Audit, said services to be in the amount of \$41,550.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSON THAT it does hereby authorize the Mayor to sign a contract, being more fully articulated in **Attachment A** to this Resolution, for services with the Company for the FY 13 Audit in the amount of \$41,550.

BE IT FURTHER RESOLVED THAT IT IS THE STRONG WISH AND DESIRE OF THE CITY COUNCIL THAT the City Finance Staff and William L. Stark and Company staff work together in a diligent and time sensitive manner to ensure the FY 13 Audit will be submitted to the Local Government Commission by 31 October 2013 as stipulated in paragraph 6 of said contract.

The foregoing Resolution 13-41, introduced by Council Member *** and seconded by Council Member ***, on this the *** day of _____ 2013 and having been submitted to a roll call vote, was *** by the following votes: YES: NO: ABSTAIN: ABSENT

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

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

CONTRACT TO AUDIT ACCOUNTS

Of CITY OF HENDERSON

Governmental Unit

On this 9th day of MAY, 2013, WILLIAM L. STARK AND COMPANY

Auditor

P.O. BOX 911, HENDERSON, NC 27536

Mailing Address

, hereinafter referred to as

the Auditor, and CITY COUNCIL of CITY OF HENDERSON

Governing Board

Governmental Unit

, hereinafter referred

to as the Governmental Unit, agree as follows:

1. The Auditor shall audit all statements and disclosures required by generally accepted accounting principles (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit for the period beginning JULY 1, 2012, and ending JUNE 30, 2013. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion will be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate discretely presented component units, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).
2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with generally accepted auditing standards. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB Circular A-133 and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated workpapers may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and/or workpapers are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC CPA Board).
3. This contract contemplates an unqualified opinion being rendered. If financial statements are not prepared in accordance with GAAP, or the statements fail to include all disclosures required by GAAP, please provide an explanation for that departure from GAAP in an attachment.
4. This contract contemplates an unqualified opinion being rendered. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract (See Item 22). If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Accounting Standards*, the Auditor shall provide an explanation as to why in an attachment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the State and Local Government Finance Division (SLGFD) within four months of fiscal year end. Audit report is due on: OCTOBER 31, 2013. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay must be submitted to the Secretary of the LGC for approval.
7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relates to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report must include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] The process for

Contract to Audit Accounts (cont.) **CITY OF HENDERSON**

(Name of Governmental Unit)

invoice approval has changed. All invoices for Audit work must be submitted by email in PDF format to the Secretary of the LGC for approval. The invoices must be sent through the portal at: <http://nctreasurer.slgfd.leaflet.net>. Subject line should read "Invoice - only. The PDF invoice marked 'approved' with approval date will be returned by email to the Auditor for them to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.

9. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the LGC, the following fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts:

Year-end bookkeeping assistance – [For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards] N/A

Audit \$ 20,775

Preparation of the annual financial statements \$ 20,775

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee. ~~The 75% cap for interim invoice approval for this audit contract is \$ 31,163~~

10. If the Governmental Unit has outstanding revenue bonds, the Auditor shall include documentation either in the notes to the audited financial statements or as a separate report submitted to the SLGFD along with the audit report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor should be aware that any other bond compliance statements or additional reports required in the authorizing bond documents need to be submitted to the SLGFD simultaneously with the Governmental Unit's audited financial statements unless otherwise specified in the bond documents.
11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include but not be limited to the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the client or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the accounting period.
12. If the audit firm is required by the NC CPA Board or the Secretary of the LGC to have a pre-issuance review of their audit work, there must be a statement added to the engagement letter specifying the pre-issuance review including a statement that the Governmental Unit will not be billed for the pre-issuance review. The pre-issuance review must be performed prior to the completed audit being submitted to the LGC. The pre-issuance report must accompany the audit report upon submission to the LGC.
13. The Auditor shall electronically submit the report of audit to the LGC when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the SLGFD by any interested parties. Any subsequent revisions to these reports must be sent to the Secretary of the LGC. These audited financial statements are used in the preparation of official statements for debt offerings (the Auditors' opinion is not included), by municipal bond rating services, to fulfill secondary market disclosure requirements of the Securities and Exchange Commission, and other lawful purposes of the Governmental Unit, without subsequent consent of the Auditor. If it is determined by the LGC that corrections need to be made to the Governmental Unit's financial statements, they should be provided within three days of notification unless, another time frame is agreed to by the LGC.

The LGC's process for submitting contracts, audit reports and Invoices are subject to change. Auditors should use the submission process in effect at the time of submission. The most current instructions will be found on our website: <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>

In addition, if the OSA designates certain programs to be audited as major programs, a turnaround document and a representation letter addressed to the OSA shall be submitted to the LGC.

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time and/or compensation as may be agreed upon by the Governing Board and the Auditor.
15. If an approved contract needs to be varied or changed for any reason, the change must be made in writing, signed and dated by all parties and pre-audited if the change includes a change in audit fee. This document and a written explanation of the change must be submitted by email in PDF format to the Secretary of the LGC for approval. The portal address to upload your amended contract and letter of explanation documents

Contract to Audit Accounts (cont.) CITY OF HENDERSON

(Name of Governmental Unit)

is <http://nctreasurer.slgfd.leapfile.net> No change shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

16. Whenever the Auditor uses an engagement letter with the Governmental Unit, Item 17 is to be completed by referencing the engagement letter and attaching a copy of the engagement letter to the contract to incorporate the engagement letter into the contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract will control. Engagement letter terms are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 22 of this contract. Engagement letters containing indemnification clauses will not be approved by the LGC.
17. Special provisions should be limited. Please list any special provisions in an attachment. N/A
18. A separate contract should not be made for each division to be audited or report to be submitted. A separate contract must be executed for each component unit which is a local government and for which a separate audit report is issued.
19. The contract must be executed, pre-audited, physically signed by all parties and submitted in PDF format including Governmental Unit and Auditor signatures to the Secretary of the LGC. The current portal address to upload your contractual documents is <http://nctreasurer.slgfd.leapfile.net>. Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of April 2013. These instructions are subject to change. Please check the NC Treasurer's web site at www.nctreasurer.com for the most recent instructions.
20. The contract is not valid until it is approved by the LGC Secretary. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.
21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
22. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item 16.)
23. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.

Audit Firm Signature:

Firm WILLIAM L. STARK AND COMPANY

By M. CURTIS AVERETTE, JR., CPA
(Please type or print name)

(Signature of authorized audit firm representative)

Email Address of Audit Firm

curtis@wlstarkco.com

Date _____

Governmental Unit Signatures:

By JAMES D. O'GEARY, MAYOR
(Please type or print name and title)

(Signature of Mayor/Chairperson of governing board)

Date _____

Date Governing Body Approved Audit Contract - G.S. 159-34(a)
Governmental Unit Signatures (continued):

Unit Signatures (continued):

(Chair of Audit Committee- please type or print name)

N/A

(Signature of Audit Committee Chairperson)

Date N/A

(If Governmental Unit has no audit committee, this section should be marked "N/A.")

This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

KATHERINE C. BRAFFORD

Governmental Unit Finance Officer (Please type or print name)

(Signature)

Email Address of Finance Officer

kbrafford@ci.henderson.nc.us

Date _____
(Preaudit Certificate must be dated.)

SHARRARD, MCGEE & CO., P.A.

CERTIFIED PUBLIC ACCOUNTANTS - CONSULTANTS
1321 LONG STREET • POST OFFICE BOX 5869 • HIGH POINT, NORTH CAROLINA 27262

(336) 884-0410
FAX (336) 884-1580

OFFICES
HIGH POINT
GREENSBORO

System Review Report

October 27, 2011

To the Owners of
William L. Stark and Company
and the Peer Review Committee of the North Carolina Association of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of William L. Stark and Company (the firm) in effect for the year ended April 30, 2011. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included an engagement performed under the *Government Auditing Standards*, and an audit of an employee benefit plan.

In our opinion, the system of quality control for the accounting and auditing practice of William L. Stark and Company in effect for the year ended April 30, 2011, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. William L. Stark and Company has received a peer review rating of *pass*.

Sharrard, McGee & Co., P.A.

An independent firm associated with AGM International, Ltd.

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Reg. Meeting

26 April 2013

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

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

RE: CAF: 13-23
Consideration of Approval of Ordinance 13-14, Updating the Sewer Use Ordinance, Chapter 15.

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- KSO 1: Implement Process Improvements

Recommendation:

- Approval of Ordinance 13-14, Updating the Sewer Use Ordinance, Chapter 15.

Executive Summary

In order to be in complete compliance with the Environmental Protection Agency and NCDENR, necessary changes and clarifications are needed to the existing Sewer Use Ordinance. These changes will increase the City's enforcement authority as well as make the wording more concise and comprehensible. In this process outdated sections have also been removed.

Enclosures:

1. Sections of Highlighted changes of Original Sewer Use Ordinance
2. Ordinance 13-14

“DIVISION 2. - REGULATIONS REGARDING THE DISCHARGE INTO THE CITY SANITARY SEWER *

Sec. 15-63. - Definitions and abbreviations.

Interference. The inhibition, or disruption of the WRF collection system, treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the WRF's NPDES, collection system, or nondischarge permit or prevents sewage sludge use or disposal in compliance with specified applicable state and federal statutes, regulations or permits. The term includes prevention of sewage sludge use or disposal by the WRF in accordance with section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. § 6901 et seq.), the Clean Air Act, the Toxic Substances Act (MPSA) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the WRF.

15.1.

Pass-through. A discharge which exits the WRF into waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the WRF's NPDES, collection system, or nondischarge permit, or a downstream water quality standard even if not included in the permit.

Pollutant. Any "waste" as defined in G.S. 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, metals, BOD, COD, toxicity, or and odor).

Significant noncompliance ~~or reportable noncompliance~~. A status of noncompliance defined as follows:

~~(1) Violations of wastewater discharge limits.~~

~~a. Chronic violations. Sixty six (66) percent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six (6) month period.~~

(A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);

b. Technical review criteria (TRC) violations. Thirty-three (33) percent or more of the measurements are equal to or more than the TRC times the limit (maximum or average) in a six (6) month period. There are two (2) groups of TRCs:

For conventional pollutants

BOD, TSS, fats, oil and grease TRC = 1.4

For all other pollutants TRC = 1.2

(B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l) multiplied by the applicable TRC; (TRC = 1.4 for BOD, TSS, fats, oil and grease, 1.2 for all other pollutants (except flow and pH):

c. Any other violation(s) of an effluent limit (average or daily maximum) that the city believes has caused, alone or in combination with other discharges, interference or pass through, or endangered the health of the WRF personnel or the public.

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Control Authority and/or POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

d. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the WRF's exercise of its emergency authority to halt or prevent such a discharge.

(D) Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health, welfare or to the environment or has resulted in either the Control Authority's or the POTW's, if different from the Control Authority, exercise of its emergency authority under 40 CFR Part 403.8(f)(1)(vi)(B) and **Section 15-79 (e)** of this SUO to halt or prevent such a discharge;

(2)

(E) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing

construction, and attaining final compliance by ninety (90) days or more after the schedule date.

(3)

(F) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, ninety (90) day compliance reports, and periodic compliance reports within thirty (30) days from the due date.

(4)

(G) Failure to accurately report noncompliance.

(5)

(H) Any other violation or group of violations that the city ~~considers to be significant~~ determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 15-73. - Permits.

(b) *Wastewater permits.* All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the WRF. Existing industrial users who are determined by the pretreatment coordinator/WRF director to be significant industrial users shall obtain a significant industrial user permit within one hundred eighty (180) days of receiving notification of the WRF director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the pretreatment coordinator/WRF director be required to obtain a wastewater discharge permit for nonsignificant industrial users.

(1) *Significant industrial user determination.* All persons proposing to discharge nondomestic wastewater, or proposing to change the volume or characteristics of an existing discharge of nondomestic wastewater, shall first request from the pretreatment coordinator/WRF director a significant industrial user determination. If the pretreatment coordinator/WRF director determines or suspects that the proposed discharge fits the significant industrial user criteria he will require that a significant industrial user permit application be filed.

(2) *Significant industrial user permit application.* ~~Users required to obtain a significant industrial user permit shall complete and file with the City of Henderson, an application in the form prescribed by the pretreatment coordinator/WRF director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within ninety (90) days after notification of the pretreatment coordinator/WRF director's determination in section 15-73(b)(1). In support of the application, the user shall submit, in units and terms of appropriate for evaluation, the following information:~~

a. ~~Name, address, and location, (if different from the address);~~

b. Standard Industrial Classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated;

c. Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in division 3, of this article, any of the priority pollutants (section 307(a) of the Act) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutants of concern to the WRF; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136, as amended and as required in section 15-76 and 15-76.1

d. Time and duration of the indirect discharge;

e. Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation;

g. Description of activities, facilities and plant processes on the premises including all materials which are or could be accidentally or intentionally discharged;

h. Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards.

i. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule.

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine (9) months.

2. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the pretreatment coordinator including, at a minimum,

whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between such progress to the pretreatment coordinator/WRF director.

j. Each product produced by type, amount, process or processes and rate of production;

k. Type and amount of raw materials processed (average and maximum per day);

l. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

m. If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A NCAC 2H .0908(a), as outlined in section 15-74, of this article.

n. Any other information as may be deemed by the pretreatment coordinator/WRF director to be necessary to evaluate the permit application.

Users required to obtain a significant industrial user permit shall complete and file with the City, an application in the form prescribed by the WRF Director and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the WRF Directors determination in 15-73. (b)(1) above. The application shall include at a minimum:

(A) name of industrial user;

(B) address of industrial user;

(C) standard industrial classification (SIC) code(s) or expected classification and industrial user category;

(D) wastewater flow;

(E) types and concentrations (or mass) of pollutants contained in the discharge;

(F) major products manufactured or services supplied;

(G) description of existing on-site pretreatment facilities and practices;

(H) locations of discharge points;

(I) raw materials used or stored at the site;

(J) flow diagram or sewer map for the industrial user;

(K) number of employees;

(L) operation and production schedules; and

(M) description of current and projected waste reduction activities in accordance with G.S. 143-215.1(g);

(6)

Permit synopsis. A fact sheet providing a brief synopsis of the application shall be prepared by the WRF staff for submission to the applicant and the approval authority and shall be made available to the public upon request. The contents of such fact sheets shall include at least the following information:

a. A sketch and detailed description of the industrial facilities and pretreatment facilities including the location of all points of discharge to the WRF and all established compliance monitoring points;

b. A quantitative description of the discharge described in the application which includes at least the following:

(i) The rate of frequency of the proposed discharge, if the discharge is continuous, the average daily flow;

(ii) The actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and

(iii) The basis for the pretreatment limitations including the documentation of any calculations in applying categorical pretreatment standards.

Permit supporting documentation. The WRF staff shall prepare the following documents for all Significant Industrial User permits.

(a) An allocation table (AT) listing permit information for all Significant Industrial Users, including but not limited to permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with Division approved maximum allowable loadings of the POTW, including flow, on forms or in a format approved by the Division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.

(b) The basis, or rationale, for the pretreatment limitations, including the following:

(i) documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and

(ii) documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e)(2).

(8) *Hearings.*

a. *Initial adjudicatory hearing.* An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under section 15-80, or one (1) issued an administrative order under section 15-79 shall have the right to an adjudicatory hearing before the city manager upon making written demand, identifying the specific issues to be contested, to the city manager within thirty (30) days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein the action shall be final and binding and further appeal is barred. For modified permits, only those parts of the permit being modified may be adjudicated. The city manager shall make a final decision on the contested permit, penalty, or order within forty-five (45) days of the receipt of the written demand for a

hearing. The city manager shall transmit a copy of the decision by registered or certified mail as described in paragraph (c) below. The terms and conditions of a permit under appeal shall be as follows:

(i) New permits. Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(ii) Renewed permits. Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(iii) Terminated Permits. Upon appeal, including judicial review in the General Courts of Justice, of a terminated permit, no permit is in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

b. Final appeal hearing. Any decision of the city manager made as a result of an adjudicatory hearing held under subsection a. above may be appealed, to the city council upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this subdivision shall be conducted in accordance with the hearings procedure of the city. Failure to make written demand within the time specified herein shall bar further appeal. The city council shall make a final decision on the appeal within ninety (90) days of the date the appeal was filed from receipt of the demand filed under paragraph (a) and shall transmit a written copy of its decision by registered or certified mail as described in paragraph (c) below. The decision is a final decision for the purposes of seeking judicial review.

c. Official record. When a final decision is issued under subsection b. above, the city council shall prepare an official record of the case that includes:

(i) All notices, motions, and other like pleadings;

(ii) A copy of all documentary evidence introduced;

(iii) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken;

(iv) A copy of the final decision of the city council.

d. Judicial review. Any person against whom a final order or decision of the city council is entered pursuant to the hearing conducted under subsection e. (b)

above, may apply for a writ of certeriorari from the order or decision of the city council (within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter) to the Superior Court of Vance County. Upon the granting of the writ of certeriorari, the city shall send a transcript certified by the city clerk of all testimony and exhibits introduced before the city council, the order or decision, and the application for the writ of certeriorari to the superior court.

Sec. 15-75.3. - Reports of changed conditions.

Each user must notify the pretreatment coordinator/WRF director of any planned significant changes to the user's operations or systems which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change. The permittee shall not begin the changes until receiving written approval from the City. See section 15-75.4(d), for other reporting requirements.

- (a) The pretreatment coordinator/WRF director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under this article.
- (b) The pretreatment coordinator/WRF director may issue a wastewater discharge permit under section 15-73, of this article or modify an existing wastewater discharge permit under section 15-73, of this article in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of twenty-five (25) percent or greater, and the discharge of any previously unreported pollutants.

ORDINANCE 13-14

AN ORDINANCE UPDATING THE SEWER USE ORDINANCE

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

Section 1. That Chapter 15 of the City Code be amended by deleting Divisions 2 through 7 inclusive (Section 15-62 through 15-82b) and inserting the following in lieu thereof:

“DIVISION 2. - REGULATIONS REGARDING THE DISCHARGE INTO THE CITY SANITARY SEWER *

Sec. 15-62. - Purpose and policy

This article sets forth uniform requirements for direct and indirect contributors unto the wastewater collection and treatment system for the City of Henderson, hereinafter referred to as the city, and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. § 1251 et seq.) and the General Pretreatment Regulations (40 CFR, Part 403). The objectives of this division are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass-through the system, inadequately treated, into any waters of the state or otherwise be incompatible with the system;
- (c) To promote reuse and recycling of industrial wastewater and sludges from the municipal system;
- (d) To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
- (e) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and
- (f) To ensure that the municipality complies with its NPDES or nondischarge permit conditions, sludge use and disposal requirements and any other federal or state laws to which the municipal wastewater system is subject;

This article provides for the regulation of direct and indirect contributors to the municipal wastewater system, through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This article shall apply to all users of the municipal wastewater system as authorized by G.S. 160A-312 and/or 153A-225. Except as otherwise provided herein, the city manager shall administer, implement, and enforce the provisions of this division. Any powers granted to or imposed upon the city manager may be delegated by the city manager to other city personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the city limits agree to comply with the terms and conditions established in this article, as well as any permits, enforcement actions, or orders issued hereunder (to which they each agree to be subject).

(Ord. of 9-8-08)

Sec. 15-63. - Definitions and abbreviations.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

Act or "the act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

Approval authority. The Director of the Division of Water Quality of the North Carolina Department of Environment and Natural Resources or his designee.

Authorized representative of the industrial user.

- (1) If the industrial user is a corporation, authorized representative shall mean:
 - a. The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
 - b. The manager of one (1) or more manufacturing production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.
- (3) If the industrial user is a federal, state or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs (1)—(3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the

discharge originates or having overall responsibility for environmental matters for the user, and the written authorization is submitted to the city.

(5) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to WRF director prior to or together with any reports to be signed by an authorized representative.

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g. mg/l).

Building sewer. A sewer conveying wastewater from the premises of a user to the WRF.

Bypass. The intentional diversion of waste streams from any portion of a user's treatment facility.

Categorical standards. National categorical pretreatment standards or pretreatment standard.

Environmental protection agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Grab sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Holding tank waste. Any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect discharge or discharge. The discharge or the introduction from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act, (33 U.S.C. § 1317), into the WRF (including holding tank waste discharged into the system).

Interference. The inhibition, or disruption of the WRF collection system, treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the WRF's NPDES, collection system, or nondischarge permit or prevents sewage sludge use or disposal in compliance with specified applicable state and federal statutes, regulations or permits. The term includes prevention of sewage sludge use or disposal by the WRF in accordance with section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. § 6901 et seq.), the Clean Air Act, the Toxic Substances Act (MPRSA) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the WRF.

Medical waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

National categorical pretreatment standards or categorical standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

National prohibitive discharge standard or prohibitive discharge standard. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 15-64 of this article and are developed under the authority of 307(b) of the Act and 40 CFR, section 403.5.

New source.

(1) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with section 307(c), provided that:

- (a) The building, structure, facility, or installation is constructed at a site which no other source is located; or
- (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)(b) or (c), above but otherwise alters, replaces, or adds to the existing process or production equipment.

(3) For purposes of this definition, construction of a new source has commenced if the owner or operator has:

- (a) Begun, or caused to begin, as part of a continuous on-site construction program:

- 1. Any placement, assembly, or installation of facilities or equipment;
- or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Noncontact cooling water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

National pollution discharge elimination system or NPDES permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. § 1342), or pursuant to G.S. 143-215.1 by the state under delegation from EPA.

Nondischarge permit. A disposal system permit issued by the state pursuant to G.S. 143-215.1.

Pass-through. A discharge which exits the WRF into waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the WRF's NPDES, collection system, or nondischarge permit, or a downstream water quality standard even if not included in the permit.

pH. A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Pollutant. Any "waste" as defined in G.S. 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, metals, BOD, COD, toxicity, and odor).

Pretreatment or treatment. That reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution into a WRF. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment coordinator. The person working under the WRF director responsible for the daily oversight and operation of the pretreatment program.

Pretreatment program. The program for the control of pollutants introduced into the WRF from nondomestic sources which was developed by the city in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.

Pretreatment requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

Pretreatment standards. Prohibited discharge standards, categorical standards, and local limits.

Severe property damage. Substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Significant industrial user. Any industrial users of the wastewater disposal system who:

- (1) Has an average daily process wastewater flow of twenty-five thousand (25,000) gallons or more; or
- (2) Contributes more than five percent of any design or treatment capacity (i.e. allowable pollutant load) of the WRF receiving the indirect discharge; or
- (3) Is required to meet a national categorical pretreatment standard; or
- (4) Is found by the city, the Division of Water Quality, or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.

Significant noncompliance. A status of noncompliance defined as follows:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l) multiplied by the applicable TRC; (TRC = 1.4 for BOD, TSS, fats, oil and grease, 1.2 for all other pollutants (except flow and pH);

- (3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Control Authority and/or POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health, welfare or to the environment or has resulted in either the Control Authority's or the POTW's, if different from the Control Authority, exercise of its emergency authority under 40 CFR Part 403.8(f)(1)(vi)(B) and **Section 15-79 (e)** of this SUO to halt or prevent such a discharge;
- (5) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.
- (6) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, ninety (90) day compliance reports, and periodic compliance reports within thirty (30) days from the due date.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation or group of violations that the city determines will adversely affect the operation or implementation of the local pretreatment program.

Slug load or discharge. Any discharge at a flow rate or concentration which has a reasonable potential to cause interference or pass-through, or in any other way violates the WRF's regulations, local limits, or industrial user permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or any other discharges that can cause a violation of the prohibited discharge standards in division 3, of this article.

Standard industrial classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

Stormwater. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

Upset. An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

Wastewater. The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treatment or untreated, which are contributed into or permitted to enter the WRF.

Wastewater permit. As set forth in section 15-73 of this article.

Waters of the state. All streams, lakes, ponds, marshes, watercourse, waterways, wells, springs, reservoirs, aquifers, irrigation system, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state on any portion thereof.

Water reclamation facility or municipal wastewater system (herein referred to as "WRF"). A treatment works as defined by section 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the City of Henderson. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the WRF treatment plant. For the purposes of this article, "WRF" shall also include any sewers that convey wastewater to the WRF from persons outside the city who are, by contract or agreement with the city, or in any other way, users of the city's WRF.

WRF director. The person designated by the City of Henderson to supervise the operation of the water reclamation facility and who is charged with certain duties and responsibilities by this article, or his duly authorized representative. In the city's case the proper title is WRF director.

WRF treatment plant. That portion of the WRF designed to provide treatment to wastewater.

The following abbreviations when used in this article, shall have the designated meanings:

- (1) BOD—Biochemical oxygen demand.
- (2) CFR—Code of Federal Regulations.
- (3) COD—Chemical oxygen demand.
- (4) EPA—Environmental protection agency.
- (5) gpd—Gallons per day.
- (6) l—Liter.
- (7) mg—Milligrams.

- (8) mg/l—Milligrams per liter.
- (9) G.S.—North Carolina General Statutes.
- (10) NPDES—National pollution discharge elimination system.
- (11) O & M—Operation and Maintenance.
- (12) WRF—Water Reclamation Facility.
- (13) RCRA—Resource Conservation and Recovery Act.
- (14) SIC—Standard Industrial Classification.
- (15) SWDA—Solid Waste Disposal Act.
- (16) TSS—Total suspended solids.
- (17) TKN—Total Kjeldahl nitrogen.
- (18) U.S.C.—United States Code.

Any reference in this chapter to any statute, code, ordinance, regulation, or law shall be deemed to also refer to any amendment, revision, modification, rewriting of the same and any substitution or replacement thereof.

(Ord. of 9-8-08)

FOOTNOTE(S):

** **Editor's note**— An ordinance passed Sep. 8, 2008, repealed ch. 15, div. 2, §§ 15-62, 15-63, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, div. 2 pertained to similar subject matter and derived from ordinances adopted May 3, 1994; Oct. 9, 2000, §§ 1(a)—(c); Mar. 26, 2001, § 1 and Nov. 10, 2003, § 4 ([Back](#))*

DIVISION 3. GENERAL SEWER USE REQUIREMENTS.*

Sec. 15-64. - Prohibited discharge standards.

(a) *General prohibitions.* No user shall contribute or cause to be contributed into the WRF, directly or indirectly, any pollutant or wastewater which causes interference or pass-through. These general prohibitions apply to all users of a WRF whether or not the user is a significant industrial user or subject to any national, state, or local pretreatment standards or requirements.

(b) *Specific prohibitions.* No user shall contribute or cause to be contributed into the WRF the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the WRF, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test cup methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene,

naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system. Consideration of accepting groundwater reclamation discharges containing petroleum products will be considered on a case by case basis and accepted only after approval by the City Council, the North Carolina Division of Water Quality and/or EPA and is found not to have a detrimental effect on the WRF. If accepted, such discharge shall be pretreated using the best available technology.

(2) Solid or viscous substances in amounts which will cause obstruction of the flow in the WRF resulting in interference but in no case solids greater than one-half ($\frac{1}{2}$) inch in any dimension. Such substances include, but are not limited to: grease, animal guts, or tissues, paunch, manure, bones, hair, hides, or fleshings, animal wastes, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, wastepaper, wood, plastics, gas, tar, asphalt, residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(3) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.

(4) Any wastewater having a pH less than 6.0 or more than 10.0 or wastewater having any other corrosive property capable of causing damage to the WRF or equipment.

(5) Any wastewater containing pollutants, including oxygen demanding pollutants, (BOD, etc) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference.

(6) Any wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (sixty-six (66) degrees Celsius), or which will inhibit biological activity in the WRF resulting in interference, but in no case wastewater which causes the temperature at the introduction into the WRF to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius).

(7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the WRF in a quantity that may cause acute worker health and safety problems.

(8) Any trucked or hauled pollutants unless specifically authorized by the WRF director and at a discharge point specifically approved by the director.

(9) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(10) Any substance which may cause the WRF's effluent or any other product of the WRF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the WRF cause the WRF to be in noncompliance with sludge use or disposal regulations or

permits issued under section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used. Pollutants that significantly increase the cost of treatment and/or land application or sludge shall not be discharged unless approved by the WRF director.

(11) Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to dye wastes and vegetable tanning solutions, which consequently imports sufficient color to the WRF's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.

(12) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the pretreatment coordinator/WRF director in compliance with applicable state or federal regulations.

(13) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, and unpolluted industrial wastewater, unless specifically authorized by the pretreatment coordinator/WRF director.

(14) Any sludges, screenings or other residues from the pretreatment of industrial wastes.

(15) Any medical wastes, except as specifically authorized by the pretreatment coordinator/WRF director in a wastewater discharge permit.

(16) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.

(17) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer, except as may be specifically authorized by the pretreatment coordinator/WRF director.

(18) Any wastewater causing the WRF effluent to violate state water quality standards for toxic substances as described in 15A NCAC 2B .0200.

(19) Wastewater causing, alone or in conjunction with other sources, the WRF's effluent to fail a toxicity test.

(20) Recognizable portions of the human or animal anatomy.

(21) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.

(22) At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent not any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.

(23) Any uncontaminated water such as, but not limited to, uncontaminated cooling water and boiler blowdown water; provided, however, that the city may issue a discharge permit for these wastes if discharge to a natural stream or outlet in accordance with applicable state, local, and/or federal requirements and other disposition thereof is not feasible by reason of economic, environmental or financial constraints. All permits to discharge uncontaminated water into the City of Henderson Sanitary Sewer System shall be approved by the WRF director prior to such discharge.

Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

When the pretreatment coordinator/WRF director determines that a user(s) is contributing to the WRF any of the above enumerated substances in such amounts which may cause or contribute to interference of WRF operation or pass-through, the pretreatment coordinator/WRF director shall:

- (1) Advise the user(s) of the potential impact of the contribution on the WRF in accordance with section 15-79; and
- (2) Take appropriate actions in accordance with division 5, of this article for such user to protect the WRF from interference or pass-through.

(Ord. of 9-8-08)

Sec. 15-65. - Additional prohibitions.

The pretreatment coordinator and/or the WRF director may establish certain specific concentrations and/or mass limits for potential toxic or hazardous pollutants such as, but not limited to, heavy metals, pesticides, herbicides, or other organic chemical compounds. Such limits shall be established by the pretreatment coordinator/WRF director when in his judgment the limits are necessary for the protection of the WRF, and discharging any pollutant in quantities or concentration in excess of the limits for that pollutant established by the city is prohibited.

No statement contained in this article shall be construed as preventing any special agreement between the city and any person whereby an industrial waste may be admitted into the sanitary sewers by the city either before or after approved pretreatment, and subject to payment thereof by the industry as hereinafter provided. Such special arrangements between the city and any industrial user cannot be less stringent than any applicable federal or state pretreatment standard, nor can any special violation of the NPDES permit held by the city for the WRF be allowed.

(Ord. of 9-8-08)

Sec. 15-66. - National categorical pretreatment standards.

CAF 13-23: 13 May 13 Council Meeting : 22 April 2013 Work Session

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein.

(a) Where a categorical pretreatment standards is expressed only in terms of either the mass or the concentration of a pollutant on wastewater, the pretreatment coordinator/WRF superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the pretreatment coordinator/WRF director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(c) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(d) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(Ord. of 9-8-08)

Sec. 15-67. - Local limits.

An industrial waste survey is required prior to a user discharging wastewater containing in excess of the following average discharge limits.

	mg/l
BOD	300
TSS	170
COD	600.0
TKN	<u>35</u>
Phosphorous	8
Arsenic	0.003
Cadmium	0.003
Copper	.0645
Cyanide	0.015
Lead	.05
Mercury	0.0003
Nickel	.04
Silver	0.005
Chromium	0.05
Zinc	.18

Phenols	.05
Oil & grease	75.0

Industrial waste survey information will be used to develop user-specific local limits when necessary to ensure that the WRF's maximum allowable headworks loading are not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits. The WRF director may impose mass based limits in addition to, or in place of concentration based limits.

(Ord. of 9-8-08)

Sec. 15-68. - State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.

(Ord. of 9-8-08)

Sec. 15-69. - Right of revision.

The city reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulations if deemed necessary to comply with the objectives presented in section 15-62 of this article or the general and specific prohibitions in this division of this article, as is allowed by 40 CFR 403.4.

(Ord. of 9-8-08)

Sec. 15-70. - Dilution.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant specific limitation developed by the city or state.

(Ord. of 9-8-08)

Sec. 15-70.1. - Pretreatment of wastewater.

(a) Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with the article and wastewater permits issued under section 15-73 of this article and shall achieve compliance with all national categorical pretreatment standards, local limits, and the prohibitions set out in division 3 of this article within the time limitations as specified by EPA, the state, or the pretreatment coordinator/WRF director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans

CAF 13-23: 13 May 13 Council Meeting : 22 April 2013 Work Session
Page 23 of 54

showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be approved by the pretreatment coordinator/WRF director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the pretreatment coordinator/WRF director prior to the user's initiation of the changes.

(b) Additional pretreatment measures.

- (1) Whenever deemed necessary, the pretreatment coordinator/WRF director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and meet such other conditions as may be necessary to protect the WRF and determine the user's compliance with the requirements of this article.
- (2) The pretreatment coordinator/WRF director may require any person discharging into the WRF to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the pretreatment coordinator/WRF director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the pretreatment coordinator/WRF director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. of 9-8-08)

Sec. 15-71. - Accidental discharge/slugs control plan.

The WRF director shall evaluate whether each significant industrial user needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in section 15-63. All SIUs must be evaluated within one (1) year of being designated an SIU. The WRF director may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the WRF director may develop such a plan for any user. All SIUs are required to notify the WRF immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load. Also see sections 15-75.3 and 15-75.4. An accidental discharge/slugs control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including non-routine batch discharges;

- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the pretreatment coordinator/WRF director of any accidental or slug discharge as required by this chapter.
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. of 9-8-08)

Sec. 15-71.1. - Hauled wastewater.

- (a) Septic tank waste may be introduced into the WRF only at locations designated by the WRF director, and at such a time as are established by the WRF director. Such waste shall not violate division 3, of this article or any other requirements established by the city. The pretreatment coordinator/WRF director may require any septic tank hauler to obtain a wastewater discharge permit.
- (b) The pretreatment coordinator/WRF director shall require haulers of industrial waste to obtain wastewater discharge permits. The pretreatment coordinator/WRF director may require generators of hauled industrial waste to obtain wastewater discharge permits. The pretreatment coordinator/WRF director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.
- (c) Industrial waste haulers may discharge loads only at locations designated by the pretreatment coordinator/WRF director. No load may be discharged without prior consent of the pretreatment coordinator/WRF director. The pretreatment coordinator/WRF director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, track identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. It shall be illegal for anyone to knowingly make any false or misleading statement or representation to the city relative to the above information.

(Ord. of 9-8-08)

Sec. 15-71.2 - Low pressure sewer systems.

- (a) *Purpose.* The city understands the importance of properly designed and properly functioning wastewater treatment and disposal systems. The city also recognizes that gravity sewer service is not available in many areas of the ETJ/County and the lack of sewer service creates a hardship for many property owners.

The purpose of this section of the city Code is to help eliminate failing septic tanks and provide sewer service to existing lots of record that would not otherwise have sewer service. The ordinance is not intended to provide sewer to new subdivisions and new development and not intended to replace the installation of gravity sewer where gravity sewer is practical. The developer shall remain responsible for providing sewer service to those developments according to the city's existing ordinances and policies.

- (b) *Applicability.* The low pressure system policy is intended to serve all homes and commercial establishments that exist on January 1, 2010 on roads with a sanitary sewer force main constructed within the road right-of-way or a city easement immediately adjacent to the road right-of-way. New single family homes and new commercial development constructed on lots of record as of January 1, 2010 on roads with a sanitary sewer force main constructed within the road right-of-way or an easement immediately adjacent to the road right-of-way would also be able to connect to the sanitary sewer force main under the provisions of this section. This ordinance is not intended to provide service to new lots being subdivided for development. If a property owner subdivides an existing lot of record into six (6) or fewer lots and all lots have frontage along the road containing the sewer force, the new lots would be able to receive sewer service under this section if there is sufficient capacity in the force main and each lot meets all other requirements as outlined in the section and city standards and specifications.

The existing or proposed structure must be connected to the city water system if city water is available. If water is available and the structure is not connected, the property owner must agree to connect to the city water system and pay all applicable fees before sewer service hereunder is initiated. If water service is not available, the property owner shall agree to have a meter installed on their well in accordance with the latest standards to which will be used as the measure of the sewer flow for billing purposes.

- (c) *Policy.* Under the ordinance, the city will allow, where feasible, connections of single family homes and commercial establishments to existing sewer force mains located in state rights-of-way or in city easements immediately adjacent to the road right-of-way. The property owners must meet the requirements outlined in this section and pay all applicable fees.

Where access to the city water system is available, the respective property owners must be connected to the city water system so the amount of sewer will be billed based upon actual water usage. Where access to the city water system is not readily available, the property owner must agree to have a meter installed on his well or other water source and have the sewer charges based upon measured flow from the well (or other water source) to the house. Where a meter cannot be installed on the well, the director of public utilities or assistant city manager may require a meter to be installed on the sewer flow or otherwise require satisfactory flow measurements to be generated by the particular use and establish a rate for the sewer service charge. The property owner shall be responsible for all costs of installing the meter.

- (d) *Procedures.*

(1) The city council shall establish the fees and charges associated with the low pressure sewer program on a regular basis. The fees and charges shall be established by ordinance and included within the other schedule of water and sewer fees and charges.

(2) Residential connections:

- a. To receive service under this program and ordinance, the single family home property owner must make application to the city for sewer service and must meet all of the requirements of the ordinance including lot location and type of service. The engineering department and director of the water reclamation facility shall review the application to make sure that it meets the requirements of this section and plans meet city standards and specifications and that the specific low pressure sewer connection is feasible.
- b. If the application meets the requirements of the program and is satisfactory to the city, the single family home property owner would be notified and the property owner would be advised of the estimated total amount of city fees that must be paid along with any other legal forms necessary for the city approval of the application.
- c. The property owner and/or his engineer would then apply for NC DENR construction permit for installation of the sewer pump station.
- d. Upon receipt of the NC DENR authorization to construct, the property owner would then schedule the work to be done. The installation shall only be performed by licensed plumbers in conjunction with licensed electricians and licensed engineers.
- e. The property owner responsible for hiring a properly licensed plumber or utility contractor and licensed electrician to provide a power source from the house to the proposed location of the sewer pump station. The cost of providing electricity to the pump station and the monthly electrical charges associated with operation of the station and proper maintenance of the pump station are the responsibility of the property owner.

(3) Commercial connections:

- a. To receive service under this program, commercial property owners must make application to the city for sewer service and must meet all of the requirements for the program lot location and type of service. The city engineering department and director of the water reclamation facility shall review the application to make sure that it meets the requirements of this section and that the specific low pressure sewer connection is feasible.
- b. If the application meets the requirements of the ordinance and is satisfactory to the city, the commercial property owner would be notified and the property owner would be notified of the estimated total amount of fees that must be paid to the city for the city's approval of the application.

c. Upon payment of the fees and the execution of all required easements to the city, the public utility staff and director of the water reclamation facility would meet with the property owner to determine the exact location of the sewer tap. The commercial property owner would be responsible for hiring an engineering firm to prepare the drawings and NC DENR permit application necessary to install the pump station. Upon receipt of the NC DENR permit, the commercial property owner could install the required grinder pump station. The pump station must meet the minimum requirements of the city. The installation shall only be performed by licensed plumbers in conjunction with licensed electricians and licensed engineers. The property owner is responsible for hiring a properly licensed plumber or utility contractor and licensed electrician to provide a power source from the building being served to the proposed location of the sewer pump station. The cost of providing electricity to the pump station and the monthly electrical charges associated with operation of the station are the responsibility of the property owner.

(4) To minimize the number of connections to the major transmission mains, connections to major transmission mains must be spaced at least one thousand (1,000) feet apart. Where a property owner desires connection to the main closer than one thousand (1,000) feet from the nearest tap, a smaller force main shall be run to the nearest tap.

(5) The individual pump station shall be designed in such a manner to hold at least two hundred (200) gallons and be able to pump against a head condition of at least two hundred (200) feet.

(6) As new force mains are constructed within road rights-of-way, the city may notify the existing property owners who adjoin the road right-of-way that sewer service under this program may now be available.

(7) Once the individual pump stations are installed, the property owner responsibilities for operation and maintenance shall be the same as the other properties served by individual pump stations installed under other programs. The city shall NOT be responsible for the operation or maintenance (including failures to operate properly) of said pump stations.

(8) If the property is not connected to the city's water system and water is available, the property owner must make application and connect to the city water system prior to installation of the individual pump stations. If city water is not readily available, the property owner must pay to have a meter installed on their well (to be installed at the same time as the installation of the individual pump station).

(9) The city will install the tap from the primary main to the edge of the street right-of-way; the city's responsibility shall be solely for the main as it lies within said right-of-way. The maintenance of all of the sewer facilities (outside of the street right of way) is the sole responsibility of the property owners.

(10) No taps will be allowed on force mains larger than six (6) inches. The city reserves the right to reject any or all connections to any existing force mains.

(11) Properties connected under this program shall pay the same base rate and sewer service charges as other customers connected to the city sewer system unless the city council provides otherwise.

(12) Under the low pressure sewer main policy of the City of Henderson, commercial and residential new structure owners must pay all tap fees at the time of application for service. Property owners of existing residential structures must pay all tap fees at the time of application for sewer service.

(13) All property owners are to recognize the potential problems in tapping a force sewer main or low pressure sewer main and are aware that considerable damages may result from the failure of any component of such a tap, pump station, protective valve, and other equipment utilized in tapping force mains and low pressure sewer systems; all of the property owners (and their heirs and assigns and successors in title), by utilizing said tap and systems, specifically assume such risks and agree to release and hold the City of Henderson (and its officers, employees, and contractors) harmless from any claims and liability arising from or growing out of any of the same. If requested, property owners agree to sign on behalf of themselves, their heirs, assigns, and successors in title, any documents (in the form approved by the city) reaffirming said assumptions of risks and release of liability and hold harmless agreements protecting the City of Henderson, which documents shall be in recordable form and reaffirm these covenants running with the land. Each property owner is encouraged to purchase and maintain insurance relative to potential back flow problems.

(Ord. No. 10-5, § 1, 4-12-10)

FOOTNOTE(S):

^(*) **Editor's note**— *An ordinance passed Sep. 8, 2008, repealed ch. 15, div. 3, §§ 15-64—15-70, 15-70.1, 15-71, 15-71.1, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, div. 3 pertained to similar subject matter and derived from ordinances adopted May 3, 1994 and Nov. 10, 2003, §§ 1, 3. ([Back](#))*

DIVISION 4. FEES AND CHARGES. *

Sec. 15-72. - Fees and charges.

(a) *Purpose.* It is the purpose of this chapter to provide for the recovery of costs from users of the City of Henderson wastewater disposal system and the implementation of the program established herein. The specific and applicable charges and/or fees shall be set forth in the City of Henderson's

schedule of fees and charges which will be separately adopted in ordinance form by the city council, generally on an annual basis as part of the budget process, but may also be subject to periodic amendment by the city council on an "as needed" basis.

(b) *User charges.* A user charge shall be levied on all users including, but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the WRF.

- (1) The user charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the WRF.
- (2) Each user shall pay its proportionate cost based on volume of flow.
- (3) The City Manager of the City of Henderson shall review annually (or more frequently as necessary) the sewage contributions of users, the total costs of debt service, operation and maintenance of the WRF and will make recommendations to the City of Henderson City Council for adjustments in the schedule of charges and fees as necessary.
- (4) Charges for flow to the WRF not directly attributable to the users shall be distributed among all users of the WRF based upon the volume of flow of the users.

(c) *Surcharges.* All industrial users of the WRF are subject to industrial waste surcharges on discharges which exceed the following levels with the rates per pound as set forth in the schedule of fees and charges adopted by the city council (in ordinance form):

	mg/l
BOD	300
COD	600
TSS	170
TKN	<u>35</u>
Phosphorous	8

The amount of surcharges will be based upon the mass emission rate (in pounds per day) discharged above the levels listed above. The amount charged per pound of excess will be set forth in the schedule of fees and charges will be separately adopted in ordinance form by the city council.

(d) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:

- (1) Metered water consumption as shown in the records of meter readings maintained by the City of Henderson; or
- (2) If required by the City of Henderson or at the individual discharger's option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the City of Henderson. The

metering system shall be installed and maintained at the user's expense according to arrangements that may be made with the City of Henderson.

(3) Where any user procures all or part of his water supply from sources other than the City of Henderson, the user shall install and maintain at his own expense a flow measuring device of a type approved by the City of Henderson.

(e) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the City of Henderson. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR Part 136.

(f) The determination of the character and concentration of the constituents of the wastewater discharge by the pretreatment coordinator/WRF director or his duly appointed representatives shall be binding as a basis for charges. Should split samples be taken by the user and there are large discrepancies in the results, the pretreatment coordinator may judge compliance and the surcharge rate based on the past six (6) months data of the user and of the city, provided the analyses were performed to local, state and federal requirements. The discrepancies must be larger than the accepted tolerances for wastewater tests as defined by the North Carolina Division of Water Quality.

(g) *Pretreatment program administration charges.* The schedule of charges and fees adopted by the City of Henderson may include charges and fees for:

- (1) Reimbursement of costs of setting up and operating the pretreatment program;
- (2) Monitoring, inspections and surveillance procedures;
- (3) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- (4) Permitting;
- (5) Sampling fees;
- (6) Application fees; and
- (7) Other fees as the City of Henderson may deem necessary to carry out the requirements of the pretreatment program.

(h) *Sampling fees.* Fees shall be paid by the user to the City of Henderson to cover the cost of individual sampling as set forth in the schedule of fees and charges adopted by the city council through technical ordinances (which may or may not be included within the budget ordinances).

(i) Application fees for new permits and renewals shall be charged as set forth in the schedule of fees and charges adopted by the city council through technical ordinances (which may or may not be included within the budget ordinances).

(Ord. of 9-8-08)

FOOTNOTE(S):

() Editor's note— An ordinance passed Sep. 8, 2008, repealed ch. 15, div. 4, § 15-72, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, div. 4 pertained to similar subject matter and derived from ordinances adopted May 3, 1994; Aug. 26, 1996, § 2 and Nov. 10, 2003, §§ 1—3. (Back)*

DIVISION 5. WASTEWATER PERMIT APPLICATION AND ISSUANCE.*

Sec. 15-73. - Permits.

(a) *Wastewater dischargers.* It shall be unlawful for any person to connect or discharge to the WRF without first obtaining the permission of the City of Henderson. When requested by the pretreatment coordinator/WRF director, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The pretreatment coordinator/WRF director is authorized to prepare a form for this purpose and may periodically require users to update this information. It shall be illegal for anyone to knowingly make any false statement or representation to the city relative to this information.

(b) *Wastewater permits.* All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the WRF. Existing industrial users who are determined by the pretreatment coordinator/WRF director to be significant industrial users shall obtain a significant industrial user permit within one hundred eighty (180) days of receiving notification of the WRF director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the pretreatment coordinator/WRF director be required to obtain a wastewater discharge permit for nonsignificant industrial users.

(1) *Significant industrial user determination.* All persons proposing to discharge nondomestic wastewater, or proposing to change the volume or characteristics of an existing discharge of nondomestic wastewater, shall first request from the pretreatment coordinator/WRF director a significant industrial user determination. If the pretreatment coordinator/WRF director determines or suspects that the proposed discharge fits the significant industrial user criteria he will require that a significant industrial user permit application be filed.

(2) *Significant industrial user permit application.*

Users required to obtain a significant industrial user permit shall complete and file with the City, an application in the form prescribed by the WRF Director and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the WRF Directors determination in 15-73. (b)(1) above. The application shall include at a minimum:

- (a) name of industrial user;
- (b) address of industrial user;
- (d) standard industrial classification (SIC) code(s) or expected classification and industrial user category;
- (d) wastewater flow;

- (e) types and concentrations (or mass) of pollutants contained in the discharge;
- (f) major products manufactured or services supplied;
- (g) description of existing on-site pretreatment facilities and practices;
- (h) locations of discharge points;
- (i) raw materials used or stored at the site;
- (j) flow diagram or sewer map for the industrial user;
- (k) number of employees;
- (l) operation and production schedules; and
- (m) description of current and projected waste reduction activities in accordance with G.S. 143-215.1(g);

(3) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the WRF as defined in section 15-63 and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations."

It shall be illegal to knowingly make any false statement or representation relative to the above.

(4) *Application review and evaluation.* The pretreatment coordinator/WRF director will evaluate the data furnished by the user and may require additional information.

- a. The pretreatment coordinator/WRF director is authorized to accept applications for the City of Henderson and shall refer all applications to the WRF staff for review and evaluation.
- b. Within thirty (30) days of receipt the pretreatment coordinator/WRF director shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

(5) *Tentative determination and draft permit.*

- a. The WRF staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.
- b. If the staff's tentative determination in paragraph a above is to issue the permit, the following additional determinations shall be made in writing.

- (i) Proposed discharge limitations for those pollutants proposed to be limited;
- (ii) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
- (iii) A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.

c. The staff shall organize the determinations made pursuant to Paragraphs (a) and (c) above and the general permit conditions of the city into a significant industrial user permit.

(6) Permit supporting documentation. The WRF staff shall prepare the following documents for all Significant Industrial User permits.

(a) An allocation table (AT) listing permit information for all Significant Industrial Users, including but not limited to permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with Division approved maximum allowable loadings of the POTW, including flow, on forms or in a format approved by the Division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.

(b) The basis, or rationale, for the pretreatment limitations, including the following:

- (i) documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
- (ii) documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12(e)(2).

(7) Final action on significant industrial user permit applications.

a. The pretreatment coordinator/WRF director shall take final action on all applications not later than ninety (90) days following receipt of a complete application.

b. The pretreatment coordinator/WRF director is authorized to:

- (i) Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements.
- (ii) Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
- (iii) Modify any permit upon not less than sixty (60) day's notice and pursuant to subsection (4), hereof;

- (iv) Revoke any permit pursuant to division 7, of this article;
- (v) Suspend a permit pursuant to division 7, of this article;
- (vi) Deny a permit application where in the opinion of the pretreatment coordinator/WRF director such discharge may cause or contribute to pass-through or interference of the WRF or where necessary to effectuate the purposes of G.S. 143-215.1.

(8) *Hearings.*

a. Initial adjudicatory hearing. An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under section 15-80, or one (1) issued an administrative order under section 15-79 shall have the right to an adjudicatory hearing before the city manager upon making written demand, identifying the specific issues to be contested, to the city manager within thirty (30) days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein the action shall be final and binding and further appeal is barred. For modified permits, only those parts of the permit being modified may be adjudicated. The city manager shall make a final decision on the contested permit, penalty, or order within forty-five (45) days of the receipt of the written demand for a hearing. The city manager shall transmit a copy of the decision by registered or certified mail as described in paragraph (c) below. The terms and conditions of a permit under appeal shall be as follows:

- (i) New permits. Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
- (ii) Renewed permits. Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
- (iii) Terminated Permits. Upon appeal, including judicial review in the General Courts of Justice, of a terminated permit, no permit is in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

b. Final appeal hearing. Any decision of the city manager made as a result of an adjudicatory hearing held under subsection a. above may be appealed, to the

city council upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this subdivision shall be conducted in accordance with the hearings procedure of the city. Failure to make written demand within the time specified herein shall bar further appeal. The city council shall make a final decision on the appeal within ninety (90) days from receipt of the demand filed under paragraph (a) and shall transmit a written copy of its decision by registered or certified mail as described in paragraph (c) below. The decision is a final decision for the purposes of seeking judicial review.

c. *Official record.* When a final decision is issued under subsection b. above, the city council shall prepare an official record of the case that includes:

- (i) All notices, motions, and other like pleadings;
- (ii) A copy of all documentary evidence introduced;
- (iii) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken;
- (iv) A copy of the final decision of the city council.

d. *Judicial review.* Any person against whom a final order or decision of the city council is entered pursuant to the hearing conducted under subsection (b) above, may apply for a writ of certiorari from the order or decision of the city council (within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter) to the Superior Court of Vance County. Upon the granting of the writ of certiorari, the city shall send a transcript certified by the city clerk of all testimony and exhibits introduced before the city council, the order or decision, and the application for the writ of certiorari to the superior court.

(9)Permit modification.

a. Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- (i) Changes in the ownership of the discharge when no other change in the permit is indicated;
- (ii) A single modification of any compliance schedule not in excess of four (4) months;
- (iii) Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.

b. Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such

standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by this article, the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard.

c. A request for a modification by the permittee shall constitute a waiver of the sixty (60) day notice required by G.S. 143-215.1(b) for modifications.

(10) Permit conditions.

a. The pretreatment coordinator/WRF director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this article and G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:

- (i) A statement of duration (in no case more than five (5) years);
- (ii) A statement of nontransferability;
- (iii) Applicable effluent limits based on categorical standards or local limits or both;
- (iv) Applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
- (v) Requirements for notifying the WRF in the event of an accidental discharge or slug load as defined in section 15-63
- (vi) Requirements to implement a plan or other controls for prevention of accidental discharges and/or slug loads as defined in section 15-63, if determined by the WRF director to be necessary for the user; and
- (vii) Requirements for immediately notifying the WRF of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in 15-63. Also see sections 15-75.3 and 15-75.4
- (viii) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

b. In addition, permits may contain, but are not limited to, the following:

- (i) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.

- (ii) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
- (iii) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc. designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
- (iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
- (v) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
- (vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- (vii) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- (viii) Requirements for immediate reporting of any instance of noncompliance and for automatic re-sampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).
- (ix) Compliance schedules for meeting pretreatment standards and requirements.
- (x) Requirements for submission of periodic self-monitoring or special notification reports.
- (xi) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in this article and affording the pretreatment coordinator/WRF director, or his representatives, access thereto.
- (xii) Requirements for prior notification and approval by the pretreatment coordinator/WRF director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
- (xiii) Requirements for the prior notification and approval by the pretreatment coordinator/WRF director of any change in the manufacturing and/or pretreatment process used by the permittee.
- (xiv) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the terms of the permit.

(xv) Other conditions as deemed appropriate by the pretreatment coordinator/WRF director to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(11) *Permits duration.* Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

(12) *Permit transfer.* Wastewater permits are issued to specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(13) *Permit reissuance.* A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with this divisions a minimum of one hundred eighty (180) days prior to the expiration of the existing permit.

(Ord. of 9-8-08)

FOOTNOTE(S):

^(*) **Editor's note**— *An ordinance passed Sep. 8, 2008, repealed ch. 15, div. 5, § 15-73, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, div. 5 pertained to similar subject matter and derived from an ordinance adopted May 3, 1994. ([Back](#))*

DIVISION 6. REPORTING REQUIREMENTS.*

Sec. 15-74. - Baseline monitoring reports.

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the WRF shall submit to the pretreatment coordinator/WRF director a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the pretreatment coordinator/WRF director a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below. It shall be illegal for any person to knowingly make any false statement or representation relative thereto.

(1) *Identifying information.* The name and address of the facility, including the name of the operator and owner.

(2) *Environmental permits.* A list of any environmental control permits held by or for the facility.

(3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the WRF from the regulated processes.

(4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the WRF from regulated process streams and other streams as necessary to allow use of the combined waste stream formula set out in this article.

(5) *Measurement of pollutants.*

a. The categorical pretreatment standards applicable to each regulated process.

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the pretreatment coordinator/WRF director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this article.

c. Sampling must be performed in accordance with procedures set out in section 15-76.1 of this article and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).

(6) *Certification.* A statement, reviewed by the user's current authorized representative as defined in section 15-63 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in this article.

(8) *Signature and certification.* All baseline monitoring report must be signed and certified in accordance with section 15-73(b)(3), hereof.

(Ord. of 9-8-08)

Sec. 15-75. - Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by this article:

CAF 13-23: 13 May 13 Council Meeting : 22 April 2013 Work Session

Page 40 of 54

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. (Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation.);
- (b) No increment referred to above shall exceed nine (9) months;
- (c) The user shall submit a progress report to the pretreatment coordinator/WRF director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (d) In no event shall more than nine (9) months elapse between such progress reports to the pretreatment coordinator/WRF director.

(Ord. of 9-8-08)

Sec. 15-75.1. - Reports on compliance with categorical pretreatment standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the WRF, any user subject to such pretreatment standards and requirements shall submit to the pretreatment coordinator/WRF director a report containing the information described in this division of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 15-73(b)(3), of this article.

(Ord. of 9-8-08)

Sec. 15-75.2. - Periodic compliance reports.

- (a) All significant industrial users shall, at a frequency determined by the pretreatment coordinator/WRF director but in no case less than once every six (6) months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in section 15-76 and 15-76.1 of this article. All periodic compliance reports must be signed and certified in accordance with section 15-73(b)(3), of this article.
- (b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working

order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the pretreatment coordinator/WRF director, using the procedures prescribed in this division, the results of this monitoring shall be included in the report.

(Ord. of 9-8-08)

Sec. 15-75.3. - Reports of changed conditions.

Each user must notify the pretreatment coordinator/WRF director of any planned significant changes to the user's operations or systems which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change. The permittee shall not begin the changes until receiving written approval from the City. See section 15-75.4(d), for other reporting requirements.

(a) The pretreatment coordinator/WRF director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under this article.

(b) The pretreatment coordinator/WRF director may issue a wastewater discharge permit under section 15-73, of this article or modify an existing wastewater discharge permit under section 15-73, of this article in response to changed conditions or anticipated changed conditions.

(c) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of twenty-five (25) percent or greater, and the discharge of any previously unreported pollutants.

(Ord. of 9-8-08)

Sec. 15-75.4. - Reports of potential problems.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in section 15-63, that may cause potential problems for the WRF, the user shall immediately telephone and notify the WRF director (at 431-6080 or his current telephone number) of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the pretreatment coordinator/WRF director, submit a detailed report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, or damage, or other liability which may be incurred as a result of damage to the WRF, natural resources, or any other damage to person or property, nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this article or otherwise.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(d) All SIUs are required to notify the WRF immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load as defined in section 15-63.

(Ord. of 9-8-08)

Sec. 15-75.5. - Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the pretreatment coordinator/WRF director as required.

(Ord. of 9-8-08)

Sec. 15-75.6. - Notice of violation/repeat sampling and reporting.

(a) If sampling performed by a user indicates a violation, the user must notify the pretreatment coordinator/WRF director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the pretreatment coordinator/WRF director within thirty (30) days after becoming aware of the violation. If allowed by the WRF director, the user is not required to resample.

(i) If the pretreatment coordinator/WRF director monitors at the user's facility at least once a month, or

(ii) If the pretreatment coordinator/WRF director samples between the user's initial sampling and when the user receives the results of this sampling. The city shall notify the user in writing whether or not repeat sampling is required.

(b) If the WRF director does not require the user to perform any self-monitoring and the WRF sampling of the user indicates a violation, the pretreatment coordinator/WRF director shall repeat the sampling and obtain the results of the repeat analysis within thirty (30) days after becoming aware of the violations, unless one (1) of the following occurs:

(i) The pretreatment coordinator/WRF director monitors at the user's facility at least once a month; or

(ii) The pretreatment coordinator/WRF director samples the user between their initial sampling and when the WRF receives the results of this initial sampling; or

(iii) The WRF director requires the user to perform sampling and submit the results to the pretreatment coordinator/WRF director within the thirty (30) day deadline of the WRF becoming aware of the violation.

(Ord. of 9-8-08)

Sec. 15-75.7. - Notification of the discharge of hazardous waste.

The City of Henderson prohibits the discharge of hazardous waste into the city sewer collection system. Any user who makes such discharge shall notify the pretreatment coordinator/WRF director immediately.

(Ord. of 9-8-08)

Sec. 15-76. - Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

(Ord. of 9-8-08)

Sec. 15-76.1. - Grab and composite sample collection.

(a) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(b) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The WRF shall determine the number of grabs necessary to be representative of the User's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and 90-Day Compliance Reports. Additionally, the WRF director may allow collection of multiple grabs during a twenty-four (24) hour period which are composited prior to analysis as allowed under 40 CFR 136.

(c) Composite samples: All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the WRF director. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

(Ord. of 9-8-08)

Sec. 15-76.2. - Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(Ord. of 9-8-08)

Sec. 15-77. - Recordkeeping.

CAF 13-23: 13 May 13 Council Meeting : 22 April 2013 Work Session

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical technique or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City of Henderson, or where the user has been specifically notified of a longer retention period by the pretreatment coordinator/WRF director.

(Ord. of 9-8-08)

Sec. 15-78. - Confidential information.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the pretreatment coordinator/WRF director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this article, the national pollutant discharge elimination system (NPDES) permit, nondischarge permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.

(Ord. of 9-8-08)

Sec. 15-78.1. - Monitoring facilities.

- (a) The City of Henderson requires the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City of Henderson may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City of Henderson's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City of Henderson.

- (b) Inspection and sampling. The City of Henderson will inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City of Henderson, approval authority and EPA or their representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, examination and copying records or in the performance of any of their duties. The City of Henderson, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City of Henderson, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the city, approval authority's, or EPA's access to the users premises shall be a violation of this article and shall be illegal. Unreasonable delays may constitute denial of access.

(Ord. of 9-8-08)

Sec. 15-78.2. - Search warrants.

If the city, approval authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City of Henderson designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city, approval authority, or EPA may seek issuance of a search warrant from the appropriate authorities.

(Ord. of 9-8-08)

FOOTNOTE(S):

^(*) **Editor's note**— An ordinance passed Sep. 8, 2008, repealed ch. 15, div. 6, §§ 15-74, 15-75.1—15-75.7, 15-76, 15-76.1, 15-76.2, 15-77, 15-78, 15-78.1, 15-78.2, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, div. 6 pertained to similar subject matter and derived from ordinances adopted May 3, 1994. (Back)

DIVISION 7. ENFORCEMENT.*

Sec. 15-79. - Administrative remedies.

(a) *Notification of violation.* Whenever the pretreatment coordinator finds that any industrial user has violated or is violating this chapter, wastewater permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement, the pretreatment coordinator/WRF director may serve upon such a person a written notice stating the nature of the violation. Within thirty (30) days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the City of Henderson by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(b) *Consent orders.* The pretreatment coordinator/WRF director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to subsection (d), below.

(c) *Show cause hearing.* The pretreatment coordinator/WRF director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this chapter or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the pretreatment coordinator/WRF director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation. The pretreatment coordinator/WRF director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate. A showcause hearing under this section is not a prerequisite to the assessment of a civil penalty under section 15-80 nor is any action or inaction taken by the pretreatment coordinator/WRF director under this section subject to an administrative appeal under section 15-73(b)(8).

(d) *Administrative orders.* When the pretreatment coordinator/WRF director finds that an industrial user has violated or continues to violate this chapter, permit or orders issued hereunder, or any other pretreatment requirement the pretreatment coordinator/WRF director may issue an

order to cease and desist all such violations and direct those persons in noncompliance to do any one (1) or more of the following:

- (1) Immediately comply with all requirements;
- (2) Comply in accordance with a compliance time schedule set forth in the order;
- (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
- (4) Disconnect unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated within a specified time period.

(e) Emergency suspensions. The WRF director may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the WRF or cause the WRF to violate any condition of its NPDES or nondischarge permit.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within fifteen (15) days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the WRF director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the WRF system or endangerment to any individuals. The WRF director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the cause of the harmful contribution and the measures taken to prevent any future occurrence to the pretreatment coordinator/WRF director prior to the date of the above-described hearing.

(f) Termination of permit or permission to discharge. The WRF director may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

- (1) Failure to accurately report the wastewater constituents and characteristics of his discharge;
- (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the permit or permission to discharge, conditions of this article, or any applicable state and federal regulations.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under section 15-79, of this article why the proposed action should not be taken.

(Ord. of 9-8-08)

Sec. 15-80. - Civil penalties.

(a) Any user who is found to have failed to comply with any provision of this article, or the orders, rules, regulations and permits issued hereunder, may be fined up to twenty-five thousand dollars (\$25,000.00) per day per violation.

a. Penalties between ten thousand dollars (\$10,000.00) and twenty-five thousand dollars (\$25,000.00) per day per violation may be assessed against a violator only if:

- i. For any class of violation, only if a civil penalty has been imposed against the violator within the five (5) years preceding the violation, or
- ii. In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this article, or the orders, rules, regulations and permits issued hereunder, only if the WRF director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five (5) years preceding the violation.

(b) In determining the amount of civil penalty, the pretreatment coordinator/WRF director shall consider the following:

- (1) The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- (2) The duration and gravity of the violation;
- (3) The effect on ground or surface water quantity or quality or on air quality;
- (4) The cost of rectifying the damage;
- (5) The amount of money saved by noncompliance;
- (6) Whether the violation was committed willfully or intentionally;
- (7) The prior record of the violator in complying or failing to comply with the pretreatment program;
- (8) The cost of enforcement to the City of Henderson.

(c) Appeals of civil penalties assessed in accordance with this section shall be as provided in section 15-73(b)(8).

(Ord. of 9-8-08)

Sec. 15-80.1. - Other available remedies.

Remedies, in addition to those previously mentioned in this chapter, are available to the pretreatment coordinator/WRT director who may use any single one or combination against a noncompliance user. Additional available remedies include, but are not limited to:

(a) *Criminal violations.* The district attorney for the 9th judicial district may, at the request of the City of Henderson, prosecute noncompliance users who violate the provisions of G.S. 143-215.6B or any other statute with criminal penalties.

(b) *Injunctive relief.* Whenever a user is in violation of the provisions of this chapter or an order or permit issued hereunder, the city manager, through the city attorney, may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in questions.

(c) *Water supply severance.* Whenever an industrial user is in violation of the provisions of this chapter or an order or permit issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.

(d) *Public nuisances.* Any violation of the prohibitions or effluent limitations of this article or of a permit or order issued hereunder, is hereby declared to be and constitute a public nuisance and shall be corrected or abated as directed by the pretreatment coordinator/WRF director. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code or other laws governing such nuisances, including reimbursing the WRF of any costs incurred in removing, abating, or remedying said nuisance.

Remedies nonexclusive. The remedies provided for in this section are not exclusive. The pretreatment coordinator/WRF director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with any enforcement response plan. However, the pretreatment coordinator/WRF director may take any lawful action against any user when the circumstances warrant. Further the pretreatment coordinator/WRF director is empowered to take more than one (1) enforcement action against any noncompliant user.

(Ord. of 9-8-08)

Sec. 15-80.2. - Annual publication of significant noncompliance.

At least annually, the pretreatment coordinator/WRF director shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance in 15A NCAC 2H .0903(b)(10), with applicable pretreatment standards and requirements during the previous twelve (12) months.

(Ord. of 9-8-08)

Sec. 15-81. - Affirmative defenses to discharge violations; upset.

(a) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (b), below, are met.

(b) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause(s) of the upset; and
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the pretreatment coordinator/WRF director within twenty-four (24) hours of becoming aware of the upset:

- a. A description of the indirect discharge and cause of noncompliance; and
- b. The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(c) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(d) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(e) Users shall contain production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is, restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. of 9-8-08)

Sec. 15-81.1. - Prohibited discharge standards defense.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 15-64(a) of this article or the specific prohibitions in section 15-64(b)(2), (3) and (5)—(7) of this article if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

- (a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or
- (b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. of 9-8-08)

Sec. 15-82. - Bypass.

- (a) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient

operation. These bypasses are not subject to the provision of paragraphs (b) and (c), of this section.

(b) (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the pretreatment coordinator/WRF director, at least twenty (20) days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the pretreatment coordinator/WRF director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The pretreatment coordinator/WRF director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours and if he is otherwise satisfied a written report or record is not needed (by the city or any other government entity).

(c) (1) Bypass is prohibited, and the pretreatment coordinator/WRF director may take an enforcement action against a user for a bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal period of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The user submitted notices as required under paragraph (b), of this section.

(2) The pretreatment coordinator/WRF director may approve an anticipated bypass, after considering its adverse effects, if the pretreatment coordinator/WRF director determines that it will meet the three (3) conditions listed in paragraph (c)(1), of this section.

(Ord. of 9-8-08)

Sec. 15-82a. - Severability.

If any provision, paragraph, word, section or article of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

(Ord. of 9-8-08)

Sec. 15-82b. - Conflict.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article are hereby repealed to the extent of such inconsistency or conflict.

(Ord. of 9-8-08)

FOOTNOTE(S):

^(*) **Editor's note**— *An ordinance passed Sep. 8, 2008, repealed ch. 15, div. 7, §§ 15-79, 15-80, 15-80.1, 15-80.2, 15-81, 15-81.1, 15-82, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, div. 7 pertained to similar subject matter and derived from ordinances adopted May 3, 1994 and Mar. 26, 2001, § 2 (Back).*

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

The foregoing Ordinance 13-14_____, 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 _____, 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 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 13-14*, An Ordinance Updating the Sewer Use Ordinance, 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 Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Regular Meeting

15 March 2013

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

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

RE: CAF: 13-37

Consideration of Approval of Resolution 13-29, Issuing Sewer Credit for Outside Watering of Lawns, Plants and Vegetation from June 1, 2013 through October 31, 2013.

Ladies and Gentlemen:

Recommendation:

- Approve Resolution 13-29, Issuing Sewer Credit for Outside Watering of Grass, Plants and Vegetation from June 1, 2013 through October 31, 2013.

Executive Summary

For the past several years the City Council has authorized the issuance of sewer credits due to outside watering of grass, plants, and vegetation.

The City Council has offered this credit in an effort to reduce the cost to the customer for such watering. If this policy is adopted, the City Council does have the discretion to discontinue it prior to October if it is not in the City's best interest due to drought and/or implementation of water conservation measures.

Enclosures

1. Resolution 13-29

RESOLUTION

13-29

A RESOLUTION PROVIDING FOR THE ISSUING OF A SEWER CREDIT FOR OUTSIDE WATERING OF GRASS, PLANTS AND VEGETATION

WHEREAS, the City of Henderson has provided for a sewer credit to its customers for the period of June, July and August provided certain conditions are met via adopting a “Sewer Credit Due to Outside Watering of Grass, Plants and Vegetation” on 9 June 2008; the details of the policy are more fully articulated in **Attachment A** to this Resolution, *and*

WHEREAS, in the past this credit has been extended to include the months of September and October, *and*

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE the Amended Policy for Sewer Credit Due to Outside Watering of Grass, Plants and Vegetation Policy to include the months of June, July, August, September and October.

The foregoing Resolution 13-29, 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 APPROVED on this the ** day of *** 2013: YES: . NO: None. ABSTAIN: None. ABSENT:

James D. O’Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

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

Sewer Credit Due to Outside Watering of Grass, Plants and Vegetation Policy

Qualifications

1. A customer of whose monthly water and sewer consumption in question is equal to or greater than 1.5 times the average water and sewer consumption of the preceding twelve months may request an adjustment. Where a customer has not been on the City's system for a full twelve months, the average shall be computed using the total number of months on the system; but, in no case shall a customer who has not been on the system for at least six months be eligible for an adjustment.

2. The general time frame for these credits can be for the June billing until the October billing for that residence; however the City Council shall set the time frame each year prior to this period and can be for less than or more than the stated June – October period if circumstances due to water restrictions or any other unforeseen emergency situations that are occurring during these months and/or is not to the City's best interest to allow these adjustments. The City Council also has the discretion to discontinue these "watering credits for sewer" at any time.

3. After City Council approval, the Finance Director or designee shall be authorized to adjust the customer's monthly sewer bill as follows:

- a. The customer's average monthly water and sewer consumption for the preceding twelve months shall be established and 1.5 times that average should be used to determine the average monthly cost of service using current sewer rates.
- b. This average monthly cost of sewer shall then be subtracted from the monthly sewer charge in question.
- c. The Director of Finance (or her designee) shall be authorized to reduce the customer's monthly sewer charge in question by a maximum of seventy-five (75) percent for the difference between the twelve (12) months average sewer charge and the monthly sewer charge in question.
- d. The customer must request this adjustment in writing and affirm he/she has been irrigating grass, plants and vegetation from the collections office after receiving the bill in question but in no case shall be issued a credit for more than the previous two months after failing to request the adjustment in the first month. Failure to request this adjustment after the two months period shall result in no adjustment.
- e. This policy shall not apply for individuals that use water to fill swimming pools.
- f. This policy shall be effective for the June – October 2013 period.

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Regular Meeting

4 May 2013

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

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

RE: CAF: 13-42

Consideration of Approval of Ordinance 13-21 FY 13 Budget Amendment # 32, Amending and/or Closing Out the Following Grants : Fund 55-201: Fire FM Global Grant; Fund 55-203: BJA Bulletproof Vests Grant; and Fund 55-302: Orange Breckenridge Redevelopment Grant

Ladies and Gentlemen:

Recommendation:

- Approval of Ordinance 13-21 FY 13 Budget Amendment # 32, Amending and/or Closing Out the Following Grants : Fund 55-201: Fire FM Global Grant; Fund 55-203: BJA Bulletproof Vests Grant; and Fund 55-302: Orange Breckenridge Redevelopment Grant

Executive Summary:

Capital Improvement Project and/or Grant Project funds for active capital projects and grant projects are open for the life of the grant or project. Once the project or grant has been completed, it is necessary to "close out" these funds. Ordinance 13-21 officially closes out the following Grant project:

Fund 55-201: Fire FM Global Grant; The Fire Department received notification in June 2012 that this grant was being awarded to be used towards the purchase of a digital camera with accessories, hydrocarbon detector and a battery powered tool set to be used for Fire Department operations. The grant funds were received in July 2012.

Fund 55-203: BJA Bulletproof Vests Grant; The Resolution to accept this grant was approved by Council at its meeting on November 5, 2012. This grant was awarded to assist the Police Department with the purchase of new law enforcement ballistic vests. The grant budget was initially established by BA #18 which was also approved by

CAF 13-42: 13 May 2013 Council Meeting

Page 1 of 6

Council at that same meeting. The grant budget is being amended to reflect funds received from the NCLM to offset the City's match for this grant.

Fund 55-302: Orange Breckenridge Redevelopment Grant; The City received a grant for the acquisition and demolition of properties in the Orange-Breckenridge Redevelopment Area in 2007-08. The funding was a grant from the NC General Assembly and was administered by the Kerr-Tar Regional Council of Governments. Very few funds were remaining in the grant the Mr. Banes wished to have the funds transferred to the City for demolition of one last property – located at 647 Ransom Street. The Redevelopment Commission concurred with this adjustment. All funds have been allocated and paid out to the contractors, and per Code Compliance Director Corey Williams, the demolition and cleanup within the project area is complete and the grant can be closed.

Enclosure:

Ordinance 13-21

ORDINANCE 13-21
FY 2012-2013 BUDGET AMENDMENT # 32
CLOSING OUT and/or AMENDING THE FOLLOWING
GRANT PROJECTS:

55: GRANTS FUND PROJECTS
55-201: FIRE FM GLOBAL GRANT
55-203: BJA BULLETPROOF VESTS GRANT
55-302: ORANGE BRECKENRIDGE REDEVELOPMENT GRANT

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

WHEREAS, pursuant to NC General Statutes, the Council has created and uses Capital Improvements Projects and Grant Projects funds for active capital projects and grant project funds; *and*

WHEREAS, the capital project and grant project funds are open for the life of the project and/or grant, they are nevertheless managed on a day-to-day basis and through the annual fiscal year cycle; *and*

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating and capital improvements and grant project 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:

Part 1: 55-201 Fire FM Global Grant

				Ordinance 13-21			
FUND: 55-Grants Fund				FY 12-13 Budget Amendment #32			
PROJECT: 55-201 Fire FM Global Grant				Part 1			
				Initial Budget	Current		
				9-Jul-12	Budget	Amendment	Revised
55-201 Fire FM Global Grant Revenues							
	Fire FM Global Grant	55-201-507-400		\$ 2,200	\$ 2,200	\$ (2,200)	\$ -
							\$ -
		Total		\$ 2,200	\$ 2,200	\$ (2,200)	\$ -
							\$ -
				Initial Budget	Current		
				9-Jul-12	Budget	Amendment	Revised
55-201 Fire FM Global Grant Expenditures							
	Capital Outlay < \$5,000	55-201-507-400		2,200	\$ 2,200	\$ (2,200)	\$ -
							\$ -
		Total		\$ 2,200	\$ 2,200	\$ (2,200)	\$ -
							\$ -
		Variance				\$ -	
Reference:				Notes:			
CAF 13-42; Budget Ordinance 13-21; Budget Amendment 32; Council Meeting held on 13 May 2013				Grant closeout. This amendment has the effect of taking the project 'off of the books.'			
Grant was established via Ord 12-47 and Resoluton 12-A-19 on 9 Jul 12							

Part 2: 55-203 BJA Bulletproof Vests Grant

			<u>Ordinance 13-21</u>					
FUNDS:		55: Grants Fund & 10: General Fund		FY 12-13 Budget Amendment #32				
PROJECT:		55-203 BJA Bullet Proof Vests 2012		Part 2				
				Initial Budget	Current			
				5-Nov-12	Budget	Amendment	Revised	
55-203 BJA Bullet Proof Vests 2012 Revenues								
	BJA Grant	55-203-458-218	\$	4,199	\$	4,199	\$ -	\$ 4,199
	Trans Fr: 10 General Fund	55-203-461010	\$	-	\$	4,199	\$ -	\$ 4,199
		Total	\$	4,199	\$	8,398	\$ -	\$ 8,398
							\$	8,398
				Initial Budget	Current			
				5-Nov-12	Budget	Amendment	Revised	
55-203 BJA Bullet Proof Vests 2012 Expenditures								
	Bullet Proof Vests	55-203-503-605		4,199	\$	8,398	\$ -	\$ 8,398
							\$	-
		Total	\$	4,199	\$	8,398	\$ -	\$ 8,398
							\$	8,398
		Variance				\$	-	
				Approved	Current			
				1-Jul-12	Budget	Amendment	Revised	
FUND 10: GENERAL FUND REVENUES								
	NCLM Bulletproof Vests Grant - Police	10-100-455072	\$	-	\$	-	\$ 2,500	\$ 2,500
			\$	-	\$	-	\$ -	\$ -
		Total	\$	-	\$	-	\$ 2,500	\$ 2,500
							\$	2,500
				Approved	Current			
				1-Jul-12	Budget	Amendment	Revised	
FUND 10: GENERAL FUND EXPENDITURES								
	Police Asset Forfeiture: Grant Match Funds	10-512-509901		37,900	\$	33,701	\$ 2,500	\$ 36,201
	Trans to: 55-203 Grants Fund	10-512-561055		-	\$	4,199	\$ (2,500)	\$ 1,699
	Trans to: 55-203 Grants Fund	10-660-561055	\$	-	\$	-	\$ 2,500	\$ 2,500
		Total	\$	37,900	\$	37,900	\$ 2,500	\$ 40,400
							\$	40,400
		Variance				\$	-	
Reference:		Notes:						
Grant was established via Ord 12-79 on 5 Nov 12; BA #18 (See also CAF 12-67; CAF 12-A-67, Resolution 12-14 and 12-A-14)		Establish the project grant						
Budget Ordinance: 13-16, budget amendment 27; Council Meeting held on 25 Mar 2013		Establish the grant match from Police Asset Forfeitures						
CAF 13-42; Ordinance 13-21; BA #32		Revise the budget for the Bulletproof Vests Grant to incorporate a \$2,500 grant from the NCLM. This grant was to cover a portion of the City's grant match, thereby reducing the amount required for a grant match from Police Asset Forfeitures from \$4,199 to \$1,699.						

Part 3: 55-302 Orange Breckenridge Redevelopment Grant

			Ordinance 13-21			
FUND: 55-Grants Fund			FY 12-13 Budget Amendment #32			
PROJECT: 55-302 Orange Breckenridge Redevelopment			Part 3			
			Initial Budget	Current		
			9-Jul-12	Budget	Amendment	Revised
55-302 Orange Breckenridge Redevelopment Revenues						
	Kerr-Tar Regional COG	55-302-458152	\$ 6,900	\$ 6,900	\$ -	\$ 6,900
						\$ -
	Total		\$ 6,900	\$ 6,900	\$ -	\$ 6,900
						\$ 6,900
			Initial Budget	Current		
			9-Jul-12	Budget	Amendment	Revised
55-302 Orange Breckenridge Redevelopment Expenditures						
	Contracted Services	55-302-504500	5,600	\$ 5,600	\$ 196	\$ 5,796
	Landfill Fees	55-302-504520	\$ 1,300	\$ 1,300	\$ (196)	\$ 1,104
	Total		\$ 6,900	\$ 6,900	\$ -	\$ 6,900
						\$ 6,900
	Variance				\$ -	
			Initial Budget	Current		
			9-Jul-12	Budget	Amendment	Revised
55-302 Orange Breckenridge Redevelopment Revenues						
	Kerr-Tar Regional COG	55-302-458152	\$ 6,900	\$ 6,900	\$ (6,900)	\$ -
						\$ -
	Total		\$ 6,900	\$ 6,900	\$ (6,900)	\$ -
						\$ -
			Initial Budget	Current		
			9-Jul-12	Budget	Amendment	Revised
55-302 Orange Breckenridge Redevelopment Expenditures						
	Contracted Services	55-201-507-400	5,600	\$ 5,796	\$ (5,796)	\$ -
	Landfill Fees		\$ 1,300	\$ 1,104	\$ (1,104)	\$ -
	Total		\$ 6,900	\$ 6,900	\$ (6,900)	\$ -
						\$ -
	Variance				\$ -	
Reference:			Notes:			
Grant was established via CAF 12-85; Ord 12-47 and BA#1 on 9 Jul 12			The City received a grant for the acquisition and demolition of properties in the Orange-Breckenridge Redevelopment Area in 2007-8. The funding was a grant from the NC General Assembly and is administered by the Kerr-Tar COG. Very few funds were remaining in the grant and Mr. Banes wished to have the funds transferred to the City for demolition of one last property. The Redevelopment Commission concurred with this adjustment.			
CAF 13-42; Ordinance 13-21; BA #32 13 May 2013			This amendment serves to re-align accounts in accordance with expenditures and subsequently to close out this project.			

The foregoing Ordinance 13-21, upon motion of Council Member ** and second by Council Member ***, and having been submitted to a roll call vote and received the following votes and was *** on this the _____ day of _____ 2013: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Reference: Minute Book 42 p. ***;

STATE OF NORTH CAROLINA CITY OF HENDERSON

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 13-21 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

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Regular Meeting

4 May 2013

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

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

RE: CAF: 13-53

Consideration of Approval of Ordinance 13-26, FY13 Budget Amendment #31 Amending the General Fund and the Water Fund.

Ladies and Gentlemen:

Recommendation:

- Approve Ordinance 13-26, FY13 Budget Amendment #31, Amending the General Fund and the Water Fund.

Executive Summary

FY 13 Budget Amendment #31 serves to amend the General Fund and the Water Fund for the purpose of corrections to Budget Amendment #25 and Budget Amendment #7, respectively. An incorrect amount was inadvertently used for the General Fund transactions reflected in Budget Amendment #25 and an incorrect account number was inadvertently used for the Water Fund transactions in Budget Amendment #7.

Enclosures

1. Ordinance 13—26

O R D I N A N C E 13-26

AN AMENDMENT TO THE FY 2012 -- 2013 BUDGET BUDGET AMENDMENT #31

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

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating budget from time-to-time, said amendment incorporated in this Ordinance; *and*

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: 10: General Fund and 30: Water Fund			Ordinance 13-26 FY 12-13 Budget Amendment #31			
10: GENERAL FUND REVENUES			Approved 1-Jul-12	Current Budget	Amendment	Revised
<i>Department</i>	<i>Line Item</i>	<i>Code</i>				
	Trans Fr: 63: COD Round 2	10-980-461063	\$ -	\$ 3,061	\$ 3,859	\$ 6,920
			\$ -	\$ -	\$ -	\$ -
	Total		\$ -	\$ 3,061	\$ 3,859	\$ 6,920
						\$ 6,920
10: GENERAL FUND EXPENDITURES			Approved 1-Jul-12	Current Budget	Amendment	Revised
<i>Department</i>	<i>Line Item</i>	<i>Code</i>				
	Reserve	10-660-900999	\$ -	\$ 18,466	\$ 3,859	\$ 22,325
			\$ -	\$ -	\$ -	\$ -
	Total		\$ -	\$ 18,466	\$ 3,859	\$ 22,325
						\$ 22,325
	<i>Variance</i>				\$ -	
30: WATER FUND REVENUES			Approved 1-Jul-12	Current Budget	Amendment	Revised
<i>Department</i>	<i>Line Item</i>	<i>Code</i>				
	0		\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
	Total		\$ -	\$ -	\$ -	\$ -
						\$ -
30: WATER FUND EXPENDITURES			Approved 1-Jul-12	Current Budget	Amendment	Revised
<i>Department</i>	<i>Line Item</i>	<i>Code</i>				
	Trans to 43: CIP Water	30-660-561043	\$ -	\$ 39,000	\$ (39,000)	\$ -
	Reserve	30-660-900999	\$ -	\$ -	\$ 39,000	\$ 39,000
	Total		\$ -	\$ 39,000	\$ -	\$ 39,000
						\$ 39,000
	<i>Variance</i>				\$ -	
Reference:		Notes:				
CAF# 13-53; Ordinance #13-26: BA# 31		General Fund: To correct Budget Amendment #25. Incorrect amount used for General Fund transactions. Water Fund: To correct Budget Amendment #7. Incorrect account used for Water Fund transactions.				

The foregoing Ordinance 13-26 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 13 day of May 2013: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

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

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 13-xx adopted by the Henderson, City Council in Regular Session on 13 May 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 May 2013.

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

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Regular Meeting

04 May 2013

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

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

RE: CAF: 13-54

Consideration of Approval of Ordinance 13-18, FY13 Budget Amendment #33 Amending Fund 510: Police Department and Fund 530: Fire Department of the General Fund.

Ladies and Gentlemen:

Recommendation:

- Approve Ordinance 13-18, FY13 Budget Amendment #33 Amending Fund 510: Police Department and Fund 530: Fire Department of the General Fund.

Executive Summary

FY13 Budget Amendment #33 serves to amend the General Fund for the purpose of appropriating the proceeds of insurance claims back to the departments from which the claims originated for the purposed of offsetting the costs of repairs.

Enclosures

1. Ordinance 13-18

O R D I N A N C E 13-18

AN AMENDMENT TO THE FY 2012 -- 2013 BUDGET BUDGET AMENDMENT #33

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

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating budget from time-to-time, said amendment incorporated in this Ordinance; *and*

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

Fund: 10: General			Ordinance 13-18			
			FY 12-13 Budget Amendment #33			
REVENUES			Approved	Current		
Department	Line Item	Code	1-Jul-12	Budget	Amendment	Revised
	Insurance Proceeds	10-100-456000	\$ -	\$ -	\$ 10,500	\$ 10,500
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
Total			\$ -	\$ -	\$ 10,500	\$ 10,500
						\$ 10,500
EXPENDITURES			Approved	Current		
Department	Line Item	Code	1-Jul-12	Budget	Amendment	Revised
Fire	M & R - Automotive	10-530-501700	\$ 30,000	\$ 38,200	\$ 3,500	\$ 41,700
Police	Wrecked Vehicle Rep	10-510-501701	\$ -	\$ -	\$ 7,000	\$ 7,000
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
Total			\$ 30,000	\$ 38,200	\$ 10,500	\$ 48,700
						\$ 48,700
variance					\$ -	
Reference:			Notes:			
CAF 13-54; Ordinance 13-18; BA #33			This amendment serves to amend the budgets for repairs and maintenance of wrecked vehicles in the Fire and Police Departments. Insurance claims have been filed and the proceeds of those claims have been recorded as insurance proceeds in the General Fund. This amendment serves to appropriate these funds back to these departments to offset the cost of the repairs.			

The foregoing Ordinance 13-18 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 13 day of May 2013: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

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

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 13-18 adopted by the Henderson, City Council in Regular Session on 13 May 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 May 2013.

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

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Reg. Meeting

6 May 2013

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

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

RE: CAF: 13-56

Consideration of Approval of Ordinance 13-28, FY13 Budget Amendment #34, Authorizing an Additional Appropriation of \$25,000 to the Departmental Budget for the City Attorney

Ladies and Gentlemen:

Recommendation:

- Approval of Ordinance 13-28, FY13 Budget Amendment #34, Authorizing an Additional Appropriation of \$25,000 to the Departmental Budget for the City Attorney.

Executive Summary:

Funds totaling \$19,560 have been paid to the law firm of Tharrington Smith, LLP for legal services in connection with the Pitts, Von Williams case. This budget amendment will appropriate an additional \$25,000 to the professional services line item of the City Attorney's departmental budget to cover these extra expenses.

Enclosure:

1. Ordinance 13-28

O R D I N A N C E 13-28

BUDGET AMENDMENT #34 TO THE FY 13 BUDGET, AUTHORIZING AN ADDITIONAL APPROPRIATION OF \$25,000 TO THE DEPARTMENTAL BUDGET FOR THE CITY ATTORNEY

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

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating budget from time-to-time, said amendment incorporated in this Ordinance; *and*

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

Fund: 10: General			Ordinance 13-28			
			FY 12-13 Budget Amendment #34			
REVENUES			Approved	Current		
Department	Line Item	Code	1-Jul-12	Budget	Amendment	Revised
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
Total			\$ -	\$ -	\$ -	\$ -
						\$ -
EXPENDITURES			Approved	Current		
Department	Line Item	Code	1-Jul-12	Budget	Amendment	Revised
City Attorney	Professional Services	10-414-500400	\$ 31,000	\$ 31,000	\$ 25,000	\$ 56,000
Hend-Vance DDC	Grant Match Funds	10-496-509901	\$ 50,000	\$ 28,638	\$ (25,000)	\$ 3,638
Total			\$ 81,000	\$ 59,638	\$ -	\$ 59,638
						\$ 59,638
variance					\$ -	
Reference:			Notes:			
CAF 13-56; Ordinance 13-28; BA #34; 13-May-2013			This budget amendment serves to amend the Professional Services line item in the City Attorney's budget. The current budget of \$31,000 is being amended primarily as a result of the utilization of outside counsel. The City has paid legal fees totaling \$19,560 to Tharrington Smith, LLP in connection with the Pits, VonWilliams case. Funds are being re-allocated from the \$28,638 of Grant Match Funds remaining in the Henderson-Vance Downtown Development Commission budget to cover this budget shortfall.			

The foregoing Ordinance 13-28 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 13 day of May 2013: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

*Reference: Minute Book 42 p. ***; CAF 13-56*

**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 13-28 adopted by the Henderson, City Council in Regular Session on 13 May 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 May 2013.

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

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 2013 Reg. Meeting

6 May 2013

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

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

RE: **CAF: 13-55**

Consideration of Approval of Ordinance 13-27, FY13 Budget Amendment #36, Closing out the Water Main Replacement/Relocation of The Red Bud Creek Bridge Project Fund 43-848: and Amending Capital Reserve Utilities Fund 70

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

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

Recommendation:

- Approval of Ordinance 13-27, FY13 Budget Amendment #36, Closing out the Water Main Replacement/Relocation of The Red Bud Creek Bridge Project Fund 43-848: and Amending Capital Reserve Utilities Fund 70.

Executive Summary

The North Carolina Department of Transportation (NCDOT) contacted the City of Henderson staff relative to a bridge replacement project BD-5105C, WBS Elements: 45351.3.3 over Red Bud Creek on SR 1120 (Vance Academy Road) and water main replacement which was required as a result of the project. An agreement was approved by Council via Resolution 11-71 on 8 August 2011. The work was performed in conjunction with the State and the City utilizing a private contractor, H. G. Reynolds Company, to perform the necessary relocation work associated with the existing water main. As a result, the total project cost came in under the estimated cost for a total of \$66,633, resulting in a savings of \$53,368.

This Ordinance returns the surplus funds to Capital Reserves Utilities and effectively closes out this project budget.

Enclosures:

1. Ordinance 13-27

ORDINANCE 13-27
FY 2012-2013 BUDGET AMENDMENT # 36
AMENDING AND/OR CLOSING OUT CIP-WATER FUND PROJECT:

43-848: Red Bud Creek Water-line Replacement

AND AMENDING

Fund 70: Capital Reserve Utilities

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

WHEREAS, pursuant to NC General Statutes, the Council has created and uses Capital Improvements Projects and Grant Projects funds for active capital projects and grant project funds; *and*

WHEREAS, the capital project and grant project funds are open for the life of the project and/or grant, they are nevertheless managed on a day-to-day basis and through the annual fiscal year cycle; *and*

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating and capital improvements and grant project 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:

			Ordinance 13-27			
FUNDS: 43: CIP WATER and 70: CAPITAL RESERVE UTILITIES			FY 12-13 Budget Amendment #36			
PROJECT: Red Bud Creek Water-line Replacement			Part 1-A Adjustment			
<i>Project Budget Created on 8 Aug 11</i>			Approved	Current		
FUND 43: CIP WATER REVENUES			8-Aug-11	Budget	Amendment	Revised
Transfer from Cap Reserve Utilities Fund	43-433-461071		\$ 120,000	\$ 120,000	\$ -	\$ 120,000
			\$ -	\$ -	\$ -	\$ -
	Total		\$ 120,000	\$ 120,000	\$ -	\$ 120,000
						\$ 120,000
FUND 43: CIP WATER EXPENDITURES			Approved	Current		
			8-Aug-11	Budget	Amendment	Revised
Construction	43-848-510400		\$ 120,000	\$ 120,000	\$ (53,367)	\$ 66,633
Trans to: 70 Capital Reserve Utilities	43-848-561070		\$ -	\$ -	\$ 53,367	\$ 53,367
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
	Total		\$ 120,000	\$ 120,000	\$ -	\$ 120,000
						\$ 120,000
	<i>Variance</i>				\$ -	
70: CAPITAL RESERVE UTILITIES FUND REVENUES			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-12	Budget	Amendment	Revised
	Trans fr: 43 CIP Water	70-801-561043	\$ -	\$ -	\$ 53,367	\$ 53,367
			\$ -	\$ -	\$ -	\$ -
	Total		\$ -	\$ -	\$ 53,367	\$ 53,367
						\$ 53,367
70: CAPITAL RESERVE UTILITIES FUND EXPENDITURES			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-12	Budget	Amendment	Revised
	Reserve	70-801-509850	\$ -	\$ -	\$ 53,367	\$ 53,367
			\$ -	\$ -	\$ -	\$ -
	Total		\$ -	\$ -	\$ 53,367	\$ 53,367
						\$ 53,367
	<i>Variance</i>				\$ -	
Part 1-B Closeout						
			Approved	Current		
FUND 43: CIP WATER REVENUES			8-Aug-11	Budget	Amendment	Revised
Transfer from Cap Reserve Utilities Fund	43-433-461071		\$ 120,000	\$ 120,000	\$ (120,000)	\$ -
			\$ -	\$ -	\$ -	\$ -
	Total		\$ 120,000	\$ 120,000	\$ (120,000)	\$ -
						\$ -
FUND 43: CIP WATER EXPENDITURES			Approved	Current		
			8-Aug-11	Budget	Amendment	Revised
Construction	43-848-510400		\$ 120,000	\$ 66,633	\$ (66,633)	\$ -
Trans to: 70 Capital Reserve Utilities	43-848-561070		\$ -	\$ 53,367	\$ (53,367)	\$ -
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
	Total		\$ 120,000	\$ 120,000	\$ (120,000)	\$ -
						\$ -
	<i>Variance</i>				\$ -	
Reference:			Notes:			
8 Aug 11; Ord 11-48; BA #3			Established project budget			
13 May 13: CAF 13-55; Ord 13-27; BA #36			Amended project budget and returned unspent funds to the Capital Reserve Utilities Fund; closed project in CIP Water Fund to remove it from the books			

The foregoing Ordinance 13-27, upon motion of Council Member ** and second by Council Member ***, and having been submitted to a roll call vote and received the following votes and was *** on this the _____ day of _____ 2013: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

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

STATE OF NORTH CAROLINA; CITY OF HENDERSON

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 13-27 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

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Regular Meeting

7 May 2013

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

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

RE: CAF: 13-59

Consideration of Approval of Ordinance 13-29, FY13 Budget Amendment #37 Amending the General Fund – Recreation Department Budget

Ladies and Gentlemen:

Recommendation:

- Approval of Ordinance 13-29, FY13 Budget Amendment #37 Amending the General Fund – Recreation Department Budget.

Executive Summary

FY 13 Budget Amendment #37 serves two purposes: 1) To correct the donations account from which one half of the repairs to the tennis courts at Fox Pond Park were budgeted in BA #5. \$8,355 was budgeted to come from Recreation Donations but should have been budgeted to come from Rental Fees at Fox Pond Park. 2) To amend the General Fund for the purpose of increasing the Recreation Department's budget for donations received from a fund raiser. The Henderson Rec Players conducted a fund raising performance in order to raise additional funds to use towards their first summer performance ("The Sound of Music"). This amendment will budget the proceeds of the fund raiser (\$6,623) plus an additional \$377 from general recreation donations, to cover certain expenses from the fund raiser, with the remaining amount to be used to help offset expenses of the upcoming summer production.

Enclosures

1. Ordinance 13-29

O R D I N A N C E 13-29

AN AMENDMENT TO THE FY 2012 - 2013 BUDGET BUDGET AMENDMENT #37

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

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating budget from time-to-time, said amendment incorporated in this Ordinance; *and*

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

Fund: 10: General			Ordinance 13-29			
			FY 12-13 Budget Amendment #37			
REVENUES			Approved	Current		
Department	Line Item	Code	1-Jul-12	Budget	Amendment	Revised
	Donations - Rec Dept	10-100-455040	\$ -	\$ 14,245	\$ (1,355)	\$ 12,890
	Rental Fee-Fox Pond	10-100-433300	\$ 1,200	\$ 1,200	\$ 8,355	\$ 9,555
		Total	\$ 1,200	\$ 15,445	\$ 7,000	\$ 22,445
						\$ 22,445
EXPENDITURES			Approved	Current		
Department	Line Item	Code	1-Jul-12	Budget	Amendment	Revised
Recreation	Departmental Supplies	10-620-503300	\$ 60,000	\$ 56,160	\$ 7,000	\$ 63,160
			\$ -	\$ -	\$ -	\$ -
		Total	\$ 60,000	\$ 56,160	\$ 7,000	\$ 63,160
						\$ 63,160
		<i>variance</i>			\$ -	
Reference:		Notes:				
CAF 13-59; Ordinance 13-29; BA #37		This budget amendment serves two purposes. 1) To correct the donations account from which one half of the repairs to the tennis courts at Fox Pond Park were budgeted in BA #5. The repairs (\$8,355) were budgeted to come from Recreation Donations - and they should have been budgeted to come from Rental Fees at Fox Pond Park. 2) To budget \$7,000 from Recreation Donations to cover expenses associated with a fund raising performance held for the purpose of raising additional funds to use towards the first summer performance of "The Sound of Music" and to cover expenses associated with that upcoming production. \$6,623 in donations were received specifically for this and an additional \$377 of donations is being budgeted to cover these anticipated expenses.				

The foregoing Ordinance 13-29 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 13 day of May 2013: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

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

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 13-29 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

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 May 13 Regular Meeting

23 April 2013

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

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

RE: CAF 13-45

Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of March 2013.

Ladies and Gentlemen:

Recommendation:

- Approval of tax releases and refunds from Vance County for the month of March 2013.

Executive Summary

The Vance County Tax office submitted the following tax releases and refunds to the Finance Department for the month March 2013. These releases and refunds are found to be in order and are being recommended for approval.

The State Assessed releases are due to the fact that utility companies are taxed by the State, therefore the county cannot do so, as that would result in double taxation.

March 2013 Tax Releases			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Brame, Leah B. Heirs	Taxes Lost to Foreclosure	2000	\$ 11.20
Brame, Leah B. Heirs	Taxes Lost to Foreclosure	2001	\$ 11.20
Brame, Leah B. Heirs	Taxes Lost to Foreclosure	2003	\$ 12.20
Davis, Georgia S Heirs	Taxes Lost to Foreclosure	2003	\$ 253.75
Brame, Leah B. Heirs	Taxes Lost to Foreclosure	2004	\$ 12.80
Davis, Georgia S Heirs	Taxes Lost to Foreclosure	2004	\$ 13.12
Brame, Leah B. Heirs	Taxes Lost to Foreclosure	2005	\$ 13.40
Davis, Georgia S Heirs	Taxes Lost to Foreclosure	2005	\$ 63.74
Brame, Leah B. Heirs	Taxes Lost to Foreclosure	2006	\$ 13.40
Davis, Georgia S Heirs	Taxes Lost to Foreclosure	2006	\$ 13.74
Brame, Leah B. Heirs	Taxes Lost to Foreclosure	2007	\$ 13.40
Davis, Georgia S Heirs	Taxes Lost to Foreclosure	2007	\$ 13.74

Brame, Leah B. Heirs	Taxes Lost to Foreclosure	2008	\$ 20.34
Davis, Georgia S Heirs	Taxes Lost to Foreclosure	2008	\$ 20.85
Brame, Leah B. Heirs	Taxes Lost to Foreclosure	2009	\$ 21.06
Davis, Georgia S Heirs	Taxes Lost to Foreclosure	2009	\$ 21.59
Brame, Leah B. Heirs	Taxes Lost to Foreclosure	2010	\$ 21.06
Cordell, William F	Correct Ownership	2010	\$ 231.48
Davis, Georgia S Heirs	Taxes Lost to Foreclosure	2010	\$ 21.59
Vision of Hope Intern	Correct Ownership	2010	\$ (231.48)
Brame, Leah B. Heirs	Taxes Lost to Foreclosure	2011	\$ 21.06
Cordell, William F	Correct Ownership	2011	\$ 231.43
Davis, Georgia S Heirs	Taxes Lost to Foreclosure	2011	\$ 21.59
Vision of Hope Intern	Correct Ownership	2011	\$ (231.43)
Brame, Leah B. Heirs	Taxes Lost to Foreclosure	2012	\$ 21.06
Cordell, William F	Correct Ownership	2012	\$ 231.43
Davis, Georgia S Heirs	Taxes Lost to Foreclosure	2012	\$ 21.59
Vision of Hope Intern	Correct Ownership	2012	\$ (231.43)
Total R&P Prop. Releases			\$ 657.48
Registered Vehicle Refunds			
Brownson, Jacqueline R	Pro-Rate	2011	\$ 5.15
Hargrove, Linda Wade	Pro-Rate	2011	\$ 3.95
Clark, Elizabeth Leona	Pro-Rate	2012	\$ 2.60
Corbitt Hills Construction	Pro-Rate	2012	\$ 61.59
Hamm, Johnny Hartwell	Pro-Rate	2012	\$ 9.05
Hensley, Phyllis Ann	Pro-Rate	2012	\$ 1.96
Howes, Lebert Andre	Pro-Rate	2012	\$ 4.15
Hughes, Howard Arthur	Pro-Rate	2012	\$ 2.49
Johnson, Sabrina Antio	Pro-Rate	2012	\$ 4.16
Kelley, Tryone	Pro-Rate	2012	\$ 23.61
Rouse, Jamon Andre	Pro-Rate	2012	\$ 63.71
Thorpe, Julia Henderson	Pro-Rate	2012	\$ 1.56
Vaughan, Ernest Lee	Pro-Rate	2012	\$ 1.99
Watkins, Lloyd Quintin	Correct Situs	2012	\$ 47.56
Wilkerson, Sandra Harris	Pro-Rate	2012	\$ 5.74
Total Refunds			\$ 239.27

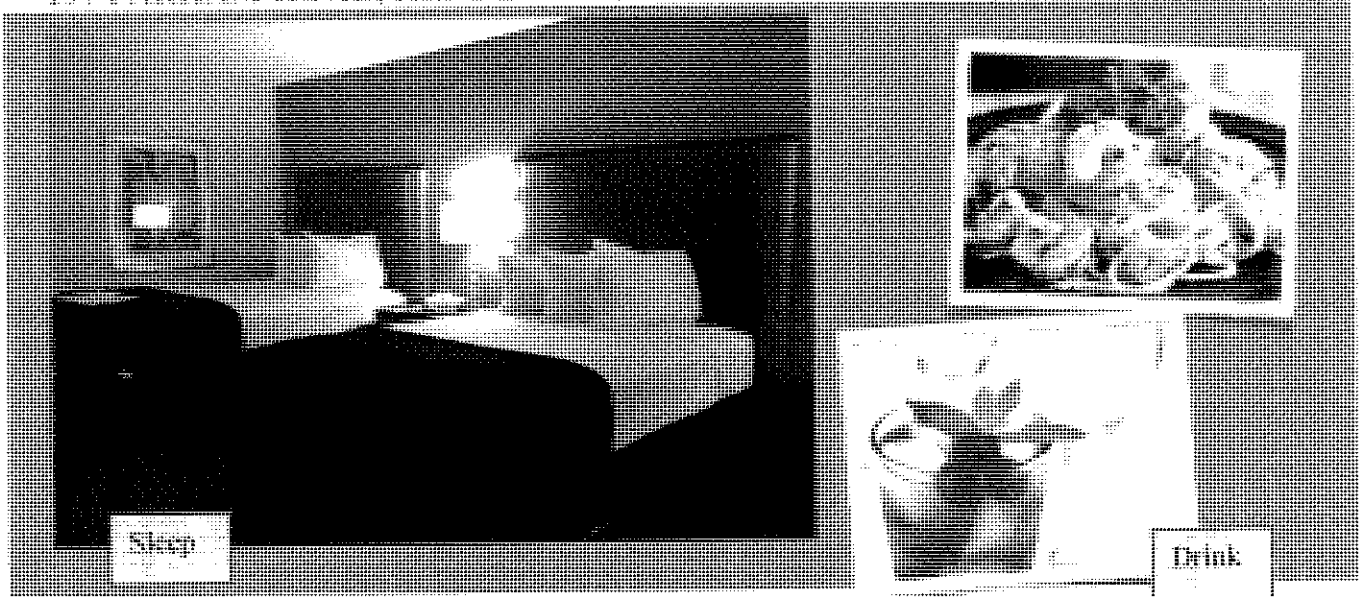
Registered Vehicle			
Releases			
Moore, NE Dempsey Jr.	Correct Situs	2011	\$ 15.32
Perry,James Otis	Pro-Rate	2011	\$ 1.80
Allen, Helen Thomas	Pro-Rate	2012	\$ 4.24
Allen, Lathisha Monique	Pro-Rate	2012	\$ 19.26
Alliance Rehabilitation	Charitable All O	2012	\$ 95.64
Carroll, Larry Darnell	Pro-Rate	2012	\$ 58.50
Carter, Brandon Jamail	Pro-Rate	2012	\$ 37.61
Catlett, Robert Stephen	Pro-Rate	2012	\$ 1.09
Cawthorne, Wallace Graham	Pro-Rate	2012	\$ 38.08
Clodfelter, Catherine	Correct Value	2012	\$ 5.01
Dieng, Xernorna Yoland	Pro-Rate	2012	\$ 28.59
Ellis, Charles Lawrence	Correct Situs	2012	\$ 73.53
ETC of Henderson	Correct Value	2012	\$ 43.73
Henderson, Charline Shunta	Pro-Rate	2012	\$ 9.13
Henderson, Orthopaedic	Pro-Rate	2012	\$ 11.95
Henderson, Willie	Correct Situs	2012	\$ 164.09
Howard, Bettie Denise	Transfer Out	2012	\$ 60.54
Kelly, Jazman Shua	Pro-Rate	2012	\$ 33.69
Kerr Area Transportation Auth.	Charitable All O	2012	\$ 6,900.52
Kodavanti Viswahdham	Pro-Rate	2012	\$ 4.43
Leyes, Gladys	Pro-Rate	2012	\$ 11.17
McLaughlin, Amy Ball	Pro-Rate	2012	\$ 38.26
Melchoir, Jessica Kamill	Pro-Rate	2012	\$ 2.16
Perry,James Otis	Pro-Rate	2012	\$ 15.28
Ragland, Tiffany Nicole	Pro-Rate	2012	\$ 9.48
Washington, Sheila Lorraine	Pro-Rate	2012	\$ 50.69
Wilkins, Kevin Michael	Military Non Resident	2012	\$ 144.61
Williams, Jacquelin Hawley	Pro-Rate	2012	\$ 9.76
Total Reg Veh Releases			\$ 7,888.16
Total Reg Veh Releases			
& Refunds			\$ 8,127.43
Total All Release & Refunds			\$ 8,784.91



Quality Inn

197 PARHAM ROAD, HENDERSON, NC 27536

PHONE: 252.430.6501



Just arrive and we will take care of you!

Large Parking for boats and trucks, Ballroom, Swimming Pool and Onsite restaurant

*Newly renovated Quality
Inn @ Henderson, near
Kerr Lake!*

*Off of I85 first hotel at
Exit 215*

*Boaters, Fisherman and
Truckers are Welcome.
Come and enjoy southern
hospitality with us!*



Eat



Relax

www.HendersonQualityInn.com

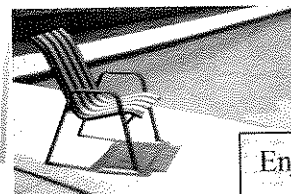
Facebook: KerrLakeQualityInn

Twitter: #Lake_QI

Email:

Lake.QualityInn@hotmail.com

Call: 252 430 6501



Enjoy

197 PARHAM ROAD, HENDERSON, NC 27536

PHONE: 252.430.6501



197 Parham Road
Henderson, NC 27536
Phone: 252 430 6501

Quality Inn @ Henderson

Helios Hospitality Group (HHG) is proud to bring Quality Inn, a Choice Hotel's franchise to Henderson, NC. HHG took over old Ambassador's Inn and Suites in December of 2012. After 3 months of round the clock work, employing at times over 15 people a day, Quality Inn was ready for inspection by Choice Hotel's representative. On March 21, Choice representative approved the newly renovated property as Quality Inn and thus the fenced in, unkempt, bank owned, closed down 45+ year old building became a brand new, warm, welcoming, clean, branded, open for business Quality Inn.

Property has some intrinsic unique features which make it stand out in region as a potential "Event Destination".

- Large parking lot with charging station which attracts boaters, fisherman and truckers
- 4000+ sq. ft. Ballroom, to hold corporate events, like Annual sales meet, Project kick-off dinners, trainings, conferences etc.
- Social events like club meets, school clubs and competitions, meets, tourneys for speech and debate, FBLA, HiQ like events – involving local school board and clubs.
- Family events like, weddings, birthdays, engagements, Bar Mitzwah, family reunions, etc.
- Boondocks Bar and Grill an on-site restaurant.
- First hotel off the exit, providing in and out experience comparable to a service center.

HHG has enjoyed the experience of working with the Economic Development Commission, Tourism department, City and County Officials, Police and Fire Chiefs to help us put this property back together and bring new employment opportunities and business to the area.

City Council Memo

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



Agenda Item: _____

Council Meeting: 13 May 13 Reg. Meeting

26 April 2013

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

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

RE: **Declaration of Surplus Property.**

Ladies and Gentlemen:

Pursuant to Resolution 9-10, property identified in the attached memo dated 22 April 2013 from Henderson Police Chief Keith Sidwell is declared surplus and will be purchased and presented to Sergeant James Ragland for his years of dedicated service to the citizens of Henderson. No action is required of Council; however, it is felt appropriate to advise Council of said declaration and to offer an opportunity for questions and/or objections to the proposed sale.



MEMORANDUM

OFFICE OF THE CHIEF

Keith L. Sidwell
Henderson Police Department

To : Ray Griffin, City Manager
From : Chief Sidwell *KS*
Date : April 22, 2013
Re: Surplus firearm

RECEIVED
emo
APR 23 2013
BY: *PS*

Ray, as per our earlier discussion I am hereby requesting that Sgt. James Ragland's service weapon, a Glock Model 22, Serial Number PZK069, be declared surplus. This weapon has a fair market value of \$380.00; and once declared surplus will be purchased and presented to Sgt. Ragland for his years of dedicated service to the citizens of Henderson. All proceeds are to be collected and appropriately placed as revenue by the Finance Director.

Keith

cc: Kathy Brafford, Finance Director

Approved -
Ragland 26 April 13

Meetings and Events Calendar

<i>Date</i>	<i>Time</i>	<i>Event</i>	<i>Location</i>
May 9 th	12:00 PM	Henderson-Vance Park & Recreations Commission	Aycock Recreation Center
May 13 th	5:00 PM	Library Board of Trustees	H. Leslie Perry Memorial Library Board Room
May 13 th	6:00 PM	City Council Regular Meeting	City Council Chambers
May 14 th	3:00 PM	Henderson Community Appearance Commission	City Council Chambers
May 16 th	7:00 PM	Human Relations Commission	City Council Chambers
May 20 th	6:00 p.m.	Special Called Meeting – Budget Presentation	City Council Chambers
May 23 rd	6:00 p.m.	Budget Work Session #1	City Council Chambers
May 28 th	6:00 p.m.	Budget Work Session #2	City Council Chambers
May 27th	City Hall Closed	City Council Meeting Cancelled due to Holiday	Memorial Day 
May 30 th	6:00 p.m.	Budget Work Session #3	City Council Chambers
May 31 st	10:00 AM	Henderson-Vance E911 Advisory Board Meeting	E 911 Operations Center
June 3 rd	3:30 PM	Henderson Planning Board	City Council Chambers
June 3 rd	6:00 PM	Budget Work Session #4	City Council Chambers
June 4 th	3:30 PM	Henderson Zoning Board of Adjustment	City Council Chambers
June 4 th	6:00 PM	Budget Work Session #5	City Council Chambers
June 10 th	9:30 AM	KLRW Advisory Board Meeting	City Hall Large Conference Room
June 10 th	6:00 PM	City Council Regular Meeting/ Budget Hearing	City Council Chambers
June 11 th	3:00 PM	Henderson Community Appearance Commission	City Council Chambers
June 11 th	6:00 PM	Budget Work Session # 7 If Needed	City Council Chambers
June 13 th	12:00 PM	Henderson-Vance Park & Recreations Commission	Aycock Recreation Center
June 13 th	6:00 PM	Budget Work Session #8 If Needed	City Council Chambers
June 17 th	6:00 PM	Budget Work Session #9 If Needed	City Council Chambers
June 18 th	6:00 PM	Budget Work Session #10 If Needed	City Council Chambers
June 20 th	7:00 PM	Human Relations Commission	City Council Chambers

Last Updated: 5/10/2013 10:56 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: May 6, 2013

FIRE SUPPRESSION AND RESCUE ACTIVITY REPORT FOR: April, 2013

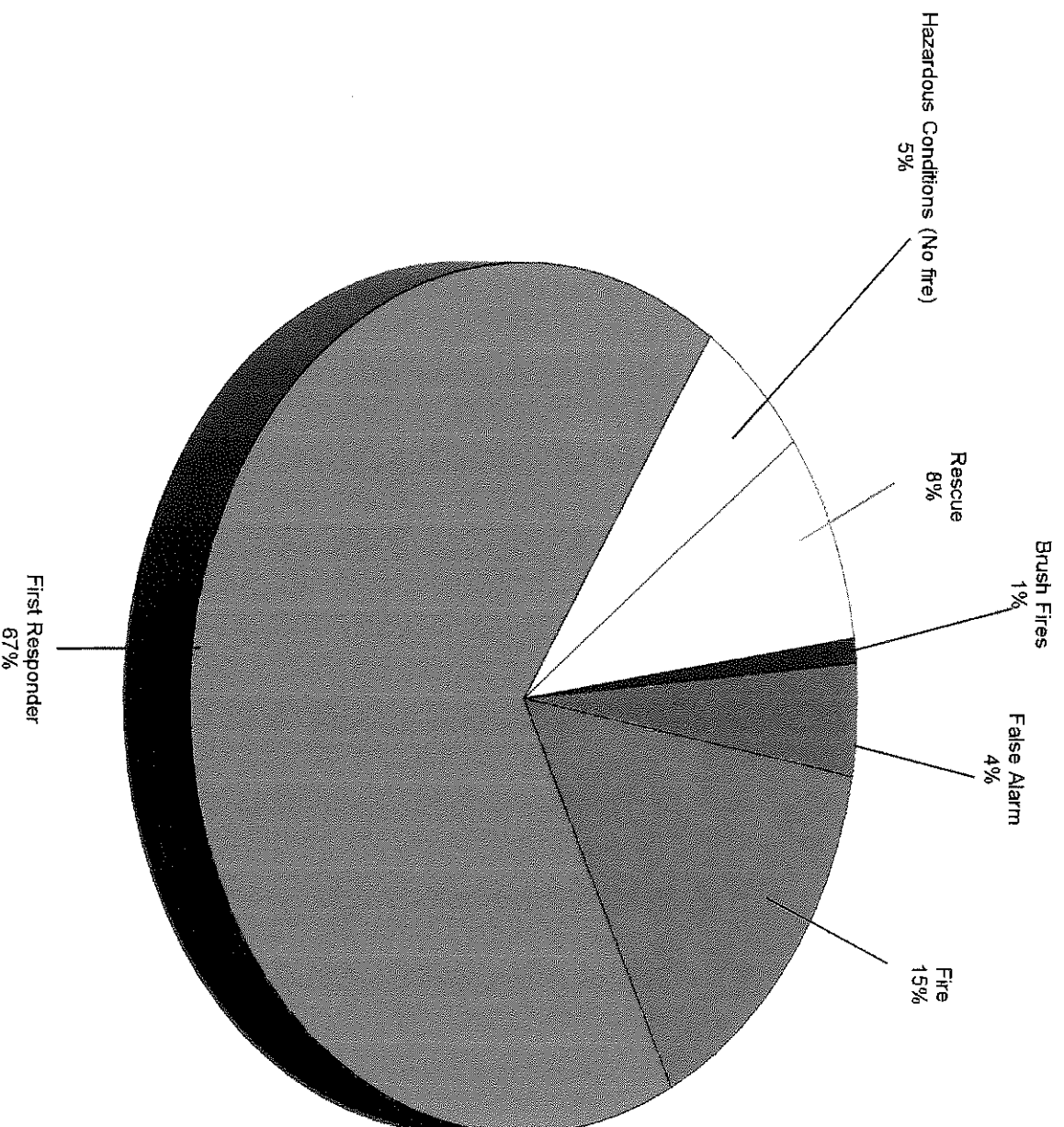
TYPE OF CALL	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
PRIVATE DWELLINGS (1 or 2 Family), Including Mobile Homes	21	7	38
APARTMENTS (3 or More Families)	1	2	6
HOTELS AND MOTELS	0	0	0
ALL OTHER RESIDENTIAL (Dormitories, Boarding Houses, Tents, etc.)	0	0	0
PUBLIC ASSEMBLY (Church, Restaurant, Clubs, etc.)	1	1	2
SCHOOLS AND COLLEGES	1	0	1
HEALTH CARE AND PENAL INSTITUTIONS (Hospitals, Nursing Homes, Prisons, etc.)	3	3	6
STORES AND OFFICES	2	1	3
INDUSTRY, UTILITY, DEFENSE, LABORATORIES, MANUFACTURING	0	0	0
STORAGE IN STRUCTURES (Barns, Vehicle storage Garages, General Storage, etc.)	0	0	0
OTHER STRUCTURES (Outbuildings, Bridges, etc.)	0	0	0
WORKING STRUCTURE FIRE	3	0	4
FIRES IN HIGHWAY VEHICLES (Autos, Trucks, Buses, etc.)	0	2	6
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	0
FIRES IN BRUSH, GRASS, WILD LAND (Excluding Crops and Timber) With No Value Involved	1	7	8
FIRES IN RUBBISH, INCLUDING DUMPSTERS (Outside structures), With No Value Involved	1	1	3
ALL OTHER FIRES	0		0
RESCUE	17	17	79
FIRST RESPONDER	145	159	641
FALSE ALARM RESPONSES (Malicious or Unintentional False Calls, Malfunctions, Bomb Scares)	9	8	43
MUTUAL AID OR ASSISTANCE RESPONSES	11	8	29
HAZARDOUS MATERIALS RESPONSES (Spills, Leaks, etc.)	2	2	8
OTHER HAZARDOUS RESPONSES (Arcing wires, Bomb Removal, Power Line Down, etc.)	3	2	8
ALL OTHER RESPONSES (Smoke Scares, Lock-Outs, Animal Rescues, etc.)	7	0	13
	228	220	898
TOTALS	228	220	898

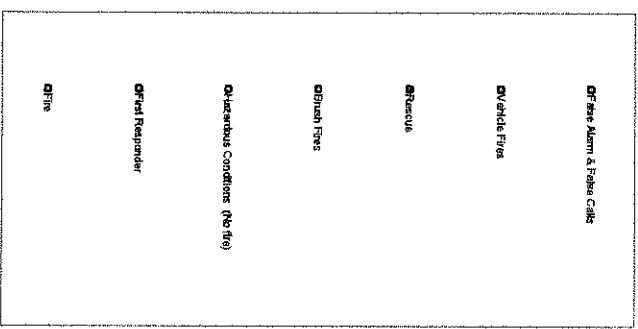
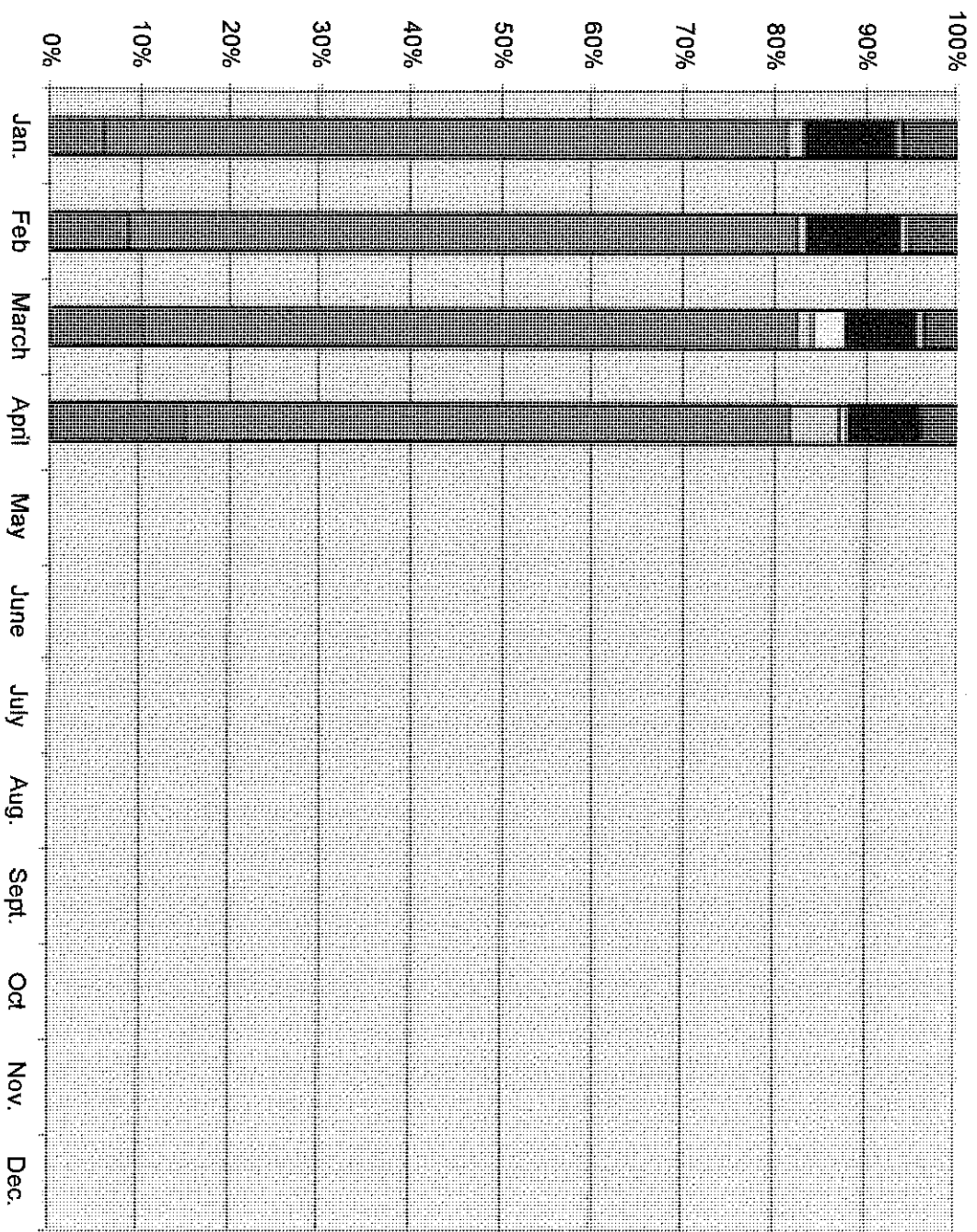
	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
Total Fire Incidents With Property and/or Contents Loss	6	11	26
Total of Property and Contents Value Saved	\$ 92,560.00	\$ 66,780.00	\$ 524,706.00

	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
FIRE CASUALTIES FIREFIGHTER-DEATH	0	0	0
FIRE CASUALTIES FIREFIGHTER - INJURIES	0	0	0
FIRE CASUALTIES CIVILIAN - DEATH	0	0	0
FIRE CASUALTIES CIVILIAN - INJURIES	0	0	2

Incident Summary For April 2013



YEAR TO DATE SUMMARY BY MONTH FOR 2013



INSPECTION ACTIVITIES REPORT FOR: APRIL, 2013

INSPECTIONS	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
ASSEMBLY	4	5	9
BUSINESS	12	37	49
EDUCATIONAL	0	0	0
HAZARDOUS	0	0	0
INDUSTRIAL	3	2	5
INSTITUTIONAL	0	2	2
MERCANTILE	7	12	19
RESIDENTIAL	1	2	3
STORAGE	0	0	0
DAY CARE	3	0	3
HOME CARE	0	0	0
FOSTER CARE	1	1	2
VACANT	2	0	2
TOTALS	33	61	94

	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
CODE VIOLATIONS	39	55	94
FOLLOW UP INSPECTIONS	13	31	44

FIRE PREVENTION ACTIVITY REPORT FOR YEAR OF: 2013

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	TOTALS
Service Calls to Residents	18	21	15	11									65
Home Inspections / Door Hanger Follow Ups	8	2	5	8									23
Smoke Alarms Installed	5	12	7	6									30
Batteries Installed in Smoke Alarms	7	12	12	9									40
Fire Extinguisher Classes	0	0	0	1									1
School / Daycare Presentations	3	4	6	4									17
Community / Civic Group Presentations	2	1	3	1									7
Station Tours	1	5	3	2									11
Total Participants in Fire & Life Safety Programs	600	800	1000	1300									3700
Community / Business Displays	0	1	2	1									4
Child Safety Seat Clinics	0	0	0	0									0
Child Safety Seats Inspected	12	8	6	8									34
Child Safety Seats Distributed	2	0	0	0									2
Shift Coverage Hours	40	48	16	24									130

MONTHLY CITATION REPORT FOR THE MONTH OF: APRIL 2013

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

TRAINING DIVISION PRODUCTIVITY - APRIL 2013

Henderson Fire Department

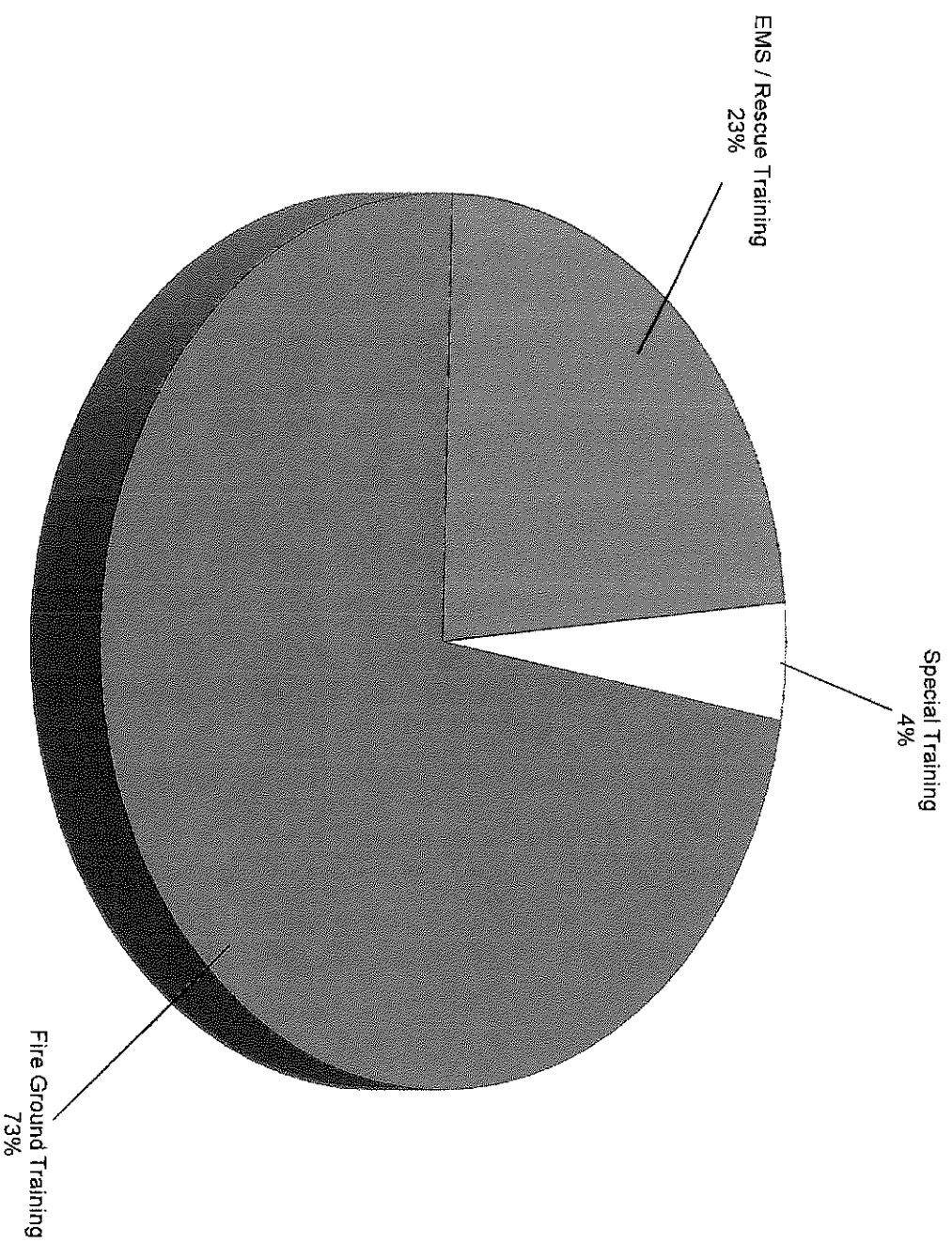
Types of Courses Taught	Course Hours Taught	Man-hours of Training
Fire Ground Training	129.5	809
EMS / Rescue Training	26.5	258
Special Training	40	1160

Totals	196	2227
---------------	------------	-------------

	Course Hours Taught	Man-hours of Training
PREVIOUS MONTH TOTAL	161	1253.5

YEAR - TO - DATE TOTAL	611.5	5636
------------------------	-------	------

Training Hours by Category - April 2013



Fire Department Regulatory Compliance

The Fire Department has met all regulatory compliance items for the month of
April 2013

HENDERSON-VANCE COUNTY 911

NUMBER OF CALLS REPORT BY COMPLAINT (ALL UNITS)

TIME PERIOD: 03/21/2012 09:00:00 Through 04/20/2013 23:59:59

TOTAL

5,347

DEPARTMENT	COMMENT	TOTAL	COUNTY	CITY	STATE	OTHER
DATA WITH NO DEPARTMENT		142				142
AFTON VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	2	2			
AMERICAN RED CROSS	Other Dispatch	2				2
BEARPOND VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	45	45			
COKEBURY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	29	29			
CSX RAILROAD	Other Dispatch	0				0
DREWRY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	11	11			
EMBARQ	Other Dispatch	0				0
EPSOM VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	14	14			
HENDERSON FIRE DEPARTMENT-STA 1	City Dispatch	279		279		
HENDERSON FIRE DEPARTMENT-STA 2	City Dispatch	175		175		
HENDERSON POLICE DEPARTMENT	City Dispatch	2,670		2,670		
HENDERSON STREET DEPT	City Dispatch	4		4		
HENDERSON WATER DEPARTMENT	City Dispatch	20		20		
HICKSBORO VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	33	33			
KITTRELL VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	23	23			
NORTH CAROLINA DEPT OF PARKS	State Dispatch	2			2	
NORTH CAROLINA DEPT OF TRANSPORTATION	State Dispatch	10			10	
NORTH CAROLINA DIVISION OF MOTOR VEHICLES	State Dispatch	0			0	
NORTH CAROLINA FORESTRY SERVICE	State Dispatch	11			11	
NORTH CAROLINA MAGISTRATE OFFICE	State Dispatch	0			0	
NORTH CAROLINA MEDICAL EXAMINER	State Dispatch	0			0	
NORTH CAROLINA PROBATION & PAROLE	State Dispatch	1			1	
NORTH CAROLINA STATE HIGHWAY PATROL	State Dispatch	52			52	
NORTH CAROLINA UNDERWATER RECOVERY	Other Dispatch	0			0	
NORTH CAROLINA WILDLIFE	State Dispatch	1			1	
PROGRESS ENERGY	Other Dispatch	11				11
PUBLIC SERVICE GAS	Other Dispatch	2				2
RIDGEWAY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	2	2			
TOWNSVILLE VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	29	29			
VANCE COUNTY AMBULANCE SERVICE (EMS)	City & County Dispatch-actual	549	234	311		4
VANCE COUNTY ANIMAL CONTROL	County Dispatch	79	79			
VANCE CO DEPT OF SOCIAL SERVICES	County Dispatch	0	0			
VANCE COUNTY EMERGENCY MANAGEMENT	City & County Dispatch	4	4			
VANCE COUNTY FIRE DEPARTMENT	County Dispatch/FIRE	154	154			
VANCE COUNTY RESCUE SQUAD	County Dispatch	52	52			
VANCE COUNTY SHERIFF DEPARTMENT	County Dispatch	1,937	1,937			
WAKE ELECTRIC COOPERATIVE	Other Dispatch	0				0
WATKINS VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	15	15			
TOTALS		6,360	2,663	3,459	77	161

Signature: Carey D. Thompson
 Prepared by: Carey D. Thompson, 911 Database Coordinator

Signature: Brian K. Short
 Reviewed by Brian K. Short, Director
 04/30/2013

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 03/21/2013

Last Date: 04/20/2013

Complaint		Number
911HU	911 HANG UP CALL	68
ABAND	ABANDONED OR JUNKED CARS	3
ABDOM-EMD	ABDOMINAL PAIN OR PROBLEMS	23
ABNV	ABANDONED VEHICLE	1
ACC-PD	ACCIDENT PROPERTY DAMAGE	100
ACC-PI	ACCIDENT PERSONAL INJURY	36
ALARM	ALARM RESIDENCE OR BUSINESS	294
ALARMFALSE	ALARM FALSE	138
ALARMMED	ALARM MEDICAL	6
ALLERG-EMD	ALLERGIC REACTION / ENVENOMATIC	5
ANIMAL-EMD	ANIMAL BITE / ATTACK	2
ANIM	ANIMAL COMPLAINT/VISCIOUS ANIMAL	73
ARMED SUSP	ARMED SUSPECT (MAN WITH A GUN)	9
ARRE	ARREST	3
ASAG	ASSIST OTHER AGENCY	17
ASMO	ASSIST MOTORIST	49
ASSAULT-EMD	ASSAULT OR SEXUAL ASSAULT - IN PI	3
ASSAULT-EMD	ASSAULT OR SEXUAL ASSAULT	37
BACKPAIN-EMD	BACK PAIN (NON-TRAUMATIC)	6
BE MV	BREAKING AND ENTERING TO A MOTV	18
BON	BONDING	13
BREATH-EMD	BREATHING PROBLEMS	64
BURG-IP	BURGULARY/B&E IN PROGRESS	7
BURGLARY	BURGLARY	62
CAR	CARELESS AND RECKLESS DRIVER	32
CARDIAC-EMD	CARDIAC/RESPIRATORY ARREST OR	9
CHASE	CHASE	5
CHESTPAI-EMD	CHEST PAIN	40
CHILD-ABU	CHILD ABUSE OR NEGLECT	1
CHOKING-EMD	CHOKING	1
CIVDIS	CIVIL DISPUTE	58
COMTHR	COMMUNICATING THREATS	13
CONTROLBURN	CONTROLLED BURN	1
CONVULS-EMD	CONVULSIONS / SEIZURES	21
COURT	COURT	1
DIABETIC-EMD	DIABETIC PROBLEMS	18
DIRTRF	DIRECTING TRAFFIC/TRAFFIC CONTRI	3
DISO	DISORDERLY PERSON	65
DOMESTIPW	DOMESTICE DISPUTE - IN PROGRESS	2
DOM-PROB	DOMESTIC PROBLEM	102
DRUGALC	DRUG OR ALCOHOL COMPLAINT	27
DRUNKDRIV	DRUNK DRIVER	8
DVO	DOMESTIC VIOLENCE ORDER	6
EMERG TRANS	EMERGENCY TRANSPORT	2
ESCO	ESCORT	232
EVICTON	EVICTON CARRIED OUT	14
FALLS-EMD	FALLS (SUBJECT FALLEN)	58
FIGHT	FIGHT	20
FIGHT-IP/W	FIGHT IN PROGRESS/W-WEAPONS	5
FIRE AL	FIRE ALARM	16
FIRE BRU	BRUSH/GRASS FIRE	13
FIRE CHIM	CHIMNEY FIRE	1

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 03/21/2013

Last Date: 04/20/2013

<i>Complaint</i>		<i>Number</i>
FIRE ELEC	ELECTRICAL FIRE	6
FIRE SMOKE	SMOKE REPORT	3
FIRE STRUC	STRUCTURE FIRE	20
FIRE VEHI	VEHICLE FIRE	1
FIRE WOODS	WOODS FIRE	1
FRAUD	FRAUD/FORGERY	23
GASLEA	GAS LEAK	4
HARR	HARRASSMENT/THREATS	50
HEADACHE-EMD	HEADACHE	2
HEART-EMD	HEART PROBLEMS - AICD	8
HEMORR-EMD	HEMORRHAGE / LACERATION	20
HRPD	HIT & RUN PD	22
HRPI	HIT & RUN PI	2
ILL-DUMP	ILLEGAL DUMPING	44
INDEXPO	INDECENT EXPOSURE	3
INSPECTION	FIRE INSPECTION	44
INTPERS	INTOXICATED PERSON	18
INVE	INVESTIGATE ---- AT	735
IPV	IMPROPERLY PARKED VEHICLE	6
JUV	JUVENILE PROBLEMS	28
LARC	LARCENY - ALREADY OCCURRED	126
LOIT	LOITERING COMPLAIN	5
LOST	LOST PROPERTY	8
LOUD	LOUD MUSIC	89
MEDICAL	MEDICAL	1
MEN	MENTAL SUBJECT	82
MISS	MISSING PERSON	8
OPEN	OPEN DOOR/WINDOW	14
OVERDOSE-EMD	OVERDOSE / POISONING (INGESTION)	3
PDAMG	PROPERTY DAMAGE ALREADY OCCUI	87
PREGNANT-EMD	PREGNANCY/CHILDBIRTH/MISCARRIA	4
PROW	PROWLER	37
RAPE	RAPE	5
RECFPI	RECOVERED/FOUND PROPERTY	20
ROBARM	ROBBERY ARMED	8
ROBBERY	ROBBERY	5
ROBSA	ROBERY STRONG ARM	1
RUN	RUNAWAY	3
SHOP	SHOPLIFTER	19
SHOTS	SHOTS FIRED	70
SICK-EMD	SICK PERSON	119
STABBING-EMD	STABBING / GUNSHOT / PENETRATING	10
STOLV	STOLEN VEHICLE	7
STROKE-EMD	STROKE (CVA)	19
SUBINCUS	SUBJECT IN CUSTODY	15
SUMMONS	CIVIL / CRIMINAL SUMMONS	178
SUPSUB	SUSPICIOUS SUBJECT	88
SURR	SURRENDER	7
SUSVEH	SUSPICIOUS VEHICLE	98
TEST	TEST CALL	75
Traffic Stop	VEHICLE STOP	566
TRANSPORT	TRANSPORT	2

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 03/21/2013

Last Date: 04/20/2013

<i>Complaint</i>		<i>Number</i>
TRAUMA-EMD	TRAUMATIC INJURY (SPECIFY IN NARI	9
TREEDWN	TREE DOWN	8
TRES	TRESPASSING SUSPECT	98
UNAUTHVEH	UNAUTHORIZED USE VEHICLE	13
UNCONC-EMD	UNCONCIOUS / FAINTING OR NEAR	33
UNKNOWN-EMD	UNKNOWN PROBLEM (MAN DOWN)	1
WARRANT	WARRANT	531
WATER	WATER RELATED PROBLEM	20
WRIT	WRIT OF EXECUTION	5
XRAY	COURTHOUSE X RAY DUTY	1

Report Total: 5347

HENDERSON-VANCE CO 911

Number Of Calls Report by Department (All Units)

First Date: 03/21/2013

Jurisdiction: HEN-VAN

Last Date: 04/20/2013

	<i>Department</i>	<i>Number</i>
1	Data with no Department.	142
2	AFTO	2
3	ARC	2
4	BVFD	45
5	CVFD	29
6	DOT	10
7	DVFD	11
8	EM	4
9	EMS	549
10	EVFD	14
11	FOR	11
12	GAS	2
13	HFD1	279
14	HFD2	175
15	HPD	2670
16	HVFD	33
17	KVFD	23
18	PARK	2
19	PE	11
20	PROB	1
21	RIDG	2
22	SHP	52
23	STRE	4
24	TVFD	29
25	VCAC	79
26	VCFD	154
27	VCR	52
28	VCSD	1937
29	WATE	20
30	WILD	1
31	WVFD	15

Total: 5347

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