



AGENDA

Henderson City Council Regular Meeting

Monday 12 August 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. Inscoe

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 July 2013 Short Regular Meeting [*See Notebook Tab 1*]
- b)* 22 July 2013 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 13-10, Declaring Various Police Department Weapons as Surplus and Approving the Trade of Said Firearms for a Discount on the Purchase of New Firearms. (*CAF 13-85*) [*See Notebook Tab 2*]
 - Resolution 13-10
- b)* Consideration of Approval of 1) Resolution 13-05-A, Acceptance of 2013 NC Governor's Crime Commission Mobile Data Terminal Grant for the Henderson Police Department; and 2) Ordinance 13-48, FY14 Budget Amendment #7, Establishing Budget for Said Grant. (*CAF 13-07-A*) [*See Notebook Tab 3*]
 - Resolution 13-05-A
 - Ordinance 13-48
- c)* Consideration of Approval of 1) Resolution 13-58, Adopting Vance County's Analysis of Impediment Plan; and 2) Resolution 13-60, Adopting an Equal Employment and Procurement Plan in Regards to the CDBG Talent Enhancement Grant. (*CAF 13-63-A*) [*See Notebook Tab 4*]
 - Resolution 13-58
 - Resolution 13-60

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 1) Resolution 13-21-A, Accepting the North Carolina Governor's Highway Safety Program Grant in the Amount of \$18,300 for the Purchase of Traffic Enforcement Equipment; and 2) Ordinance 13-46, FY14 Budget Amendment #6, Establishing Budget for Said Grant. (CAF 13-27-A) [See Notebook Tab 5]

- Resolution 13-21-A
- Ordinance 13-46

b) Consideration of Approval of Resolution 13-55, Amendments to City Administrative Policies 2.03 Definitions, 5.11 Part-Time Employment and 5.12 Temporary Employees, 6.06.00 Dress and Appearance Policy and 4.13 Separation Pay. (CAF 13-80) [See Notebook Tab 6]

- Resolution 13-55

c) Consideration of Approval of Ordinance 13-41, FY14 Budget Amendment #3, Closing Out the Public Library Fund. (CAF 13-14) [See Notebook Tab 7]

- Ordinance 13-41

d) Consideration of Approval of Ordinance 13-47, An Ordinance Amending Portions of Chapter 15, Regarding Water and Sewer Due Dates and Cut-Offs, and the Annual Fee Schedule. (CAF 13-89)[See Notebook Tab 8]

- Ordinance 13-47

X. 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

XI. CLOSED SESSION

- a) Pursuant to G.S. §143-318.11 (a)(3) regarding Attorney/Client Privilege

XII. REPORTS

- a) Mayor/Mayor Pro-Tem
- b) City Manager
- c) City Attorney
- d) City Clerk
 - i. Calendar Update *[See Notebook Tab 9]*
 - ii. Henderson-Vance County 911

XIII. ADJOURNMENT

³ Citizen Comment Guidelines

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

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

City Council Minutes - DRAFT

Short Regular Meeting

22 July 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, Interim Police Chief Marcus Barrow, Code Compliance Director Corey Williams, Engineering Director Peter Sokalski, Human Resources Director Cathy Brown, and Zoning Administrator Sherry Moss.

CALL TO ORDER

The 22 July 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 welcomed everyone saying it was nice to see citizens present.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin said an item under New Business will be added regarding the Strategic Planning Meeting scheduled for August. Council Member Peace-Jenkins moved to accept the Agenda as adjusted. Motion seconded by Council Member Daye and unanimously approved.

APPROVAL OF MINUTES

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

PUBLIC HEARING

Amending Zoning Ordinance Section 619B.3 to Include Mental Health Counseling as a Service to be Allowed as a Home Occupation by Special Use Permit. *(Reference: CAF 13-33-A: Ordinance 13-17)*

City Manager Griffin asked Zoning Administrator Sherry Moss to apprise Council of this request.

Ms. Moss reminded Council that this was originally brought before the Planning Board on 4 March where it received unanimous approval. When brought before Council on 8 April, the City Attorney, who was not at the Planning Board meeting, expressed concerns and Council remanded this back to the Planning Board for further research. Ms. Moss said the planning Board met on 20 June with Attorney Zollicoffer, Jr., in attendance and after careful review, the Planning Board again approved this request unanimously.

City Attorney John Zollicoffer, Jr., added the property under discussion will be considered for rezoning from R-15 to R-6 as it is adjacent to the R-6 zoning area and then would meet the criteria for a home occupation.

Council Member Coffey asked how soon this would be brought back before the Zoning Board. Ms. Moss said the August 5th meeting.

Council Member Inscoe asked if there were parking restrictions. Attorney Zollicoffer, Jr. responded there are none in the R-6 zone.

Council Member Kearney asked if this amendment pertained only to mental health counseling. The response was yes.

With no further discussion, Mayor O'Geary opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment.

Frances Finamore, 710 Parham Street Ms. Finamore stated she was the individual applying for the special use permit. She stated she has all the necessary licensures and wishes to provide services to the citizens of Henderson; specifically the veterans in the area. Ms. Finamore said she is waiting to see the results of her request.

No other citizen came forward so Mayor O'Geary then asked if anyone was present who wished to speak in opposition to the amendment. No one came forward.

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

Council Member Rainey asked for clarification of the action. Attorney Zollicoffer, Jr., summarized saying this amendment allows mental health counseling in the same areas as other home occupations are allowed but does not allow for home occupations in R-15.

Motion was made by Council Member Peace-Jenkins to approve Ordinance 13-17, *Amending Zoning Ordinance Section 619B.3 to Include Mental Health Counseling as a Service to be Allowed as a Home Occupation by Special Use Permit*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Kearney, Coffey, Inscoc, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 8, p 553)

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.

NEW BUSINESS

Appropriating Fund Balance to Cover the Repairs to the Shelter at the Police Training Center. (Reference: CAF 13-87; Ordinance 13-44)

City Manager Griffin asked Interim Police Chief Marcus Barrow to address Council. Chief Barrow said on 30 March 2013, a fire damaged the cooking shelter along with its contents (grills, coolers, etc.) at the Police Training Center. A Forestry Service representative inspected the fire and was unable to determine the origin; however, it was felt it was caused by four-wheelers trespassing on the property. A claim was filed with the NC League of Municipalities under the terms of the City's property and liability insurance policy and a check has been received in the amount of \$29,678.24. The anticipated cost to replace the items lost will be covered by the funds received.

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

Motion was made by Council Member Coffey to approve Ordinance 13-44, *Appropriating Fund Balance to Cover the Repairs to the Shelter at the Police Training Center*. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Coffey, Inscoc, Council Member Kearney and APPROVED by the following vote: YES: Coffey, Inscoc,

Rainey, Peace-Jenkins, Daeke, Brown, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9 p 9)

Continuation of Privilege Licenses (For Businesses Who are Moving Their Location) From the City Council to the Finance Director to Insure Their Good Financial Standing with the City of Henderson. (Reference: CAF 13-88; Ordinance 13-45)

City Manager Griffin asked City Attorney Zollicoffer, Jr., to present this ordinance. Attorney Zollicoffer, Jr., said businesses within the City are required to acquire privilege licenses. Under the current code, Council must approve any business license transfer from one address to another or from one firm to another if it continues to operate under the same name. This proposal moves the authority to the Finance Director who would have the authority to approve if there is no account delinquency, a license exists and it meets all requirements such as with ABC.

There was no discussion; however, Council Member Kearney asked the City Manager to add at a future date a discussion regarding enforcement of privilege licenses.

Mayor O'Geary then asked for Council's pleasure.

Council Member Rainey moved the approval of Ordinance 13-45, *Continuation of Privilege Licenses (For Businesses Who are Moving Their Location) From the City Council to the Finance Director to Insure Their Good Financial Standing with the City of Henderson*. Motion seconded by Council Member Inscoe, and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 11)

Appointments to the Henderson Community Appearance Commission, Perry Memorial Library Board of Trustees, Henderson-Vance Human Relations Commission, Henderson Zoning Board of Adjustment and Henderson Planning Board. (Reference: CAF 13-81; Resolution 13-59)

City Manager Griffin asked the City Clerk to summarize these appointments. City Clerk McCrackin said the Boards and Commissions Committee met on 11 July and all applicants for consideration were re-appointments except one. The one new applicant – Mr. Charles Douglas - expressed interest in serving on several committees. The Committee elected to appoint Mr. Douglas as an *Alternate* on the Planning Board. She stated his application indicated he represented Ward 3; however the address provided is in Ward 1. Ms. McCrackin said there are still a few vacancies on several committees but overall, the Committee has more seats filled currently than in recent history.

Council Member Daeke, Chairperson of the Boards and Commissions Committee added the committee is working hard to establish staggered terms to help the boards, committees and commissions work effectively and efficiently. He thanked the City Manager and Clerk for their assistance with this process.

Council Member Rainey asked to be excused from voting as his application is one of those under consideration. There was no objection by Council.

Attorney Zollicoffer, Jr., asked for someone to contact the County to emphasize the importance of filling the vacant seat(s) on the Board of Adjustment.

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

Council Member Peace-Jenkins moved the approval of Resolution 13-59, *Appointments to the Henderson Community Appearance Commission, Perry Memorial Library Board of Trustees, Henderson-Vance Human Relations Commission, Henderson Zoning Board of Adjustment and Henderson Planning Board*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Brown, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: Rainey. ABSENT: None. (See Resolution Book 3, p 219)

Strategic Planning Meeting

City Manager Griffin sent out a questionnaire last week asking if Council wished to hold a mid-year planning meeting in August. He asked the City Clerk to present the results which indicated five (5) Council members preferred to cancel the August meeting; two (2) preferred to hold the August meeting and one indicated they had no preference.

Council Member Kearney indicated he would be unable to attend in August due to scheduled surgery.

The Mayor then asked for a consensus to cancel the August Mid-Year Strategic Planning Meeting with the following results: YES (indicating to cancel): Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: None.

CONSENT AGENDA

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

Awarding of Departmental Handgun and Badge to Retiree Senior Police Officer Alvis L. Hawkins. (Reference: CAF 13-83; Resolution 13-61) As with previous retirees, the City is awarding these items in accordance with NCGS 20-187.2. Officer Hawkins has been with the police force since January 1989 and will retire effective 31 July 2013. (See Resolution Book 3, p 223)

Re-Budgeting Lease Purchase Items Not Delivered Prior to 30 June 2013. (Reference: CAF 13-84; Ordinance 13-43) The purchase of a new dump truck and service truck was not completed prior to 1 July 2013. Therefore the funds need to be re-appropriated into the FY13-14 fiscal year to cover the cost at delivery. (See Ordinance Book 9, p 7)

Tax Releases and Refunds from Vance County for the Month of June 2013. (Reference: CAF 13-86) The Finance Director reviewed the tax releases and refunds and found them to be In order. (See Below)

June 2013 Tax Releases			
Name	Reason	Tax Year	Amount
Real & Personal Property Releases			
E & L Associates, LLC	Taxes Lost to Foreclosure	2009	17.32
E & L Associates, LLC	Taxes Lost to Foreclosure	2010	17.32
E & L Associates, LLC	Taxes Lost to Foreclosure	2011	17.32
DLP Maria Parham Medical	Org. Billed County only/ This is the City portion	2012	-363,812.49
E & L Associates, LLC	Taxes Lost to Foreclosure	2012	17.32
Total R&P Property Releases			-363,743.21
Real & Personal Property Refunds			
			0.00
Total R & P Property Refunds			
Total R&P Prop. Rel. & Ref.			\$ (363,743.21)

Vehicle Releases			
Blacknall, Elizabeth Young	Pro-Rated	2012	15.79
Bryant, Alice Faye	Pro-Rated	2012	1.06
Campos, Tomas Rodriguez	Correct Situs	2012	28.25
Daye, Thurston Glenn	Pro-Rated	2012	11.50
Green, Chez Darnell	Pro-Rated	2012	65.66
Grice, Deborah Regina	Pro-Rated	2012	2.54
Harris, Paul William	Org. Billed County only/ This is the City portion	2012	-187.02
Kearney, Connie Elaine	Pro-Rated	2012	15.56
The Salvation Army	Non-Profit Exemption	2012	163.03
Trujillo, Oxcr Machado	Pro-Rated	2012	3.24
Venable, Angela Lovell	Pro-Rated	2012	36.82
Alliance Rehabilitative Care	Charitable Organization	2013	95.64
Brewer, Thomas Britt	Pro-Rated	2013	68.78
Bullock, Ray Anthony	Correct Situs	2013	85.52
Dale, Josephine	Reg. Veh Billed in Error	2013	12.75
Daughtrey, Richard Anthony	Correct Value	2013	42.30
Drakeford, Freddie Jam	Correct Situs	2013	110.27
Faulkner, Roy Hurst	Pro-Rated	2013	6.40
Franklin, Vance Warren Opp Inc	Government	2013	64.93
Harris, Sheldon Alphonso	Pro-Rated	2013	3.42
Hilliard, Tom Edward	Pro-Rated	2013	5.40
Lassiter, Gloria Jean	Transfer Out	2013	123.96
Lee, Carolyn Fay	Correct Situs	2013	100.44
Lewis, Edward Genatiou	Pro-Rated	2013	51.80
Moore, Kathryn Dena	Pro-Rated	2013	40.98
Pulley, David William	Pro-Rated	2013	6.19
Ragland, Kimarlo Anto	Org. Billed County only/ This is the City portion	2013	-18.78
Royster, Thomas Lee	Correct Value	2013	11.67
Scana/ PSNC Energy	State Assessed	2013	71.83
Shukair, Rand Adnan	Correct Situs	2013	61.53
Stevenson, John Richard	Correct Value	2013	43.00
Strickland, Taryn Michelle	Correct Value	2013	22.91
Sutton, Sandra Bullock	Pro-Rated	2013	4.13
Turner, William Durward	Pro-Rated	2013	15.13
Wassum, Douglass Eugene	Pro-Rated	2013	24.72
Williams, George Edward	Correct Situs	2013	128.40
Williams, Pattie Lee	Correct Situs	2013	41.94
Total Vehicle Releases			\$ 1,381.69

Vehicle Refunds			
Gill, Donna Ann	Pro-Rated	2012	7.75
Granger, Steven Theodore	Pro-Rated	2012	24.66
Johnson, John Henry, Jr.	Pro-Rated	2012	1.43
Mackenzie, Robert Paul	Pro-Rated	2012	7.88
Phillip, Dale Meador MD	Pro-Rated	2012	36.80
Stokes, Mirian Josefina	Pro-Rated	2012	1.52
Talley, Shaneka Shanelle	Pro-Rated	2012	2.95
Watkins, George Rose, Jr.	Pro-Rated	2012	12.25
Williams, Sharon Pledger	Pro-Rated	2012	47.43
Williams, Burchette Tameeka Las	Pro-Rated	2012	8.80
Total Vehicle Refunds			151.47
Tot. Veh. Rel. & Ref.			\$ 1,533.16
Total All Releases & Refunds			\$ (362,210.05)

Mayor O'Geary asked if anyone wished to remove an item from the Consent Agenda. There were no requests. Mayor O'Geary asked for a motion to approve the consent Agenda

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

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

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

Geraldine Champion, 508 Owen Street Ms. Champion simply asked for support of Council for a Legal Aid Clinic being held on 24 July in the Farm Bureau Room at the Perry Memorial Library. She said she would appreciate it if Council Members would drop in anytime between 10 am and 1 p.m.

Tracy Dalton, 524 Mason Street Ms. Dalton signed in to address Council as Sklar Troxler-Crowder but said her name was Tracy Dalton when she stepped to the podium. Ms. Dalton said they both (she and her daughter) live at 524 Mason Street, Henderson and began by stating she has concerns regarding the water department. She said she came in to pay what she could on the water bill this morning and asked for a promissory note to pay the balance in two days when she is paid. She said two levels of supervisors were out of the office and she was told there was no one else for her to talk with about this situation. Ms. Dalton said she now is required to pay \$135 (including late fees) plus an additional deposit. Ms. Dalton said other utilities work with customers and felt the City was taking unfair advantage.

Council Member Rainey asked about the deposit. City Manager Griffin said he would need to look into the situation and asked Ms. Dalton what name the account is under. He said he was sorry she was not directed to him and if she knew who she spoke with this morning. She gave a description and Mr. Griffin said he would look into the situation first thing Tuesday morning and would then call Ms. Dalton.

REPORTS

- a) Mayor/Mayor Pro-Tem – Mayor Pro-Tem Rainey complimented the Henderson Rec Players for an exceptional performance of *The Sound of Music*. He said if citizens did not see the play, they missed one of the best. Mr. Rainey thanked the City/County for the free tickets. Mayor O'Geary agreed and said the players are already working on a performance of *Cabaret*.
- b) City Manager –
 - i. Final Tax Reform Impacts – Mr. Griffin said thank you to the Council Members who contacted legislative representatives in regard to the proposed

State tax reform. The final agreement is better than expected and averts the City from losing up to three quarters of a million dollars in FY15. Mr. Griffin added the news today indicates a compromise in the General Assembly to extend hold harmless which is also good news. He told Council he will keep them updated as more information is received regarding the reform bill.

c) City Attorney – Attorney Zollicoffer, Jr., also complimented the players for an excellent performance.

d) City Clerk (No Report)

Council Member Coffey thanked Mr. Griffin for providing the list of loans extended by the Kerr-Tar Council of Governments (COG) and asked if judgments are filed for the defaulted loans. Mr. Griffin said he did not know but would contact Ms. Cox at the COG to inquire.

On another note, Council Member Coffey said she, along with Council Member Peace-Jenkins attended the recently held business conference at Vance-Granville Community College. Ms. Coffey said it was an excellent time of sharing and learning.

Council Member Inscoe asked about the status and a timeline for two projects: widening Beckford Drive and Chavasse. City Manager Griffin said Assistant City Manager Frazier will be addressing projects during the Work Session.

Council Member Brown asked about repairs needed at the railroad crossing on Rock Spring Street. Assistant City Manager Frazier said CSX has been contacted and that he received a letter several weeks ago from CSX saying the repairs had been completed. Mr. Frazier said he inspected the area and found repairs had not been done and had called CSX to let them know work was still needed. City Attorney Zollicoffer, Jr. added the railroad moves at its own pace and it is very hard to get them to respond in a timely manner. Mr. Frazier said he would contact CSX again but the City cannot do repairs without authorization from CSX.

Council Member Daeke said he understood the frustration with the railroad but felt there is a safety issue along with the needed repairs being a nuisance. He asked if the Mayor and/or Council could send a letter to CSX expressing concern. The Mayor agreed to send a letter.

Council Member Coffey asked who determines which lots are mowed by the City and how they are billed. Code Compliance Director Corey Williams responded by saying the wards are routinely patrolled and if grass exceeds the appropriate height, citations are mailed. After two notices, the City cuts the grass. He said the banks of some foreclosed property take care of grass mowing while others do not. Mr. Williams said the majority of overgrown lots are either foreclosures or vacant properties. City Attorney Zollicoffer, Jr. said the code is 12” or higher. Ms. Coffey requested a list of how much the City is spending. The City Manager and Code Compliance Director will work to compile a list for Council. Mr. Williams added a lien is

placed on the property when mowing is done so he does not have an accurate method for tracking.

Council Member Rainey said he has various complaints in the Davis Street area.

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

CLOSED SESSION

Council Member Coffey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(4) regarding an Economic Development Prospect and G.S. §143-318.11(a)(4), regarding two Attorney/Client Privilege matters. Motion seconded by Council Member Rainey and unanimously approved.

Council Member Rainey for Council to convene in open session. Motion seconded by Council Member Peace-Jenkins and unanimously approved.

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

Council Member Daeke moved for adjournment. Motion seconded by Council Member Daye and unanimously approved. The meeting adjourned at 7:40 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk

City Council Minutes--*DRAFT*

Work Session

22 July 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, Human Resources Director Cathy Brown and Interim Police Chief Marcus Barrow.

CALL TO ORDER

The 22 July 2013 Work Session of the Henderson City Council was called to order by Mayor James D. O'Geary at 7:40 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. There were no adjustments and it was the consensus of Council to approve the Agenda.

WORK SESSION ITEMS

Closing Out the Public Library Fund (*Reference: CAF 13-14; Ordinance 13-41*)

City Manager Griffin said this is a routine housekeeping matter to close out the library fund. This account has not been used for several years as it is now appropriated from the General Fund. The Finance Director is asking for approval to transfer the remaining \$461.00 into the General Fund.

There was no further discussion and by unanimous consensus this item will be considered at the next Council meeting.

Amendments to City Administrative Policies 203 Definitions, 5.11 Part-Time Employment and 5.12 Temporary Employees, 6.06.00 Dress and Appearance Policy and 4.13 Separation Pay. *(Reference: CAF 13-55; Resolution 13-55)*

City Manager Griffin asked Human Resources Director Cathy Brown to explain the proposed changes to the administrative policy. Ms. Brown greeted Council and began by saying the Human Resources Committee met 16 July and approved these proposed changes. The first policy change defines a part-time employee as a pro-active response to the Affordable Care Act (implemented by Federal government is anticipated in 2015).

Council Member Rainey asked why 28 hours a week. Ms. Brown responded the Affordable Care Act is based on an average of 30 hours a week and this allows room for error. Any hours over 30 hours a week in excess of 35 weeks or more than 19 hours a week annually would require the City to provide health care to part-time employees in the same manner it provides insurance to full-time employees.

Council Member Coffey asked what the difference is between a part-time employee and a temporary employee. Ms. Brown responded a part-time employee is someone who works year round where a temporary employee is someone like the leaf season crew who works a limited number of days for a specific reason. Examples of part-time employees were given as the Crime Analyst and a school crossing guard who work 12 months a year but only limited hours.

Ms. Brown said the second amendment has to do with dress code. The current code simply says to dress professionally. Ms. Brown said professionally has a different connotation to different generations so a PIT (Process Improvement Team) was formed from various departments and various ages to create more specific guidelines without taking away individuality.

Council Member Inscoe asked if employees are provided a personnel policy. Ms. Brown said it is provided on-line; however, employees do receive a handbook that summarizes the policy. She also said new hires are required to sign a statement saying they have read and understand this policy as well as signing other statements for other policies.

The last amendment tweaks the existing separation policy. Compensation for accumulated annual leave will not be paid if an employee is immediately dismissed for reasons outlined in Section 10.03 of the Disciplinary Actions of the policy. Other reasons for loss of leave compensation are now listed in the policy and include failure of a drug screening, violence in the workplace, theft of City property and conviction of a felony.

Council Member Rainey asked if a CDL driver will lose their job if they fail a drug test. Ms. Brown said yes. She explained drug tests are done randomly and the individuals tested are selected by Maria Parham Hospital from a list provided by the City. Ms. Brown also said if an

employee exhibits any erratic behavior, a drug test can be required. Mr. Rainey asked if the DMV required random drug tests. Ms. Brown said she did not know.

Council Member Coffey asked if conviction of a felony excluded any specific felonies. Ms. Brown responded no.

Before closing this discussion, Council Member Peace-Jenkins asked about hair styles in the examples of appropriate/inappropriate dress. Ms. Brown responded what the City is looking for is a clean and neat style that does not create a safety issue.

There was no further discussion. By unanimous consensus this item will be brought forward to the next Council meeting.

Providing for Limited Enforcement in the Extra-Territorial Jurisdiction Area (ETJ), Pursuant to Section 40 of the City Charter and Asking the Planning Board to Review and Provide a Recommendation on Same to the City Council. (Reference: CAF 13-82; Ordinance 13-42)

Both City Manager Griffin and Code Compliance Director Williams spoke to this issue. Mr. Griffin began by saying several requests and frustrated citizens in the ETJ have come to the City with code compliance issues. He said when the ordinance was adopted the original intent was to allow enforcement associated with grants or in areas immediately adjacent to City limits or that were health hazards. Because of limited funds and a budget that is not sufficient to staff and enforce the code within the City, consideration needs to be given to the ETJ area. Mr. Williams said the ETJ extends 1.5 miles from the City limits. He said, overall, with limited funds and staffing, the citizens of Henderson should come first.

Council Member Kearney asked if the City Manager would discuss this matter with the County Manager to see if the County could contribute to the code compliance budget for ETJ issues.

Council Member Inscoe asked if the County has a minimum housing code. Mr. Williams responded he thought they might have some type of code but he was not positive.

After a brief discussion it was suggested the Manager talk with the County before making any decisions on this matter.

Accepting the North Carolina Governor's Highway Safety Program Grant in the Amount of \$18,300 for the Purchase of Traffic Enforcement Equipment and Establishing Budget for Said Grant. (Reference: CAF 13-27-A; Resolution 13-21-A, Ordinance 13-46)

City Manager Griffin asked Interim Police Chief Marcus Barrow to explain this grant. Chief Barrow said in February Council approved application for this grant which at that time required a match of \$4,575. The good news is the approved grant requires no match.

Other than expressions of pleasure regarding the fully funded grant, there was no discussion.

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

DRAFT

Water Deposit & Fees Discussion. *(Reference: CM 13-15)*

City Manager Griffin said regarding the water fee issues brought to Council at the last meeting by Mr. Jones and Council Member Coffey, he prepared and sent Council a brief memo regarding the existing policy. Mr. Griffin proposed in the memo that the one-time waiver on the late fee be extended to customers with a good pay history within the previous 12 months (currently they must ask for the waiver). He also recommended ratification to change the grace period from 7 to 10 days as this seems to be the standard.

Council Member Coffey and Council Member Brown agreed waiving the late fee for good customers in a rolling 12 month period rather than an 18 month period presents a more user friendly policy.

Council Member Rainey asked if individuals on fixed incomes could put payments on draft. Mr. Griffin said yes, other than many of the customers do not have bank accounts. Mr. Griffin also asked how to define a fixed income and explained the billing system is based on a cyclical process and he did not know if it could be customized. Mr. Griffin did say he would be willing to contact other utilities for further information.

Council Member Daeke said progress is being made with the billing process and agreed with the 12 month waiver. He also said he felt changing the grace period from 7 to 10 calendar days was a good revision but he was also mindful to the dollars lost because of unpaid bills.

City Manager Griffin said increasing the deposit has definitely improved payments; especially with businesses. He added he has authorized the City Attorney to take one business account to small claims court in an effort to recover the outstanding balance owed. If successful, this may become routine.

Council Member Kearney is in favor of consistency and due process.

The Mayor asked for a consensus of Council regarding changing the grace period from 7 days to 10 calendar days, and allowing a one-time waiver every 12 month period. The results were as follows: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Brown and Daye. NO: None. ABSTAIN: None. ABSENT: None.

General Projects Update. *(No Reference)*

City Manager Griffin asked Assistant City Manager Frank Frazier to review these projects. Mr. Frazier reviewed Regional Water, Water, Sewer and Powell Bill/General projects. Most pressing is a recent break (last week) on Avis Lane. Mr. Frazier said there have been several breaks in the area with two within the last six weeks. Although this is not budgeted, Mr. Frazier said there are funds in the Capital Reserve Utilities account and work has already begun to replace the 10" AC main. Mr. Griffin added it is being replaced with ductile pipe.

Council Member Coffey asked if the study performed provided any conclusion as to the cause of these breaks. Mr. Frazier said nothing definite was found and it may be a case of just old materials. He said they are currently looking at the relief valve.

Council Member Kearney asked about the Beckford Drive widening project. Mr. Frazier said there is a problem with obtaining right-of-ways. Council Member Inscoe asked about eminent domain and requested a report at the next meeting.

Mr. Frazier said revisions have been received from the State for the Chavasse Avenue project.

Council Member Daeke inquired about the “fly” situation at the wastewater treatment plant. Mr. Griffin said thankfully it has been taken care of. Council Member Kearney said he talked with several residents in the area and they are satisfied.

Mr. Frazier told Council that work on installing the new power poles in downtown by Duke Energy is scheduled to begin 4 August. They plan to have 4-5 crews working on Sundays to complete the work as quickly as possible. He also advised the Dot will be installing new LED signals (stoplights).

Council Member Inscoe said he spoke to Duke representative Joel Proctor, who said there is a pilot program in Oxford for installing LED streetlights in residential and business areas with lighting more than 20 years old at no cost to the city. Mr. Inscoe asked that the City look into this as he indicated many areas of Henderson have lighting that meet the criteria.

There was no further discussion.

Mayor O’Geary informed Council that the Henderson Vance Community Water Association Board will have a Q&A session with four (4) City Council Members and four (4) County Commissioners on Thursday 22 August. He asked for volunteers and the following Council Members agreed to attend: Coffey, Daeke, Inscoe and Kearney. The City Manager and Mayor will also be in attendance and all other Council Members are certainly welcome. The event will be held at the Maria Parham Medical Center auditorium.

Council Member Rainey asked for a report on how many bad checks are received in the water department. Mr. Griffin said he did not know and would report back. He added the department has instituted a process of tagging accounts in the system and they also post account numbers with each representative to avoid acceptance of more bad checks.

Council Member Coffey requested a list of available properties for rent in the downtown area.

There was no further discussion. Mayor O’Geary asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Daeke and unanimously approved. The meeting adjourned at 8:43 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 Meetings: 12 Aug 13 Regular Meeting

26 July 2013

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

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

RE: CAF: 13-85

Consideration of Approval of Resolution 13-10, Declaring Various Police Department Weapons as Surplus and Approving the Trade of Said Firearms for a Discount on the Purchase of New Firearms

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- **KSO2:** *Reduce Crime:* To Reduce Crime and Provide for a Safe Community;
- **KSO8:** *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 13-10, Declaring Various Police Department Weapons as Surplus and Approving the Trade of Said Firearms for a Discount on the Purchase of New Firearms.

Executive Summary

Pursuant to Resolution 9-10, property identified below is declared surplus as they are 20 years old or older, and have reached or exceeded their useful life span.

- o High Standard 12 gauge Police Shotgun Serial # 3034188
- o High Standard 12 gauge Police Shotgun Serial # 3031107
- o High Standard 12 gauge Police Shotgun Serial # 3034248
- o Mossburg "New Haven" Shotgun Serial # H901884
- o Mossburg ATP 500 12 gauge Shotgun Serial # H700651

During the budget process for FY14, the Henderson Police Department was approved to purchase at least eight (8) new Police Shotguns, shotgun slings and cases using asset forfeiture funds from line item 10-512-507400 Capital Outlay less than \$5000. The vendor, Lawmans' Supply has offered to credit the trade in amount of \$480.00 for five (5) old Police Shotguns

CAF 13-85: 12 August 2013 Council Meeting

Page 1 of 6

towards the purchase of eight (8) new weapons and equipment. The vendor submitting the low bid for the new weapons is a federally licensed firearm dealer that deals with Law Enforcement and Public Safety sales.

Enclosures:

1. Resolution 13-10
2. Sales Quotes

R E S O L U T I O N 13-10

A RESOLUTION DECLARING FIVE (5) POLICE DEPARTMENT FIREARMS AS SURPLUS AND ALLOWING THE TRADE OF SAID FIREARMS FOR A DISCOUNT ON THE PURCHASE OF NEW FIREARMS BY THE CITY OF HENDERSON POLICE DEPARTMENT

WHEREAS, the Henderson City Council (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 Council authorized in the FY 2013-2014 budget, the purchase by the Henderson Police Department of eight (8) new Police Shotguns and equipment using Federal Asset Forfeiture Funds; *and*

WHEREAS, pursuant to Resolution 9-10, the City Manager has declared five (5) used Police Shotguns in the Police Department Inventory being more fully described below, as “surplus”;

- High Standard 12 gauge Police Shotgun Serial # 3034188
- High Standard 12 gauge Police Shotgun Serial # 3031107
- High Standard 12 gauge Police Shotgun Serial # 3034248
- Mossburg “New Haven” Shotgun Serial # H901884
- Mossburg ATP 500 12 gauge Shotgun Serial # H700651; *and*

WHEREAS, the vendor providing the lowest bid on the purchase of the new weapons, Lawmens, Inc., has offered to award a credit of \$480 for those five (5) surplus weapons towards the purchase of the new weapons.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT it does affirm the City Manager’s declaration that five (5) used Police shotguns identified above are considered surplus.

BE IT FURTHER RESOLOVED BY THE HENDERSON CITY COUNCIL THAT it does approve the trade of the identified surplus weapons to Lawmens in exchange for credit toward the purchase of new weapons and equipment for the Henderson Police Department.

The foregoing Resolution 13-10, upon motion of Council Member ** and second by Council Member **, and having been submitted to a roll call vote received the following votes and was ***** on this the *** day of ***** 2013: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 42, pp. **, CAF 13-85*



REMIT TO:

3319 Anvil Place
Raleigh, NC 27603
Ph: 919.779.6141

3440 St. Vardell Ln. Ste H
Charlotte, NC 28217
Ph: 704.494.7575

3315 Broad River Rd. Ste 120
Columbia, SC 29210
Ph: 803.798.2253

SALES QUOTE

SQ-179802

7/2/2013



Customer		Contact		Ship To	
CITY OF HENDERSON ATTN: ACCOUNTS PAYABLE FINANCE DEPARTMENT P.O. BOX 1434 HENDERSON NC 27536 Tel: (252) 431-6000 Fax: (252) 492-7935				HENDERSON POLICE DEPT MARSHALL PERRY 200 BRECKENRIDGE ST HENDERSON NC 27536	
Account	Terms	Due Date	Account Rep	Schedule Date	
HENDER	NET 15	7/17/2013	ANNA DINWIDDIE	7/2/2013	
Quotation	PO #	Reference	Ship VIA	Page	Printed
SQ-179802		MARSHALL PERRY		1	7/2/2013 12:20:41PM
L	Item / Model / Brand Description	Qty	Price UM	Discount %	Amount
1	MOS50645 590 12GA 20" PLN BEAD SIGHT SYN STK BLU	8	\$338.00 EA	\$0.00	\$2,704.00
2	MOO-MI UNCLE MIKES 7702105 TACTICAL SLING, BLACK, THREE POINT, 1" NYLON WEB	8	\$25.53 EA	\$0.00	\$204.24
3	MOO52141 / 043699521418 LARGE TACTICAL RIFLE CASE 41"	8	\$25.48 EA	\$0.00	\$203.84
**PLEASE VERIFY THAT THE PART NUMBERS AND DESCRIPTIONS ARE CORRECT BEFORE SUBMITTING YOUR ORDER. **RESTOCKING FEES MAY APPLY TO RETURNED ITEMS. **FREIGHT WILL BE ADDED TO ALL INVOICES. **PRICES QUOTED ARE BASED ON PAYMENT BY CHECK OR CASH. **QUOTE IS GOOD FOR 30 DAYS.		Tax Details NCCTY675 \$210.065		Taxable \$3,112.08 Total Tax \$210.07 Exempt \$0.00 Total \$3,322.15 Balance \$3,322.15	


REMIT TO:

3319 Anvil Place
Raleigh, NC 27603
Ph: 919.779.6141

3440 St. Vardell Ln. Ste H
Charlotte, NC 28217
Ph: 704.494.7575

3315 Broad River Rd. Ste 120
Columbia, SC 29210
Ph: 803.798.2253

SALES QUOTE

SQ-180695

7/17/2013



Customer		Contact		Ship To	
CITY OF HENDERSON ATTN: ACCOUNTS PAYABLE FINANCE DEPARTMENT P.O. BOX 1434 HENDERSON NC 27536 Tel: (252) 431-6000 Fax: (252) 492-7935				HENDERSON POLICE DEPT MARSHALL PERRY 200 BRECKENRIDGE ST HENDERSON NC 27536	
Account	Terms	Due Date	Account Rep	Schedule Date	
HENDER	NET 15	8/1/2013	ANNA DINWIDDIE	7/17/2013	
Quotation	PO #	Reference	Ship VIA	Page	Printed
SQ-180695		PERRY TRISDALE		1	7/17/2013 11:43:54AM
L	Item / Model / Brand Description	Qty	Price UM	Discount %	Amount
1	TRADEINRAL HI-STANDARD RIOT 18-7 MODEL K-120 12 GA PUMP BC **ALL TRADE IN VALUES WILL BE DETERMINED AFTER INSPECTION BY LAWMEN'S SAFETY SUPPLY. **PRICES QUOTED ARE BASED ON GUNS IN WORKING CONDITION WITH ALL PARTS AND MAGAZINES.	3	\$85.00 EA	\$0.00	\$255.00
2	TRADEINRAL MOSS 500ATP 12 GA 3" RIFLE SIGHTS VG	1	\$125.00 EA	\$0.00	\$125.00
3	TRADEINRAL MOSS 600AT 12 GA FC	1	\$100.00 EA	\$0.00	\$100.00
**PLEASE VERIFY THAT THE PART NUMBERS AND DESCRIPTIONS ARE CORRECT BEFORE SUBMITTING YOUR ORDER. **RESTOCKING FEES MAY APPLY TO RETURNED ITEMS. **FREIGHT WILL BE ADDED TO ALL INVOICES. **PRICES QUOTED ARE BASED ON PAYMENT BY CHECK OR CASH. **QUOTE IS GOOD FOR 30 DAYS.		Tax Details EXEMPT \$0.000		Taxable Total Tax \$0.00 Exempt \$480.00 Total \$480.00 Balance \$480.00	

City Council Action Form

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



Agenda Item: _____

Council Meetings: 12 Aug 13 Regular Meeting

29 July 2013

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

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

RE: CAF: 13-07-A

Consideration of Approval of 1) Resolution 13-05-A, Acceptance of 2013 NC Governor's Crime Commission Mobile Data Terminal Grant for the Henderson Police Department; and 2) Ordinance 13-48 FY 14 BA#7, Establishing Budget for Said Grant

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- **KSO2:** *Reduce Crime:* To Reduce Crime and Provide for a Safe Community;
- **KSO8:** *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 13-05-A, Acceptance of 2013 NC Governor's Crime Commission Mobile Data Terminal Grant for the Henderson Police Department.
- Approval of Ordinance 13-48 FY 14 BA#7, Establishing Budget for Said Grant.

Executive Summary

On February 11, 2013 the City Council approved Resolution 13-08 "A Resolution Ratifying and Approving An Application To the North Carolina Governor's Crime Commission In The Amount of \$45,000 To Purchase Eight (8) New Mobile Data Terminal/In-Car Camera Systems." This grant was submitted to the NC Governor's Crime Commission and was reviewed by that body. The Commission did approve the grant but only for the purchase of the eight (8) Mobile Data Terminals and not the In-Car Camera portion of the grant. The revised grant for the Mobile Data Terminals was for a budget of \$23,440.00 with the grant funded portion being \$17,580.00 or 75%. The remaining 25% or \$5,860.00 has been budgeted from Federal Asset Forfeiture Funds in the Police Department's FY 2013-2014 Budget.

Enclosures:

1. Resolution 13-05-A
2. Ordinance 13-48

RESOLUTION 13-05-A

A RESOLUTION ACCEPTING A GRANT FROM THE NORTH CAROLINA GOVERNOR'S CRIME COMMISSION FOR THE PURCHASE OF EIGHT (8) NEW MOBILE DATA TERMINALS FOR POLICE VEHICLES.

WHEREAS, the Henderson City Council (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 Council authorized and ratified on February 11, 2013 Resolution 13-08 to apply for funding from the NC Governor's Crime Commission to purchase eight (8) new Mobile Data Terminals and In-Car Cameras, *and*

WHEREAS, the NC Governor's Crime Commission has approved the amount of \$17,580.00 in grant funding to purchase eight (8) Mobile Data Terminals for the Henderson Police Department in Grant Project Number PROJ009399, *and*

WHEREAS, Grant Match funds of \$5,860.00 has been budgeted in the Henderson Police Department's Federal Asset Forfeiture Budget for FY 2013-2014,

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT it does authorize the City Manager to accept this grant Project Number J009399 from the NC Governor's Crime Commission, being more fully articulated in **Attachment A** to this Resolution, and to endorse and effect any and all contracts and agreements for the acceptance of this grant.

The foregoing Resolution 13-05-A, upon motion of Council Member ** and second by Council Member **, and having been submitted to a roll call vote received the following votes and was ***** on this the *** day of ***** 2013: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

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

John H. Zollicoffer, Jr., City Attorney

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

**Governor's Crime Commission
Grant Award Checklist**

**PLEASE MAKE SURE YOU HAVE COMPLETED ALL OF THE FOLLOWING BEFORE MAILING
YOUR GRANT AWARD BACK TO THE GOVERNOR'S CRIME COMMISSION:**

- Read grant award and special conditions carefully as compliance with the standard and special grant conditions is necessary to maintain funding for this project.
- Authorizing Official signs **both** the grant award (grey sheet) **and** the special conditions (**all pages**)
- Project Director signs **both** grant award (grey sheet) **and** the special conditions (**all pages**)
- If the name of either the Authorizing Official or the Project Director has changed, do not mark through the pre-printed name. First, the Organizational Administrator must access the project in GEMS and update the name(s) as instructed during the Grant Award Workshop. Once the information has been updated, then contact the Grants Management Director and request that a new award be issued.
- Mail the **original** grant award (grey sheet) **and** special conditions back to GCC
- Complete and Return Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (enclosed).
- Complete and Return to GCC **and** the Office for Civil Rights the EEOP Certification Form (enclosed). The address of the Office for Civil Rights is on the form.

This form is to be signed by the Authorizing Official of the Applicant Agency. If the Implementing Agency is **not** a part of the Applicant Agency, then a separate EEOP Certification form must be submitted for the Implementing Agency and signed by the Project Director.
- Enclose adopted Whistle Blower Policy (**all subrecipients**)

Attention! For Non-Governmental Applicant Agencies only:

1. Enclose Board approved Conflict of Interest Policy
2. Enclose State Grant Certification - No Overdue Tax Debt
(available on GCC website, www.ncgccd.org, select Grant Management, then Forms)
3. Enclose grantees web URL (if the agency has one)
4. Enclose brief grantee description – NO MORE than 500 characters – (tell what the agency does, not what the grant is for)

**Once completed, all documents should be mailed to the Governor's Crime Commission,
to the attention of Kimberly P. Williams, Director of Policy and Planning.**



North Carolina Department of Public Safety
Governor's Crime Commission

Pat McCrory, Governor
Kieran J. Shanahan, Secretary

Christopher E. Swecker, Chair
L. David Huffman, Executive Director

July 17, 2013

Perry Twisdale - Captain, Project Director
City of Henderson
134 Rose Avenue, Post Office Box 1434
Henderson, North Carolina 27536-0748

SUBJECT: Project Name: Henderson PD – MDT Project - 2013
Project Number: PROJ009399

*RECEIVED
7/25/2013
P.F. Chumble*

Dear Mr. Twisdale:

Congratulations on receipt of your recent grant award from the Governor's Crime Commission. Attached you will find the Governor's Crime Commission's grant award checklist, your grant award document, and special conditions documents.

This grant award does not become effective until it has been signed by the **Authorizing Official** and **Project Director** listed above and is returned to the Governor's Crime Commission. The signed grant award must be returned within thirty days of the date the award is mailed. You will be authorized to make expenditures under the grant or receive reimbursement once we have received the original signed grant award. Extensions beyond this thirty day period can only be authorized, in writing, by the Governor's Crime Commission.

This grant award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of any audit or site-visit findings, and match requirements. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate. To assist you, attached is a checklist of what you need to do in order for your Grants Management Specialist to receive your file. Any incomplete items will cause a delay in this process.

As always, please contact our office if you have any questions or need additional assistance.
Best wishes to you for successful program outcomes!

Cordially,

L. David Huffman,
Executive Director

CC: Ray Griffin, Authorizing Official

MAILING ADDRESS:
4234 Mail Service Center
Raleigh, NC 27699-4234
www.ncgcd.org
www.ncdps.gov



An Equal Opportunity Employer

OFFICE LOCATION:
1201 Front St.
Raleigh, NC 27609
Telephone: (919) 733-4564
Fax: (919) 733-4625



STATE OF NORTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY
GOVERNOR'S CRIME COMMISSION
1201 Front Street, Suite 200
Raleigh, NC 27609
Telephone: (919) 733-4564 Fax: (919) 733-4625
http://www.ncgccd.org

GRANT AWARD

Applicant: City of Henderson

Project Name: Henderson PD - MDT Project - 2013

Authorizing Official: Ray Griffin

Implementing Agency: Henderson Police Department

Address: 134 Rose Avenue P. O. Box 1434
Henderson, North Carolina 27536-0748

Project Director: Perry Twisdale
Captain

Project Number: PROJ009399

Vendor Number: 566001241

Account Manager: CRM Administrator

Grant Period: 07/01/2013 - 06/30/2014

Budgets

Period	Personnel	Contractual	Travel	Supplies	Equipment	Total
Year 1	\$0.00	\$0.00	\$0.00	\$0.00	\$23,440.00	\$23,440.00
Grant Budget Total						\$23,440.00

Source	Federal Grant #	CFDA #	% Funding	Federal Award
2010::Byrne Justice Assistance Grants	2010-DJ-BX-0045	16.738	75%	\$17,580.00

In accordance with the laws and regulations of the United States and the State Of North Carolina, and on the basis of the grantee's application, the Department of Public Safety hereby awards to the foregoing grantee an award in the amount above.

This grant is subject to the conditions listed in the approved grant application as well as all applicable rules, regulations and conditions, as may be described by the Department of Public Safety. Special conditions are attached to this award.

This grant shall become effective, as of the start date of the grant period listed, once this original grant award has been properly executed on behalf of the grantee and returned to the Governor's Crime Commission, attention of the Grants Management Director. The grant award must be returned within 30 days of the date the award is mailed from the Governor's Crime Commission. No alterations of any kind may be made on this grant award.

Authorizing Official

Signature of Authorizing Official

Date

Ray Griffin,

Name and Title of Authorizing Official

Governor's Crime Commission

L. David Huffman 7/18/2013
Signature of Director Date

L. David Huffman, Executive Director

Name and Title of Director

Project Director

Captain Perry Twisdale 7/26/2013
Signature of Project Director Date

Perry Twisdale, Captain

Name and Title of Project Director

☐ This award is subject to the attached conditions, which must be signed by both the authorizing official and the project director, and returned along with this Grant Award. No alterations of any kind may be made on this grant award.

	N.C. DEPARTMENT OF PUBLIC SAFETY GOVERNOR'S CRIME COMMISSION 1201 FRONT STREET RALEIGH, NORTH CAROLINA 27609	AWARD CONTINUATION SHEET GRANT	- 1 -
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CRIMINAL JUSTICE SYSTEM IMPROVEMENT COMMITTEE
 GRANT AWARD
 SPECIAL CONDITIONS
 BYRNE JUSTICE ASSISTANCE GRANT FUNDING

SUBRECIPIENT: City of Henderson
 PROJECT NAME: Henderson PD - MDT Project - 2013
 PROJECT NUMBER: PROJ009399

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide and the current edition of Governor's Crime Commission Grant Award Packet.

The OJP Financial Guide can be viewed online at: www.ojp.usdoj.gov/financialguide

2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.

3. This recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.

4. The recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.

5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG and the Governor's Crime Commission by -

Mail:

Office of the Inspector General
 U.S. Department of Justice
 Investigations Division
 950 Pennsylvania Avenue, N.W.
 Room 4706
 Washington, DC 20530

NC Governor's Crime Commission
 1201 Front Street
 AND Raleigh, NC 27609

e-mail: (your Grants Mgmt. Specialist)

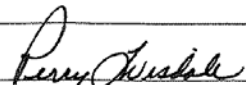
e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

6. The recipient agrees to assist BJA in complying with the National Environmental Policy Act

Authorizing Official: _____ Ray Griffin	Project Director:  Perry Twisdale
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	N.C. DEPARTMENT OF PUBLIC SAFETY GOVERNOR'S CRIME COMMISSION 1201 FRONT STREET RALEIGH, NORTH CAROLINA 27609	AWARD CONTINUATION SHEET GRANT	- 2 -
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(NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The recipient understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by the special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

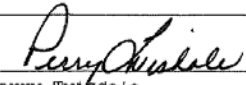
The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of the Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

7. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

8. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. The grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: http://www.it.ojp.gov/gsp_grantcondition. The grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

9. The recipient agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by law and detailed by the BJA in program guidance for the Justice Assistance Grant (JAG) Program. Compliance with these requirements will be monitored by BJA.

Authorizing Official: _____ Ray Griffin	Project Director:  Perry Twissdale
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10. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.

11. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.

12. The recipient agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith-Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.

13. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.

14. The recipient agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtaining of Institutional Review Board approval, if appropriate, and subject informed consent.

15. The recipient agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.

16. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

17. The recipient agrees that within 120 days of award, for any law enforcement task force funded with these funds, the task force commander, agency executive, task force officers, and other task force members of equivalent rank, will complete required on-line (internet-based) task force training to be provided free of charge through BJA's Center for Task Force Integrity and Leadership. This training will address task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information will be provided by BJA regarding the required training and access methods via BJA's website and the Center for Task Force Integrity and Leadership (www.ctfli.org).

Authorizing Official: _____
Ray Griffin

Project Director: Perry Wisdale
Perry Wisdale



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18. The recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP and the Governor's Crime Commission.

19. **Certified Assurances (Non-Discrimination Requirements)**

Applicants must assure and certify that they will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include those of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d), the Victims of Crime Act (42 U.S.C. § 10604(e)), the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)), the Civil Rights Act of 1964 (42 U.S.C. § 2000d), the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34), the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86), and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07). Applicants should also see Exec. Order 13,279 (Equal Protection of the Laws for Faith-Based and Community Organizations).

In the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, age, national origin, sex, or disability against a recipient of Federal funds, or any subgrantee or contractor of that recipient, a copy of such findings must be forwarded immediately to both the Governor's Crime Commission and the federal Office for Civil Rights.

Complaints alleging or containing reference to discrimination on the basis of race, color, religion, age, national origin, sex, or disability by a recipient of federal funds or by any subgrantee or contractor of that recipient shall be reported to the Discrimination Complaint Coordinator of the Governor's Crime Commission. Complaints of this type may be reported to the federal Office for Civil Rights, though such reporting does not relieve the reporter of the duty to also report to the Discrimination Complaint Coordinator of the Governor's Crime Commission.

In accord with federal civil rights laws, all recipients and subrecipients must refrain from retaliation against any individuals who take action or participate in action to secure rights protected by such laws.

All recipients and subrecipients must take reasonable steps to provide meaningful access to programs and activities for persons who may be LEP (Limited English Proficient).

All recipients and their subrecipients must also provide the Office for Civil Rights with an Equal Employment Opportunity Plan, if required to maintain one, where the award is \$500,000 or more.

The Recipient further agrees to post in a conspicuous place, available to all employees and applicants for employment, notices setting forth the provisions of the EEO, as shown in the provided Department of Labor Regulations found at 41 CFR Part 60.

20. The recipient agrees promptly to provide, upon request, financial or programmatic-related documentation related to this award, including documentation of expenditures and achievements.

21. The recipient understands that it is subject to additional financial and programmatic on-site monitoring, which may be on short notice, and agrees that it will cooperate with any such monitoring.

22. The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.

23. The recipient assures and certifies that it has the legal authority to apply for federal

Authorizing Official: _____

Ray Griffin

Project Director: _____

Perry Twisdale

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assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of the project cost) to ensure proper planning, management, and completion of the project described in this application.

24. The recipient agrees to establish safeguards to prohibit employees and in the case of non-profit agencies, board members from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

25. The recipient agrees to give the Governor's Crime Commission or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.

26. The recipient agrees that all contracts must be approved by the Governor's Crime Commission grants management director prior to execution. Any funds incurred will be in violation of the contract if they are incurred prior to approval. Any rate over \$450/day must be justified in writing to the Governor's Crime Commission. All sole source contracts in excess of \$100,000 must receive prior approval from the Bureau of Justice Assistance.

27. Positions created must be new and increase the agency staff by the number of positions requested.

28. Agencies whose grants include confidential/buy money funds must comply with the confidential fund requirements as described in the current edition of the OJP Financial Guide, Chapter 8 and sign a Confidential Funds Certification to abide by the federal guidelines, prior to any use of confidential/buy money funds.

29. Any Mobile Data Terminal, or 800 MegaHertz Voice, based project or program must have the ability to be connected to the North Carolina Highway Patrol's 800 MegaHertz Voice and Data Networks and applicants must have the ability to share data with other agencies.

> Compliance with these general conditions is to ensure that criminal justice agencies continue to build an integrated statewide network to tie all public safety agencies together.

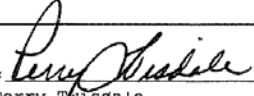
30. The recipient acknowledges that failure to submit programmatic or financial reports in a timely manner will result in the termination of this grant. Upon termination, all outstanding reimbursements will be forfeited by the recipient.

31. All recipients are required to maintain an active registration with the Central Contractor Registration (CCR) database.

32. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency (GCC) determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

33. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the U.S. Department of Justice encourages recipients and subrecipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

34. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA),

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are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own operate in his or her name).

35. The recipient acknowledges that both the Office of Justice Programs and the Governor's Crime Commission reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal and State purposes: (1) the copyright in any work developed under an award or subaward; and (2) any rights of copyright to which a recipient or subrecipient purchases ownership with Federal support.

The recipient acknowledges that both the Office of Justice Programs and the Governor's Crime Commission has the right to: (1) obtain, reproduce, publish, or otherwise use the data first produced under an award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

It is the responsibility of the recipient (and of each subrecipient, if applicable) to ensure that this condition is included in any subaward and/or contract under this award.

36. All requests to transfer funds from a Personnel line item to any other budget category will be subject to a high degree of scrutiny and justification.

The recipient further agrees that ALL personnel (including subrecipient personnel) whose activities are to be charged to this award will maintain timesheets to document hours worked for activities related to this award and non-award-related activities.

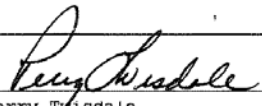
37. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval, and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at www.ojp.gov/funding/confcost.htm.

38. The recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of this award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R. Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110).

39. JAG funds may be used to purchase bulletproof vests for an agency, but may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.

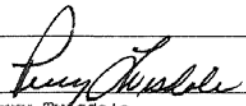
40. The recipient agrees to submit a signed certification that their law enforcement agency has a written "mandatory wear" policy in effect, if JAG funds are used to purchase bulletproof vests. This policy must be in place for at least all uniformed officers before any FY 2012 JAG funding can be used by the agency for bulletproof vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all officers while on duty.

41. Bulletproof vests purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards. In addition, bulletproof vests purchased with JAG funds must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.

Authorizing Official: _____ Ray Griffin	Project Director:  Perry Tisdale
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42. The recipient understands that the awarding of this grant in no way assures or implies continuation of funding beyond the project duration indicated on the grant award. If a continuation application is approved, funds available under the current grant and corresponding cash matching funds must be expended or obligated and documented prior to the implementation of the continuation grant and expenditure of new funds.

Authorizing Official: _____ Ray Griffin	Project Director:  Perry Twissdale
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U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND
OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

**2. DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS
(DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

**3. DRUG-FREE WORKPLACE
(GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

*U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER*

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT,
SUSPENSION AND OTHER RESPONSIBILITY MATTERS
AND
DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

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(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

**2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS
(DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

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3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

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A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to:

Department of Justice
Office of Justice Programs
ATTN: Control Desk
810 Seventh Street, N.W.,
Washington, D.C. 20531

Notice shall include the identification number(s) of each affected grant;

- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

200 Breckenridge Street, Henderson (Vance) NC 27536

Check ☐ if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ☐ if the State has elected to complete OJP Form 4061/7.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to:

Department of Justice
Office of Justice Programs
ATTN: Control Desk
810 Seventh Street, N.W.,
Washington, D.C. 20531

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

City of Henderson, 134 Rose Avenue, Henderson NC 27536-0748

2. Application Number and/or Project Name:

PROJ009399, Henderson PD MDT Project 2013

3. Grantee IRS/Vendor Number 566001231

4. Type/Print Name and Title of Authorized Representative

Ray Griffin, Jr. City Manager

5. Signature

6. Date

OJP FORM 4061/6 (3-91) REPLACES OJP FORMS 4061/2, 4061/3 AND 4061/4 WHICH ARE OBSOLETE.
OFFICE OF JUSTICE PROGRAMS BJA NIJ OJJDP BJS OVC

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB
0348-0046

(See reverse for public burden disclosure.)

1. Type of Federal Action: ☒ a. contract ☐ b. grant ☐ c. cooperative agreement ☐ d. loan ☐ e. loan guarantee ☐ f. loan insurance		2. Status of Federal Action: ☒ a. bid/offer/application ☐ b. initial award ☐ c. post-award		3. Report Type: ☒ a. initial filing ☐ b. material change For Material Change Only: year _____ quarter _____ date of last report _____	
4. Name and Address of Reporting Entity: ☒ Prime ☐ Subawardee Tier _____, if known: City of Henderson 134 Rose Avenue PO Box 1434 Henderson, NC 2753600748 Congressional District, if known: 1 & 2			5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known:		
6. Federal Department/Agency: US Department of Justice Bureau of Justice Programs			7. Federal Program Name/Description: Bureau of Justice Assistance Justice Assistance Grants CFDA Number, if applicable: _____		
8. Federal Action Number, if known:			9. Award Amount, if known: \$ 17,580.00		
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI): Not applicable			b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI): Not applicable		
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.			Signature: _____ Print Name: <u>Ray Griffin, Jr.</u> Title: <u>City Manager</u> Telephone No.: <u>(252) 431-6000</u> Date: _____		
Federal Use Only:			Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)		

CERTIFICATION FORM

Recipient Name and Address: CITY OF HENDERSON

Project Name: HPO MOT Project 2013 Project Number: PROJ009399 Award Amount: 17,580.00

Contact Person Name and Title: Cathy Brown, HR Director Phone Number: (252) 431-6000

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP), its component agencies, and the Office of Community Oriented Policing Services (COPS) to prepare, maintain on file, submit to OJP for review, and implement an Equal employment Opportunity Plan (EEO) in accordance with 28 C.F.R. §§ 42.301-.308. The regulations exempt some recipients from all of the EEO requirements. Other recipients, according to the regulations, must prepare, maintain on file and implement an EEO, but they do not need to submit the EEO to OJP for review. Recipients that claim a complete exemption from the EEO requirement must complete Section A below. Recipients that claim the limited exemption from the submission requirement must complete Section B below. A recipient should complete either Section A or Section B, not both. If a recipient receives multiple OJP or COPS grants, please complete a form for each grant, ensuring that any EEO recipient certifies as completed and on file (if applicable) has been prepared within two years of the latest grant. Please send the completed form(s) to both the Governor's Crime Commission, 1201 Front Street, Suite 200, Raleigh, NC 27609 and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7 Street, N.W., Washington, D.C. 20531 [signed original to the Office for Civil Rights]. For assistance in completing this form, please call (919) 733-4564. Ask to speak to your Grants Management Specialist.

Section A -- Declaration Claiming Complete Exemption from the EEO Requirement. Please check all the boxes that apply.

- | | |
|--|--|
| ☐ Recipient has less than 50 employees, | ☐ Recipient is an Indian tribe, |
| ☐ Recipient is a non-profit organization, | ☐ Recipient is an educational institution, or |
| ☐ Recipient is a medical institution, | ☒ Recipient is receiving an award less than \$25,000 |

I, Cathy Brown (responsible official), certify that
THE CITY OF HENDERSON (recipient) is not required to
prepare an EEO for the reason(s) checked above, pursuant to 28 C.F.R. § 42.302. I further certify that THE
CITY OF HENDERSON (recipient) will comply with applicable Federal civil rights
laws that prohibit discrimination in employment and in the delivery of services.

Cathy Brown, Human Resources Director
Print or Type Name and Title

Signature

Date

Section B -- Declaration Claiming Exemption from the EEO Submission Requirement and Certifying That an EEO is on file for Review.

If a recipient agency has 50 or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEO to OJP for review as long as it certifies the following (42 C.F.R. § 42.305):

I, _____ (responsible official), certify that
the _____ (recipient), which has 50 or more
employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an
EEO in accordance with 28 CFR § 42.301, et seq., subpart E. I further certify that the EEO has been formulated and
signed into effect within the past two years by the proper authority and that it is available for review. The EEO is on file
in the office of: _____ (organization),
at _____ (address), for review by
the public and employees or for review or audit by officials of the relevant state planning agency or the Office for Civil
Rights, Office of Justice Programs, U.S. department of Justice, as required by laws and regulations.

Print or type Name and Title

Signature

Date

O R D I N A N C E 13-48

AN AMENDMENT TO THE FY 2013--2014 BUDGET ESTABLISHING THE BUDGET FOR THE 2013 GOVERNOR'S CRIME COMMISSION MOBILE DATA TERMINAL GRANT, BUDGET AMENDMENT #7

WHEREAS, the City Council of the City of Henderson (Council), on 27 June 2013, adopted its FY 13-14 Operating Budget; *and*

WHEREAS, the Council has created and uses a Grants Projects Fund for active grant projects. said fund referred to as 55: Grants Projects Fund; *and*

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating and grants projects fund from time-to-time, said amendment being incorporated into this Ordinance.

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

			Ordinance 13-48			
			FY13-14 Budget Amendment # 7			
FUNDS: 55: Grants Project Fund			Establishing Grant Project 55-206: 2013 Governor's Crime Commission Mobile Data Terminal Grant			
GRANT PROJECTS FUND REVENUES: 55			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-13	Budget	Amendment	Revised
206: 2013 Gov Crime Comm Mobile Data Terminal Grant Project	Gov Crime Comm Grant	55-206-458204	\$ -	\$ -	\$ 17,580	\$ 17,580
	Trans Fr: 10 General Fund	55-206-451010	\$ -	\$ -	\$ 5,860	\$ 5,860
		Total	\$ -	\$ -	\$ 23,440	\$ 23,440
						\$ 23,440
GRANT PROJECTS FUND EXPENDITURES: 55			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-13	Budget	Amendment	Revised
206: 2013 Gov Crime Comm Mobile Data Terminal Grant Project	Capital: Equipment < \$5,000	55-206-507400	\$ -	\$ -	\$ 23,440	\$ 23,440
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
		Total	\$ -	\$ -	\$ 23,440	\$ 23,440
						\$ 23,440
		<i>Variance</i>			\$ -	
GENERAL FUND REVENUES: 10			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-13	Budget	Amendment	Revised
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
		Total	\$ -	\$ -	\$ -	\$ -
						\$ -
GENERAL FUND EXPENDITURES: 10			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-13	Budget	Amendment	Revised
512: Asset Forfeitures	Grant Match	10-512-509901	\$ 33,100	\$ 33,100	\$ (5,860)	\$ 27,240
	Trans To: 55 Grants Project	10-512-561055	\$ -	\$ -	\$ 5,860	\$ 5,860
			\$ -	\$ -	\$ -	\$ -
		Total	\$ 33,100	\$ 33,100	\$ -	\$ 33,100
						\$ 33,100
		<i>Variance</i>			\$ -	
Reference:			Notes:			
12 Aug 2013 Meeting; CAF 13-07-A; Ordinance #13-48, BA #7			This amendment establishes the project budget for a Governor's Crime Commission Grant awarded to the Henderson Police Department. The total grant funding will be \$23,440, of which 75%, or \$17,580 will come from grant funds, with the remaining 25% grant match of \$5,860 to be provided through Federal Asset Forfeiture Funds. The grant will be used to purchase eight (8) Mobile Data Terminals.			

The foregoing Ordinance 13-48, 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. ***; CAF 13-07-A*

**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 13-48 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

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: 12 Aug. 13 Regular Meeting

6 August 2013

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

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

RE: CAF: 13-63-A

Consideration of Approval of 1) Resolution 13-58, Adopting Vance County's Analysis of Impediment Plan; and 2) Resolution 13-60, Adopting An Equal Employment and Procurement Plan in Regards to the CDBG Talent Enhancement Grant

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- CV 3: Fairness: We value equity and will be fair in how we work with citizens and customers and how we implement City policies, regulations and ordinances.
- CV 11: Performance Excellence: We value excellence in how we govern and deliver services and believe that we should always strive for continuous improvement in our work and service delivery processes.

Recommendation:

Approval of:

- **1) Resolution 13-58, Adopting Vance County's Analysis of Impediment Plan**
- **2) Resolution 13-60, Adopting an Equal Employment and Procurement Plan in regards to the CDBG Talent Enhancement Grant**

Executive Summary:

On 26 November 2012 Council approved the submission of an application for a CDBG Talent Enhancement Capacity Building Grant in the amount of \$50,000 via Resolution 12-A-48. On 7 May 2013, the City received notification, dated 11 April 2013 that the application had been approved. The Grant Agreement and Funding Approval documents arrived for proper processing on 14 May 2013. Council approved the acceptance of this Grant on 10 June 2013 via Resolution 13-63.

Moving forward, there are two documents requiring action at this time, the Analysis of Impediment and the Equal Employment Plans.

- The Analysis of Impediment Plan is a fair housing requirement. The City of Henderson has been given permission from Vance County Manager Jerry Ayscue to adopt Vance County's existing document. This document, which is an analysis of Vance County's fair housing practices, focuses on identifying any impediments to fair housing choices within the jurisdiction. This analysis was conducted countywide; therefore, the City of Henderson is covered under this Vance County document.
- An Equal Employment Plan ensures that the City is maintaining equal employment policies and practices. It further ensures the City utilizes all persons in its potential workforce by requiring that special efforts are used to identify and attempt to employ any underutilized groups of people.

Enclosure:

1. Resolution 13-58
2. Resolution 13-60

R E S O L U T I O N 13-58

A RESOLUTION TO ADOPT VANCE COUNTY'S ANALYSIS OF IMPEDIMENT TO FAIR HOUSING

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

WHEREAS, this Resolution addresses two Core Values as follows: **CV 3: Fairness:** We value equity and will be fair in how we work with citizens and customers and how we implement City policies, regulations and ordinances; *and* **CV 11: Performance Excellence:** We value excellence in how we govern and deliver services and believe that we should always strive for continuous improvement in our work and service delivery processes; *and*

WHEREAS the City of Henderson was awarded a Capacity Building Community Development Block Grant April 11, 2013, by the North Carolina Department of Commerce *and*

WHEREAS, it is a requirement of the grant for the City to adopt an Analysis of Impediment for Fair Housing Choices; *and*

WHEREAS, Vance County has an approved Analysis of Impediment to Fair Housing in place; *and*

WHEREAS, the analysis includes fair housing activities and choices within the City's jurisdiction, therefore making the City of Henderson eligible to be covered under the Vance County's analysis, being more fully articulated in **Attachment A** to this Resolution; *and*

WHEREAS, by adopting this plan the City of Henderson is meeting the compliance requirements of the Talent Enhancement Capacity grant.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY adopt the Vance County Analysis of Impediment to Fair Housing.

The foregoing Resolution 13-58 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 8th day of July 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

**Analysis of Impediments
To Fair Housing
For Vance County, North Carolina**

Background and Introduction

The right to Fair Housing is assured by the Federal Fair Housing Acts of 1968 and 1988, which makes it unlawful to discriminate in the sale, rental, financing and insuring of housing. Fair housing refers to the right of individuals to obtain housing of their choice, free from discrimination based on race, color, religion, sex, disability, familial status or national origin.

Vance County is committed to the elimination of racial and ethnic segregation and any other discriminatory practices in housing. Vance County will use any and all of the Department of Housing and Urban Development's (HUD) programmatic and enforcement efforts to achieve this goal. The three steps to affirmatively further fair housing as directed by HUD include:

- Conduct an analysis to identify any impediments to fair housing choice within the jurisdiction
- Take appropriate actions to overcome the effects of any impediments identified through the analysis
- Maintain records reflecting the analysis and actions taken in this regard

Impediments to fair housing choice are defined as any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or availability of housing choice, or any actions that have this effect.

The Kerr-Tar Council of Governments is responsible for planning and completing the Analysis of Impediments (AI) for Vance County as part of their General Administration Services Contract. The analysis was conducted during the months of September and October of 2010.

Demographic, income and employment data was analyzed and an assessment of housing needs was conducted to ascertain the nature and extent of discrimination against protected groups within Vance County's jurisdiction. The analysis involved an assessment of conditions affecting fair housing choices in both the private and public sectors. The procedure used for this analysis followed the methodology set forth in the "Fair Housing Planning Guide" prepared by the US Department of Housing and Urban Development.

Summary of Results and Recommendations

Vance County received few complaints in regards to Fair Housing discrimination over the past six years. However, a lack of formal complaints does not provide conclusive evidence that discriminatory housing practices are absent in the jurisdiction. Vance County has a variety of fair housing resources and options available to its residents. Options and resources may be difficult for target populations to identify based on underutilization of resources as reported by local organizations. Vance County should ensure resources are marketed to existing residents, target populations and the many new residents of the area. Vance County is experiencing substantial growth in its population, particularly in minority populations. Vance County should ensure resources adequately meet the unique needs of growing populations and that resources are properly marketed to new residents.

Jurisdictional Background Data

Demographic Data

Total Population of Jurisdiction	42,954
Percent White Population	48.2%
Percent Black Population	48.3%
Percent Hispanic Population	4.6%
Percent American Indian	0.2%

Income Data and Employment Data

Median Family Income	\$36,433
Median Household Income	\$31,084
Per Capita Income	\$15,897
Percent of population below poverty level	20.5%
Unemployment Rate 2009	13.1%

Housing Data

Total Number of Households	16,199
Total Number of Housing Units	18,196
Total Number of Owner Occupied Dwellings	10,734
Total Number of Tenant Occupied Dwellings	5,465

Explanation of Location and County Data

Vance County is located North of Durham and Northwest of Raleigh and the Research Triangle Park in the Northern Piedmont area of North Carolina. Vance County borders Granville, Franklin and Warren counties and the Virginia border. The North Carolina Department of Commerce ranks North Carolina counties based on level of economic distress with Tier 1 being the highest level of economic distress and Tier 3 the least amount of distress. Vance County is designated a Tier 1 County. Warren is a Tier 1 County and Franklin and Granville Counties are Tier 2.

The 2000 Census total population of Vance County is 42,954. The estimated percent change in population between 2000 and 2009 is 0.2%. In 2000 21,122 residents or 49.2% of the population lived in an urbanized or incorporated cluster. The balance of the population is scattered throughout the rural areas of Vance County.

Housing Profile

The 2000 Census data revealed a total of 16,199 occupied housing units and 1,997 vacant housing units. 13,639 of the total units were constructed prior to 1990, which indicates 75% of the current housing stock is over twenty years of age. Of the occupied homes, 1.3% lack complete plumbing facilities and 1.1% lack complete kitchen facilities. The majority of units lacking complete plumbing facilities and kitchen facilities are renter-occupied units.

The county is primarily rural with lower income and residents 65 years and older occupying the poorest housing structures. Minority and female households still constitute a disproportionate share of the low and moderate households in Vance County. It is estimated approximately 20.5% of the population in Vance County is below the poverty level.

Assessment of Current Public and Private Fair Housing Programs

Public Housing

The Vance County Housing Authority provides low-rent housing assistance for residents of Vance County. A total of 75 units are operated by the Vance County Housing Authority in one location. The apartment units managed by the Vance County Housing Authority are the Lincoln Heights Apartments. Each of the apartment units is located in areas near job opportunities for their occupants. Rent is charged at 30% of residents' adjusted income. The Vance County Housing Authority does not administer a Section 8 Housing Assistance Voucher Program.

Section 8

The Department of Housing and Urban Development's Section 8 Housing Assistance Program, which offers supplements to rent or vouchers and/or certificates, is operated by Franklin, Vance, Warren Opportunity Inc. and administers the Section 8 program for 526 participants in Warren, Granville, Franklin, and Vance counties. Through the Section 8 program, supplements to rent for low income and elderly are offered in the form of certificates and vouchers to landlords for all or part of a person's rent, depending on their income. Franklin, Vance, Warren Opportunity Inc. maintains an office in Vance County. In addition, over 30 private landlords accepting Section 8 vouchers were found in Vance County for a total of 196 available units.

Assisted Housing

Guardian Care of Henderson, Kerr Lake Nursing and Rehabilitation Center and Senior Citizen's Home Inc. provide nursing home services in Vance County, which includes skilled and intermediate care for the elderly. In addition, the county has two licensed adult care facilities. The facilities include Green-Bullock Assisted Living Center, LLC (129 residents) and Woodlawn Retirement Home (12 residents). Adult care facilities offer a range of services and resident housing options. A variety of home care services and mental health facilities provide in-home care and adult care services for the elderly and developmentally disabled adults.

USDA Rural Multi-Family Housing Rentals

Vance County has 455 one and two bedroom units available over eight USDA Rural Multi-Family Housing Rental properties. The properties are located in Henderson and Kittrell and are located in areas near job opportunities for their occupants. The properties provide housing for low to moderate income families and elderly adults.

Privately Owned Subsidized Units and Project-Based Rental Assistance

Five private apartment owners were identified as providing subsidized units in Vance County. Five low-income housing tax credit developments providing rental assistance in Henderson and Kittrell also supply nearly 234 units.

Evaluation of Jurisdiction's Current Fair Housing Legal Status

Fair Housing Complaints and Discrimination Suits

A request was made to the North Carolina Human Relations Commission for the number and type of Fair Housing Complaints for Vance County since the inception of the North Carolina State Fair Housing Act. The North Carolina Human Relations Commission enforces the North Carolina State Fair Housing Act and investigates and handles any allegation of housing discrimination brought to their attention.

Since 2004, four fair housing complaints were received by the North Carolina Human Relations Commission. The first complaint was filed under "Race and Handicap" in January of 2009 and closed in January 2009 due to an inability to locate the complainant. The second complaint was filed under "Sex" in May 2009 and was recalled by HUD the same month. The third complaint was filed under "Race and Handicap" in July 2009 and is still under investigation. The fourth complaint was filed under "Familial Status and Race" in May of 2010 and is also still under investigation. A total of six complaints were filed between 1994 and 2004.

Trends and Patterns

The receipt of minimal fair housing complaints could indicate a favorable fair housing profile for Vance County. However, minimal cases filed do not provide conclusive evidence that discriminatory housing practices are absent in the jurisdiction. Additionally, the majority of complaints were filed in the same year for the six-year period studied and occurred in close proximity to one another. Although a conclusion cannot be drawn from the four cases filed, Vance County should continue to track fair housing complaints in the following years.

Identification of Impediments to Fair Housing Choice

Housing Finance

There are over ten banks and three credit unions currently operating in Vance County. Each financial institution offers financial products and special services to low and moderate income residents. Special services have included first time home buyer seminars in the past. Special mortgage loan programs and counseling are available through the Department of Housing and Urban Development certified agencies, the Farmer's Home Administration's Rural Development Office and the NC Housing Finance Agency. All of these agencies are available to prospective low and moderate income homebuyers in North Carolina.

Franklin, Vance, Warren Opportunity Inc. provides education and training in economic self sufficiency, home protection and foreclosure, and first time home buying and has numerous housing counselors that work directly with clients. The Continuing Education program at Vance-Granville Community College periodically holds first time home buying seminars in its Community and Economic Development

and Small Business Center departments. These courses are held on an as-needed basis and take place several times throughout the year.

The available programs are most effective when residents are aware of their availability. The majority of the financial institutions convey a low response rate and program utilization by the targeted population. The targeted population may be unaware of programs or hesitant to attend seminars and use programs available to them. A resource or organization providing a "one-stop" approach and encompassing financial, social and educational assistance for potential homebuyers would benefit Vance County. The organization and resources could be marketed to target populations, making them aware of housing resource availability. Additionally, a collaborative effort on behalf of organizations already providing various forms of assistance could provide direct training in regards to fair housing and discrimination for potential homebuyers, renters and landlords.

Housing Brokerage

Vance County is served by sixteen listed real estate firms. Each firm has central offices in Vance County and operates locally. Real estate firms specialize in both commercial and private real estate. The Kerr Lake Board of Realtors serves local real estate offices in Vance, Granville and Warren Counties. The Board meets regularly, provides resources to members and maintains standards of conduct pursuant to the Code of Ethics of the National Association of Realtors. Local real estate firms in Vance County subscribe to the Triangle Multiple Listing Service, a cooperative listing service comprised of over 16 counties. Each realtor provides fair housing pamphlets and publications and posts fair housing signs and announcements in their offices.

Residential Zoning and Tax Assessments

No actions, omissions, or decisions were revealed during a review of the Vance County Zoning Regulations in respect to race, color, religion, sex, disability, familial status or national origin. There are no known, actions, decisions, or omissions which would have the effect of restricting housing choices or the availability of housing choices for protected classes of persons under Title VIII. The process for approval of housing construction, ADA compliance, water and sewer policies, building codes, real estate property tax assessment, provision of health, social services and transportation are all found to be performed so as not to be discriminatory in practices and /or procedures.

Housing Advertising

The newspaper covering Vance, Warren and Granville counties is the Daily Dispatch, which operates from Henderson. A review of real estate and rental ads for the newspaper was conducted for a 60-day period. The review of real estate and housing ads did not disclose any ads, which were discriminatory in nature or contained discriminatory language as defined by the Department of Housing and Urban Development. The Daily Dispatch regularly publishes the Department of Housing and Urban Development's "Publishers Notice to the Public" in the classified ads section.

Online advertisements and real estate websites published a "Publishers Notice to the Public" regarding fair housing and discriminatory practices at random. The Equal Housing Opportunity logo was also published on websites and online advertisements at random.

Housing Construction

According to Census data, new housing construction for Vance County has steadily declined over the past five years (2005 – 2010) and may largely be attributed to the decline in the US homebuilding market. The number of new building permits has declined from 118 permits in 2005 to 47 permits in 2009. According to the Vance-Granville County Homebuilders Association, a slight increase in new home construction is expected in 2010. Vance County has experienced less new homebuilding in comparison to nearby Granville and Franklin counties.

The vast majority of new construction consists of custom homes. Large subdivisions and spec home construction is common in surrounding counties, which are known as "bedroom communities". Due to the slow rate of new construction and a lack of large subdivisions, new construction options for low and moderate income residents are limited in Vance County. Habitat for Humanity has been involved in the construction of a number of new homes targeting low and moderate income populations, but does not meet the current need for new affordable housing.

Conclusions and Recommendations

The Analysis of Impediments to Fair Housing for Vance County yielded few instances of direct discrimination in regards to fair housing. The North Carolina Human Relations Commission has received four complaints since previous updates to the Analysis of Impediments to Fair Housing. However, a lack of formal complaints does not provide conclusive evidence that discriminatory housing practices are absent in the jurisdiction. Vance County's relatively small population and limited mechanisms for advertising rental housing could contribute to the small number of formal complaints. Word of mouth and private advertising for rental housing make discriminatory practices difficult to identify.

The total minority population in Vance County has grown over the last ten years and will require a sustained effort on behalf of public and private organizations to provide adequate information regarding fair housing practices and housing resources for low and moderate income residents. Resources for new residents and low and moderate income residents are spread among various agencies. The lack of a central public or private organization which provides such information and education to the public in Vance County may hinder the ease and availability of information for existing and new residents.

Vance County has a number of housing resources available for protected groups, however the ease at which these resources are identified and utilized by protected groups is difficult to gauge. Private realtors and financial institutions provide general resources and information for potential buyers. Franklin-Vance-Warren Opportunities, Inc., Gateway CDC, and Agape CDC are non-profit organizations which exist and target protected groups with relevant information. Vance County, the City of Henderson through their CDBG Programs and Housing Authority are the public agencies that provide relevant information to protected groups. Educational opportunities at Vance-Granville Community College are provided on an as-needed basis. Reports of underutilization of resources by some agencies could suggest marketing efforts should be more far-reaching.

Based on the analysis, the following actions are recommended:

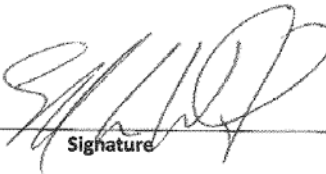
- *Market Existing Educational Opportunities:* An on-going educational program regarding fair housing choice and home buying programs is periodically held in Vance County. The program should be made available to all residents including prospective renters/buyers, landlords and

realtors and lending institutions. Potential organizations to market educational seminars and courses include the city, county, non-profit organizations and local media.

- *Ensure Resources are Marketed to Target Populations:* Organizations involved in resource and service provision regarding fair housing reported underutilization by target populations. Those organizations providing resources should ensure advertising and marketing efforts are reaching target populations. Organizations available to assist the advertising process could include the city, county, non-profit organizations, the media and Vance-Granville Community College.
- *Fair Housing Resources Should Serve Growing Minority Populations:* Vance County's minority population has grown significantly in past years. Providers of housing and fair housing resources should ensure resources meet the needs of new residents and minorities. Resources should be advertised and marketed in Spanish and English when possible. Providers should also be considerate of any special needs identified in relation to new populations.
- *Provide Guidelines and Information for Fair Housing Complaints:* Vance County should consider posting guidelines and information regarding fair housing complaints and options for resolving discrimination in areas in addition to the local newspaper. Printed and on-line information should guide residents to the North Carolina Human Relations Commission and local resources in the event of a discrimination incident.

Approved By:

Eddie L. Wright, Chairman
Name and Title of
Chief Elected or Executive Officer


Signature

7-11-11
Date

RESOLUTION 13-60

A RESOLUTION TO ADOPT AN EQUAL EMPLOYMENT AND PROCUREMENT PLAN

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

WHEREAS, this Resolution addresses two Core Values as follows: **CV 3: Fairness:** We value equity and will be fair in how we work with citizens and customers and how we implement City policies, regulations and ordinances; *and* **CV 11: Performance Excellence:** We value excellence in how we govern and deliver services and believe that we should always strive for continuous improvement in our work and service delivery processes; *and*

WHEREAS the City of Henderson was awarded a Talent Enhancement Capacity Building Community Development Block Grant April 11, 2013 by the North Carolina Department of Commerce *and*

WHEREAS, it is a requirement of the Grant for the City to adopt an Equal Employment and Procurement Plan; *and*

WHEREAS, this plan requires the City to identify any underutilized groups of people in its potential workforce and ensure attempts to employ them; *and*

WHEREAS, by adopting this plan, being more fully articulated in **Attachment A** to this resolution, the City of Henderson is meeting the compliance requirements of the Talent Enhancement Capacity grant.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY adopt the Equal Employment and Procurement Plan.

The foregoing Resolution 13-60 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 12th day of August 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

CITY OF HENDERSON
CDBG PROJECT # 12-C-2455 (Flint Hill Neighborhood Capacity Building)
EQUAL EMPLOYMENT AND PROCUREMENT PLAN

The City of Henderson maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

In furtherance of this policy, the City prohibits any retaliatory action of any kind taken by any employee of the City of Henderson against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The City shall strive for greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the Planning and Community Development Director to assist in the implementation of this policy statement.

The City shall develop a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the Mayor.

The City is committed to this policy and is aware that with its implementation, the City will receive positive benefits through the greater utilization and development of all its human resources.

Adopted this _____ day of _____, 20__.

Mayor

ATTEST:

City Clerk

City Council Action Form

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



23 July 2013

Agenda Item: _____

Council Meeting: 12 Aug 13 Regular Meeting

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

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

RE: CAF: 13-27-A

Consideration of Approval of: 1) Resolution 13-21-A Accepting the North Carolina Governor's Highway Safety Program Grant in the Amount of \$18,300 for the Purchase of Traffic Enforcement Equipment; and 2) Ordinance 13-46, FY14, BA #6 Establishing Budget for Said Grant.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- **KSO 2:** To Reduce Crime and Provide for a Safe Community.
- **KSO 8:** To Provide Sufficient Funds for Municipal Operations and Capital Outlay Necessary to Meet the Needs of Citizens, Customers and Mandates of Regulatory Authorities.

Recommendation:

Approval of:

- Resolution 13-21-A Accepting the North Carolina Governor's Highway Safety Program Grant in the Amount of \$18,300 for the Purchase of Traffic Enforcement Equipment
- Ordinance 13-46, FY14, BA #6 Establishing Budget for Said Grant.

Executive Summary

On 25 February 2013, Council approved an application to the North Carolina Governor's Highway Safety Program Grant in the amount of \$18,300 via Resolution 13-21.

This grant will provide funding for the Henderson Police Department to purchase the following items to be used in Traffic Safety and Traffic Enforcement:

- Traffic Equipment Trailer
- Portable Light Tower and Generator
- Portable Generator
- Traffic Cones
- Three (3) portable Checkpoint signs with stands
- OSHA/DOT Certified Traffic Vests
- Traffic Flashlights

On 17 July 2013, notice was received the grant was approved by the NC Governor's Highway Safety program for the full amount of \$18,300. In other words the anticipated local match of \$4,575 is no longer required as this is a 100% grant. The grant terms will be October 1, 2013 – September 30, 2014. Even though grant funding will not be released until 1 October 2013, all funds will be spent during the City's fiscal year, ending 30 June 2014. A Budget Ordinance establishing the grant project is enclosed herewith for Council's consideration and approval.

Enclosures:

1. Resolution 13-21-A
2. NC Governor's Highway Safety Program Local Governmental Resolution
3. Ordinance 13-46
4. Notice of Approval

R E S O L U T I O N 13-21-A

ACCEPTING THE NC GOVERNOR'S HIGHWAY SAFETY GRANT IN THE AMOUNT OF \$18,300 FOR THE PURCHASE OF TRAFFIC ENFORCEMENT EQUIPMENT

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 has partnered with the NC Governor's Highway Safety Commission in the past and has successfully applied for and received grant funding for equipment; *and*

WHEREAS, on 25 February 2013, via Resolution 13-21, the Henderson City Council (herein called the "Governing Body") approved the filing of an application by the Henderson Police Department for the NC Governor's Highway Safety Program Grant; *and*

WHEREAS, notice was received that said application has been approved to proceed to the next step of the application process; *and*

WHEREAS, Council approval is required for acceptance of the grant and these conditions in open meeting, said conditions being more fully articulated in **Attachment A** to this Resolution.

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

- 1.** That the project referenced above is in the best interest of the Governing Body and the general public; *and*
- 2.** That City Manager A. Ray Griffin, Jr. is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$18,300 to be made payable to the City of Henderson to assist in defraying the cost of the project described in the contract application; *and*
- 3.** That the Governing Body has formally appropriated the cash contribution of \$ 0.00 as required by the project contract; *and*
- 4.** That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; *and*

5. That certified copies of this resolution be included as part of the contract referenced above; *and*
6. That this resolution shall take effect immediately upon its adoption.

The foregoing Resolution 13-21-A, 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 approved by the following votes: YES: . NO: . ABSTAIN: . NO: .

James D. O'Geary, Mayor

ATTEST:

Esther McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

*Reference Minute Book 42, pg. ****

AOC

_____ Initials

**North Carolina Governor's Highway Safety Program
Agreement of Conditions**

This Agreement is made by and between the North Carolina Department of Transportation, hereinafter referred to as the "Department", to include the Governor's Highway Safety Program, hereinafter referred to as "GHSP"; and the applicant agency, for itself, its assignees and successors in interest, hereinafter referred to as the "Agency". During the performance of this contract, and by signing this contract, the Agency agrees as follows:

A. Federal Provisions

1. **Equal Opportunity/Nondiscrimination.** The Agency will agree to comply with all Federal statutes and implementing regulations relating to nondiscrimination concerning race, color, sex, religion, national origin, handicaps, and age. These include but are not limited to:
 - (a) Title VI of the Civil Rights Act of 1964;
 - (b) Title IX of the Education Amendments of 1972, as amended;
 - (c) 49 CFR Part 21, Non-Discrimination in Federally-assisted programs of the United States Department of Transportation, hereinafter referred to as "USDOT", as amended;
 - (d) 49 CFR Part 27, Rehabilitation Act of 1973, as amended; and
 - (e) The Age Discrimination Act of 1975, as amended.
2. **Drug Free Workplace.** The Agency agrees to comply with the provisions cited in the Drug-Free Workplace Act of 1988 (49 CFR Part 29 Sub-part F).
3. **Federal Grant Requirements and Contracts.** The Agency shall comply with the following statutes and implementing regulations as applicable:
 - (a) 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Contracts to State and Local Governments;
 - (b) Office of Management and Budget, hereinafter referred to as "OMB", Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments;
 - (c) OMB Circular A-21, Cost Principles for Institutions of Higher Education;
 - (d) OMB Circular A-122 Cost Principles for Nonprofit Organizations;
 - (e) 5 U.S.C. §§ 1501-1508 and 5 CFR Part 151 "Political Activity of State and Local Offices, or Employees" (Hatch Act); and
 - (f) NHTSA Grant Funding Policies, as revised, February 2002.
4. **Lobbying.** The Agency agrees to comply with the restrictions of lobbying members of Congress, 18 USC, Section 1913; Section 326 of the FY 2000 DOT Applications Act, prohibiting the use of USDOT Federal funds for "grass roots" lobbying campaigns to encourage third parties, members of special interest groups, or the general public to urge members of a State legislature to support or oppose a pending legislative or appropriations matter.
5. **Audits.**
 - (a) **Audit Required.** Non-Federal entities that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of OMB Circular A-133, Subpart B, §____.200. Guidance on determining Federal awards expended is provided in OMB Circular A-133, Subpart B, §____.205.

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Page 1

- (b) **Single Audit.** Non-Federal entities that expend \$500,000 or more in a year in Federal awards shall have a single audit conducted in accordance with OMB Circular A-133, Subpart B, §____.500, except when they elect to have a program-specific audit conducted in accordance with OMB Circular A-133, Subpart B, §____.200, paragraph (c).
 - (c) **Non-Governmental Entities.** Non-governmental entities (not-for-profit and for-profit entities) must adhere to North Carolina General Statute 143-6.1.
- 6. **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions.**
 - (a) The prospective lower tier participant (the Agency) certifies, by submission of this contract proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal Department or Federal Agency.
 - (b) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this contract proposal.
- 7. **Conditions for State, Local and Indian Tribal Governments.** State, local and Indian tribal government Agencies shall adhere to the standards established by 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Contracts to State and Local Governments, and additions or amendments thereto. Agencies shall also adhere to the standards established by the Office of Management and Budget, and in particular, OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments and additions or amendments thereto, for principles for determining costs applicable to grants and contracts with state, local and Indian tribal governments.
- 8. **Conditions for Institutions of Higher Education.** If the Agency is an institution of higher education, it shall adhere to the standards established by 49 CFR Part 19, Uniform Administrative Requirements for Grants and Contracts with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations and OMB Circular A-21, Cost Principles for Institutions of Higher Education for determining costs applicable to grants and contracts with educational institutions.
- 9. **Conditions for Non-Profit Organizations.** If the Agency is a non-profit organization, it shall adhere to the standards established by 49 CFR Part 19, Uniform Administrative Requirements for Grants and Contracts with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations and OMB Circular A-122, Cost Principles for Non-profit Organizations for determining costs applicable to grants and contracts with non-profit organizations.
- 10. **Conditions for Hospitals.** If the Agency is a hospital, it shall adhere to the standards established by 49 CFR Part 19, Uniform Administrative Requirements for Grants and Contracts with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations and 45 CFR Subtitle A, Part 74, Appendix E, Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals.

B. General Provisions

1. **Contract Changes.** This document contains the entire agreement of the parties. No other contract, either oral or implied, shall supercede this Agreement. Any proposed changes in this contract that would result in any change in the nature, scope, character, or amount of funding provided for in this contract, shall require a written addendum to this contract on a form provided by the Department.
2. **Subcontracts Under This Contract.** The Agency shall not assign any portion of the work to be performed under this contract, or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this contract without the prior written concurrence of the Department. Any subcontract under this contract must include all required and applicable clauses and provisions of this contract. The Agency must submit any proposed contracts for subcontracted services to the Governor's Highway Safety Program for final approval no less than 30 days prior to acceptance.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiation, made by the Agency for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Agency of the Agency's obligations under this contract. Additionally, Agencies making purchases or entering into contracts as provided for by this contract must adhere to the policies and procedures of 49 CFR 18.36 (Common Rule). Additionally, Agencies making purchases or entering into contracts as provided for by this contract must adhere to the policies and procedures of 49 CFR 18.36 (Common Rule) and Executive Order 150 as it pertains to Historically Underutilized Businesses.
4. **Incorporation of Provisions in Subcontracts.** The Agency shall include the provisions of section A-1 through A-6 of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the regulations, or directives issued pursuant thereto. The Agency shall take such action with respect to any subcontract or procurement as the Department, the State of North Carolina, hereinafter referred to as the "State", the National Highway Traffic Safety Administration, hereinafter referred to as "NHTSA", or the Federal Highway Administration, hereinafter referred to as "FHWA", may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Agency becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Agency may request the Department or the State to enter into such litigation to protect the interests of the Department or the State. In addition, the Agency may request the NHTSA or FHWA to enter into such litigation to protect the interests of the United States.
5. **Outsourcing.** All work shall be performed in the United States of America. No work will be allowed to be outsourced outside the United States of America.

6. Property and Equipment.

- (a) **Maintenance and Inventory.** The Agency shall maintain and inventory all property and equipment purchased under this contract.
- (b) **Utilization.** The property and equipment purchased under this contract must be utilized by the Agency for the sole purpose of furthering the traffic safety efforts of the Agency for the entire useful life of the property or equipment.
- (c) **Title Interest.** The Department and NHTSA retain title interest in all property and equipment purchased under this contract. In the event that the Agency fails or refuses to comply with the provisions of this Agreement or terminates this contract, the Department, at its discretion, may take either of the following actions:
 - (i) Require the Agency to purchase the property or equipment at fair market value or other mutually agreed to amount; or
 - (ii) Require the Agency to transfer the property or equipment and title of said property or equipment, if any, to the Department or to another Agency, as directed by the Department.
- (d) **Non-expendable Property.** Non-expendable property is defined as property or equipment having a value of \$5000 or more with a life expectancy of more than one year. Non-expendable property purchased under this contract cannot be sold, traded, or disposed of in any manner without the expressed written permission of the Department.

7. Promotional or Other Materials. Any promotional or other materials developed using funds from this contract must be reviewed and approved by the GHSP prior to their production. The cost of promotional materials is limited to a maximum of \$5.00 per item. Items in excess of \$5.00 may not be purchased without the expressed written approval of the GHSP.**8. Review of Reports and Publications.** Any reports, papers, publications, or other items developed using funds from this contract must be reviewed and approved by the GHSP prior to their release.**9. Reimbursement.**

- (a) **General.** Progress payments, based upon actual allowable costs for not less than one (1) month or more than three (3) months may be made upon receipt of an itemized invoice from the Agency on forms provided by the Department. The itemized invoice shall be supported by documentation of costs as prescribed by the Department.
- (b) **Approval.** The Governor's Highway Safety Program and the Department's Fiscal Section shall approve the itemized invoice prior to payment.
- (c) **Unapproved Costs.** Any rejected or unaccepted costs shall be borne by the Agency. The Agency agrees that in the event the Department determines that, due to Federal or State regulations that grant funds must be refunded, the Agency will reimburse the Department a sum of money equal to the amount of Federal and State participation in the rejected costs.
- (d) **Final Reimbursement Claims.** Final reimbursement claims must be received by the GHSP within 30 days following the close of the approved contract period. Project funds not claimed by this date are subject to reversion.
- (e) **Expending Funds Under This Contract.** Under no circumstances will reimbursement be made for costs incurred prior to the contract effective date or after the contract ending date.

10. **Project Costs.** It is understood and agreed that the work conducted pursuant to this contract shall be done on an actual cost basis by the Agency. The amount of reimbursement from the Department shall not exceed the estimated funds budgeted in the approved contract. The Agency shall initiate and prosecute to completion all actions necessary to enable the Agency to provide its share of the project costs at or prior to the conclusion of the project.
11. **Program Income.** The Agency shall account for program income related to projects financed in whole or in part with federal funds in accordance with 49 CFR Part 18. Program income earned during the contract period shall be retained by the Agency and added to the funds committed to the project by the GHSP and be used to further eligible program objectives. Program income must be accounted for separately and the records made available for audit purposes.
12. **Project Directors.** The Project Director, as specified on the signature page of this Agreement, must be an employee of the Agency or the Agency's governing body. Any exception to this provision must have the expressed written approval of GHSP.
13. **Reports Required.**
 - (a) **Quarterly Progress Reports.** Unless otherwise directed, the Agency must submit Quarterly Progress Reports to the GHSP, on forms provided by the Department, which reflect the status of project implementation and attainment of stated goals. Each progress report shall describe the project status by quarter and shall be submitted to GHSP no later than fifteen (15) days after the end of each quarter. If the Agency fails to submit a Quarterly Progress Report or submits an incomplete Quarterly Progress Report, the Agency will be subject to having cost reimbursement requests withheld. Once a Quarterly Progress Report that substantiates adequate progress is received, cost reimbursement requests will be processed.
 - (b) **Final Accomplishments Report.** A Final Accomplishments Report must be submitted to the GHSP within thirty (30) days of completion of the project, on forms provided by the Department, unless otherwise directed. If the Agency fails to submit a Final Accomplishments Report or submits an incomplete Final Accomplishments Report, the Agency will be subject to having cost reimbursement requests withheld. Once a Final Accomplishments Report that substantiates adequate progress is received, cost reimbursement requests will be processed.
 - (c) **Audit Reports.** Audit reports required in Section A-5 above shall be provided to the Department within thirty (30) days of completion of the audit.
14. **Out-of-State Travel.**
 - (a) **General.** All out-of-state travel funded under this contract must have prior written approval by the Governor's Highway Safety Program.
 - (b) **Requests.** Requests for approval must be submitted to the GHSP, on forms provided by the Department, no less than thirty (30) days prior to the intended departure date of travel.
 - (c) **Agency Travel Policy Required.** For Agencies other than state agencies, out-of-state travel requests must include a copy of the Agency's travel policy, to include allowances for lodging, meals, and other travel-related expenses. For state agencies, maximum allowable subsistence is limited to the prevailing per diem rates as established by the North Carolina General Assembly.
 - (d) **Agenda Required.** Out-of-state travel requests must include a copy of the agenda for the travel requested.

15. Conditions for Law Enforcement. In addition to the other conditions provided for in this Agreement, grants to law enforcement agencies are subject to the following:

(a) Tasks Required. The following tasks must be included in Section D of this contract:

- (i) A minimum of one (1) safety belt checkpoint per month;
- (ii) A minimum of one (1) impaired driving checkpoint per month;
- (iii) A minimum of 50% of seat belt enforcement activities will be conducted at night between the hours of 10:00 p.m. and 4:00 a.m.
- (iv) Participation in all "Click It or Ticket" campaigns;
- (v) Participation in all "Booze It & Lose It" campaigns;
- (vi) Participation in any event or campaign as required by the GHSP.

An effort must be made to utilize one of the Forensic Tests for Alcohol Branch's Mobile Breath Alcohol Testing (BATMobiles) units during at least one of the impaired driving checkpoints.

(b) Certifications Required.

- (i) **In-car Camera or Video System.** For any in-car camera or video system purchased under this contract, it is required that the operator of that equipment has successfully completed Standardized Field Sobriety Testing training (SFST). A copy of this certificate must be filed with GHSP prior to reimbursement of in-car camera or video systems.
- (ii) **Radar.** For any radar equipment purchased under this contract, it is required that the operator of that equipment has successfully completed Radar Certification Training. A copy of this certificate must be filed with GHSP prior to reimbursement of radar equipment.
- (iii) **Alcohol Screening Devices.** For any preliminary alcohol screening devices purchased under this contract, it is required that the operator of that equipment has successfully completed the Alcohol Screening Test Device training offered by the Forensic Test for Alcohol Branch.

(c) Report Required - Monthly Enforcement Data Report. In addition to the reports mentioned above, law enforcement agencies must submit a Monthly Enforcement Data Report on the form provided by the Department. If the Agency fails to submit a Monthly Enforcement Data Report or submits an incomplete Monthly Enforcement Data Report, the Agency will be subject to having cost reimbursement requests withheld. Once a Monthly Enforcement Data Report that substantiates adequate progress is received, cost reimbursement requests will be processed. The agency head must sign the form. However, the agency head may assign a designee to sign the form by providing written signature authority to the GHSP.

16. Conditions for Local Governmental Agencies.

(a) Resolution Required. If the Agency is a local governmental entity, a resolution from the governing body of the Agency is required on a form provided by the Department.

(b) Resolution Content. The resolution must contain a commitment from the governing body to provide the local funds as indicated in this contract. Additionally, the resolution is required even if the funding is one hundred percent from federal sources, as it serves as recognition by the governing body of federal funding for purposes of Section A-5 above.

17. Prohibited Interests. No member, officer, or employee of the Agency during his or her tenure, and for at least one (1) year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof or therefrom.

18. Continued Federal and State Funding.

(a) **Federal Funding.** The Agency agrees and understands that continuation of this project with Federal funds is contingent upon Federal funds being appropriated by the United States Congress specifically for that purpose. The Agency further agrees and understands that in the event funds originally appropriated by Congress for these grants are subsequently reduced by further acts of Congress, funding to the Agency may be proportionately reduced.

(b) **State Funding.** The Agency agrees and understands that continuation of this project with funds from the State of North Carolina is contingent upon State funds being appropriated by the General Assembly specifically for that purpose. The Agency also agrees that any state funds received under this contract are subject to the same terms and conditions stated in this Agreement.

19. Performance. All grants provided by the Governor's Highway Safety Program are performance-based and, as such, require that continual progress be made toward the reduction of the number and severity of traffic crashes. Any agency, whose performance is deemed unsatisfactory by the GHSP, shall be subject to the sanctions as provided for in this contract. Additionally, unsatisfactory performance shall be cause for the Department to reduce or deny future funding.

20. Resolution of Disputes. Any dispute concerning a question of fact in connection with the work not disposed of by contract by and between the Agency and the Department, or otherwise arising between the parties to this contract, shall be referred to the Secretary of the North Carolina Department of Transportation and the authorized official of the Agency for a negotiated settlement. In any dispute concerning a question of fact in connection with the project where such negotiated settlement cannot be resolved in a timely fashion, the final decision regarding such dispute shall be made by the Secretary of the North Carolina Department of Transportation, with the concurrence of the Federal funding agency, and shall be final and conclusive for all parties.

21. Department Held Harmless.

(a) **For State Agencies.** Subject to the limitations of the North Carolina Tort Claims Act, the Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.

(b) **For Agencies Other Than State Agencies.** The Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.

22. Records Access and Retention.

The Agency shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department, the State, NHTSA, or FHWA, as appropriate, to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the Agency shall maintain such materials during the contract period, and for three (3) years from the date of final payment from the Department, for such inspection and audit. Where any information required of the Agency is in the exclusive possession of another who fails or refuses to furnish this information, the Agency shall so certify to the Department, State, NHTSA, or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information.

23. Sanctions for Non-Compliance. The applicant Agency agrees that if it fails or refuses to comply with any provisions and assurances in this contract, the Department may take any or all of the following actions:

- (a) Cancel, terminate, or suspend this contract in whole or in part;
- (b) Withhold reimbursement to the Agency until satisfactory compliance has been attained by the Agency;
- (c) Refrain from extending any further funding to the Agency under this contract with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency;
- (d) Refer the case to the United States Department of Justice for appropriate legal proceedings.

24. Cancellation, Termination, or Suspension of Contract.

- (a) **By the Department.** For noncompliance with any of the said rules, regulations, orders or conditions, this contract may be canceled, terminated, or suspended in whole or in part by the Department, by giving the Agency thirty (30) days advanced written notice. The Department, before issuing notice of cancellation, termination, or suspension of this contract, may allow the Agency a reasonable opportunity to correct for noncompliance.
- (b) **By the Agency.** The Agency may terminate this contract by providing thirty (30) days advanced written notice to the Department.

25. Completion Date.

Unless otherwise authorized in writing by the Department, the Agency shall commence, carry on, and complete the project as described in the approved Highway Safety Project Contract by September 30 of the Federal fiscal year for which it was approved.

26. Signature.

By signing below, the Agency agrees to adhere to the terms and conditions of this Agreement.

AGENCY PROJECT DIRECTOR		
NAME	TITLE	ADDRESS
SIGNATURE	DATE	TELEPHONE NUMBER

AGENCY AUTHORIZING OFFICIAL		
NAME	TITLE	ADDRESS
SIGNATURE	DATE	TELEPHONE NUMBER

AGENCY OFFICIAL AUTHORIZED TO RECEIVE FUNDS		
NAME	TITLE	ADDRESS
SIGNATURE	DATE	TELEPHONE NUMBER

O R D I N A N C E 13-46

AN AMENDMENT TO THE FY 2013--2014 BUDGET ESTABLISHING THE BUDGET FOR NC GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT, BUDGET AMENDMENT #6

WHEREAS, the City Council of the City of Henderson (Council), on 27 June 2013, adopted its FY 13-14 Operating Budget; *and*

WHEREAS, the Council has created and uses a Grants Projects Fund for active grant projects. said fund referred to as 55: Grants Projects Fund; *and*

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating and grants projects fund from time-to-time, said amendment being incorporated into this Ordinance.

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

FUND 55: Grants Project Fund			Ordinance 13-46			
			FY13-14 Budget Amendment # 6			
			Establishing Grant Project 55-205: GHSP Traffic Checkpoint Equipment			
GRANT PROJECTS FUND REVENUES: 55			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
205: GHSP Traffic Checkpoint Equipment Grant	NC Gov Hwy Safety Grant	55-205-458205	\$ -	\$ -	\$ 18,300	18,300
			\$ -	\$ -	\$ -	-
		Total	\$ -	\$ -	\$ 18,300	18,300
						\$ 18,300
GRANT PROJECTS FUND EXPENDITURES: 55			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
205: GHSP Traffic Checkpoint Equipment Grant	Capital: Equipment < \$5,000	55-205-507400	\$ -	\$ -	\$ 6,300	6,300
	Capital: Equipment > \$5,000	55-205-507405	\$ -	\$ -	\$ 12,000	12,000
			\$ -	\$ -	\$ -	-
		Total	\$ -	\$ -	\$ 18,300	18,300
						\$ 18,300
		Variance			\$ -	
Reference:			Notes:			
22 July 2013 Meeting; CAF 13-27-A; Ordinance #13-46, BA #6			This amendment establishes the project budget for a NC Governor's Highway Safety Grant awarded to the Henderson Police Department. The total grant funding will be \$18,300. The initial grant request would have provided for 75%, or \$13,725 of grant funds, with a 25% grant match of \$4,575 to be provided through Federal Asset Forfeitures. However, 100% grant funding was approved, therefore no match is required. The grant will be used to purchase various pieces of equipment, including an equipment trailer, a light tower and generator, traffic cones, a set of three checkpoint signs with stands, traffic vests, and flashlights with accessories.			

The foregoing Ordinance 13-46, 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. ***; CAF 13-27-A*

**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 13-46 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

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

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



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

Date: June 20, 2013

Perry Twisdale
HENDERSON POLICE DEPT
200 BRECKENRIDGE STREET
HENDERSON, NC 27536

Application number: 1000001761
Ref: 2014 Application Approval

Dear Perry Twisdale,

The Governor's Highway Safety Program (GHSP) grant management team has completed its final review of applications for fiscal year 2014, which begins October 1, 2013. Your application was approved to proceed to the next stage of the funding process.

Although your application has been approved, this does not assure funding. Final approval of funds will not be made until late September when your Agreement is finalized. The next step of the funding process is the submission of the Agreement of Conditions, Resolution (if required) and the Pinning of your electronic application via the Grants Management System.

Please feel free to contact your Highway Safety Specialist should you have any questions or concerns in regards to this request. The GHSP appreciates your dedication and contribution to highway safety. Thank you for being part of the North Carolina Highway Safety Plan for 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Nail".

Don Nail
Assistant Director

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
GOVERNOR'S HIGHWAY SAFETY PROGRAM
1508 MAIL SERVICE CENTER
RALEIGH NC 27699-1508

TELEPHONE: 919-733-3083
FAX: 919-733-0604
WWW.NCDOT.ORG/PROGRAMS/GHSP/

LOCATION:
215 EAST LANE STREET
RALEIGH NC

City Council Action Form

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



Agenda Item: _____

Council Meeting: 12 Aug 13 Regular Meeting

23 July 2013

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

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

RE: CAF: 13-80

Consideration of Approval of Resolution 13-55, Amendments to City Administrative Policies 2.03 Definitions, 5.11 Part-Time Employment and 5.12 Temporary Employees, 6.06.00 Dress and Appearance Policy and 4.13 Separation Pay.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- KSO 6: Develop and Maintain a Qualified Municipal Workforce – To provide a supportive and competitive workforce climate that facilitates and maintains a strong workforce capability and capacity and adequate staffing levels.

Recommendation:

Approval of Resolution 13-55, Amendments to City Administrative Policies 2.03 Definitions, 5.11 Part-Time Employment and 5.12 Temporary Employees, 6.06.00 Dress and Appearance Policy and 4.13 Separation Pay.

Executive Summary:

The City is committed to promoting an efficient and effective work environment for all employees. New Federal regulations regarding *Part-Time employment* (Policies 2.03, 5.11 and 5.12) require a pro-active response. The Affordable Care Act as approved will require that Part-Time employees which average working 30 hours a week be offered medical insurance. A policy to define Part-Time employment and to establish guidelines for supervisors is critical. No action could potentially become a liability to the City's budget.

The current Administrative Guide lacks language which defines or set standards of *Professional Dress*. The Safety and Service Department are provided uniforms which are required to be worn when on duty. The one statement reference in the Policy to dress and appearance is the expectation of "professional dress". The propose policy addresses what is and is not appropriate dress for City employees. It provides guidance on professional dress, appearance and hygiene.

The *Separation Pay* policy was amended to include examples of situations which would warrant the forfeiture of accumulated annual leave. A list of egregious violations that is inclusive of the examples but not limited.

Enclosures:

1. Resolution 13—55

CAF 13-80: 12 Aug 13 Regular Meeting: 22 July 2013 Work Session

Page 1 of 11

RESOLUTION 13—55

A RESOLUTION APPROVING AMENDMENTS TO CITY ADMINISTRATIVE POLICIES 2.03 DEFINITIONS, 5.11 PART-TIME EMPLOYMENT AND 5.12 TEMPORARY EMPLOYEES, 6.06.00 DRESS AND APPEARANCE POLICY AND 4.13 SEPARATION PAY

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

WHEREAS, this Resolution addresses one of these Key Strategic Objectives as follows: KSO 6: Develop and Maintain a Qualified Municipal Workforce – *To provide a supportive and competitive workforce climate that facilitates and maintains a strong workforce capability and capacity and adequate staffing levels; and*

WHEREAS, the Henderson City Council provides personnel policies that provide for the proper administration of Human Resources; *and*

WHEREAS, it is appropriate to amend the policies from time to time; *and*

WHEREAS, Administrative Policies, 2.03 *Definitions*, 5.11 *Part-Time Employment* and 5.12 *Temporary Employees*, 6.06.00 *Dress and Appearance Policy* and 4.13 *Separation Pay* are amended to promote an effective and efficient productive work environment for all employees

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE the amendments to Administrative Policies, 2.03 *Definitions*, 5.11 *Part-Time Employment* and 5.12 *Temporary Employees*, 6.06.00 *Dress and Appearance Policy* and 4.13 *Separation Pay* being more fully articulated in **Attachments A, B and C** to this Resolution.

BE IT FURTHER RESOLVED BY THE HENDERSON CITY COUNCIL that the afore referenced Administrative Policies shall be effective on the adoption date of this Resolution.

The foregoing Resolution 13-55, upon motion of Council Member ** and second by Council Member **, and having been submitted to a roll call vote received the following votes and was ***** on this the *** day of **** 2013: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

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

John H. Zollicoffer, Jr., City Attorney

2.03 DEFINITIONS:

- (a) Full-time Employee. An employee who is regularly scheduled to work the number of hours per workweek designated by the City Council as full-time. In the absence of any contrary definition, full-time shall be at least thirty (30) hours of work per workweek.
- (b) Regular Employee. An employee who has successfully completed the prescribed employee in training periods shall be considered a regular employee. However, all City positions are subject to budget review and approval each year by the City Council, all employees' work and conduct must meet standards of performance and behavior, and all employees are employed "at will". Therefore, reference to "regular" employees or permanent positions should not be construed as a contract or right to perpetual funding or employment.
- (c) Employee in Training. A person appointed to a budgeted position who has not yet completed the employee in training period.
- (d) Part-time Employee. An employee, either regular or temporary, who is regularly ~~less than the number of hours per workweek designated by the City Council as full time~~ scheduled either for twenty-eight (28) hours a week or less, for a period not to exceed thirty-five (35) weeks in a calendar year or nineteen (19) hours a week annually.
- (e) Temporary Employee. A person appointed to serve in a position for a defined time period, usually less than six months.
- (f) Grievance A claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

5.11 PART-TIME EMPLOYMENT:

Part-time employees who are not appointed to regular full-time positions do not accrue vacation leave, sick leave, holidays or other benefits afforded to regular full-time employees.

Part-time employees must not be scheduled to work more than one thousand (1000) hours in a calendar year nor average more than twenty-eight (28) hours for a sustained period of time not to equal or exceed thirty-five (35) weeks or less. Part-time employees working year-round should average nineteen (19) or less hours per week to be in compliance. Department supervisors will be held accountable for non-compliance (if exceeding 35 hours per week).

5.12 TEMPORARY EMPLOYEES:

Temporary employees may be hired for various seasonal jobs for certain periods of time, but not to exceed six (6) months. Temporary employees may be hired with the approval of the City Manager. The rate of pay shall typically be competitive with pay for similar labor in the Henderson/Vance County labor market.

All benefits of a regular full-time employee such as insurance, vacation leave, sick leave, holidays, retirement benefits, etc., will begin to accrue to the employee after acceptance of regular full-time employment.

Temporary employees shall not be scheduled to work more than one thousand (1000) hours in a calendar year. The temporary, seasonal employee should be employed for certain periods not to exceed six (6) months in order to comply. Department supervisors are accountable for compliance.

6.06.00 DRESS AND APPEARANCE POLICY

PURPOSE

The purpose of this policy is to establish the City's guidelines for the appearance of City of Henderson employees when performing duties and conducting business for the City and to ensure all employees project and maintain a positive public image at all times. See Section 8.11 (Uniforms) of the Administrative Policy for dress requirements for the Public Safety sector and other classes of employees.

City of Henderson employees are expected to represent the City to its citizens and general public in an exemplary manner both in conduct and appearance at all times. City employees should always be well-groomed and dressed in a manner suitable for the public service environment and in attire that allows the employee to work comfortably in the workplace.

As all casual clothing is not suitable for the office, these guidelines will help employees determine what is acceptable to wear to work. Clothing that works well for leisure time generally will not be appropriate for a professional appearance at work.

Because of the changing nature of fashion, regulations pertaining to acceptable employee attire and grooming are flexible; however, there are certain expected norms of professional appearance, personal neatness, cleanliness, and good grooming which are applicable to all employees.

GENERAL MINIMUM GUIDELINES

A. All clothing should be neat, clean, pressed or wrinkle-free, in good condition, without holes or fraying, with finished seams, and in keeping with the nature of the duties performed.

B. Any clothing that has words, terms or pictures that may be offensive to others is unacceptable. Also inappropriate is clothing that promotes alcoholic beverages, tobacco, the use of controlled substances, depicts violence, and is of a sexual nature, of a disruptive nature, or of a political nature.

C. Clothing that reveals too much cleavage, your back, your chest, your stomach, or your underwear is not appropriate for a place of business. Clothing must not be provocative, revealing, low-cut, indecent, vulgar, obscene, or profane.

D. Clothing that is tight-fitting, see-through or otherwise revealing, including skirts and dresses that are too short and blouses that are too low or too short, is not appropriate at any time. Dress and skirt length should be at a length at which the wearer can sit in public without being revealing.

GENERAL MINIMUM GUIDELINES (continued)

E. Extravagant and extreme styles and attire are not in good taste in a public service environment.

F. Employees in departments requiring uniforms must adhere to the uniform code of dress appropriate for that department.

G. Reasonable accommodations shall be made for employees who, because of a sincerely held religious belief of a recognized religious organization, cultural heritage, or medical reason, request a waiver of a particular part of this policy for dress or appearance.

H. Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor.

NON-COMPLIANCE GUIDELINES

An employee's department head and/or supervisor will discuss the subject of personal appearance with the employee if it is felt it does not positively reflect the image of the City. Any employee deemed to be inappropriately dressed or groomed will be asked to return home in order to correct the unacceptable infraction. Employees will not be compensated for the time they do not work as a result unless vacation leave or compensatory time is used. Repeated violations will be subject to further disciplinary action up to and including dismissal.

This Dress and Personal Appearance Policy shall remain flexible and shall be reviewed and updated on a regular basis. It has been formulated to be fair and uniform, not overly restrictive, and still allow employees to retain their personal style. This policy is also intended to take into consideration any health, medical or religious needs that employees may encounter with the guidelines herein established.



CITY OF HENDERSON

Post Office Box 1434
134 Rose Avenue
Henderson, North Carolina 27536-1434
Phone: (252) 430-5706 FAX: (252) 492-7935

DRESS AND PERSONAL APPEARANCE POLICY

By my signature I, _____, hereby acknowledge that I have been provided a copy of the City of Henderson's Dress and Personal Appearance Policy and Handout. I also acknowledge that I understand and will comply with the provisions of this policy and any amendments as they are properly issued.

Employees Signature

Date

Witness

Date

DRESS AND PERSONAL APPEARANCE **HANDOUT**

EXAMPLES OF APPROPRIATE & INAPPROPRIATE DRESS

A. Slacks, Pants, Suit Pants

APPROPRIATE

- a. Similar to Dockers and other makes of cotton or synthetic material pants
- b. Wool or flannel pants
- c. Dressy crop/Capri pants

INAPPROPRIATE

- a. Pants worn below the natural waist, i.e., hip huggers, low riders
- b. Denim blue jeans, unless approved for a specific event or job task, i.e. casual Fridays; must be without holes or fraying, with finished seams
- c. Sweatpants, athletic outfits, jogging suits, wind suits, exercise pants
- d. Shorts, unless approved for a specific event or job task, skorts, culottes, Bermuda shorts, short shorts, cutoffs, jean shorts
- e. Bib overalls
- f. Leggings
- g. Any spandex or other form-fitting pants such as people wear for biking

B. Skirts, Dresses, Jumpers, Skirted Suits

APPROPRIATE

- a. Casual dresses and skirts
- b. Skirts split at or below the knee
- c. Jumpers

INAPPROPRIATE

- a. Micro-mini skirts, mini skirts, sun dresses, beach dresses, or any other dresses higher than three (3) inches above the knee
- b. Dresses with spaghetti straps
- c. Backless dresses without a jacket or cover-up
- d. Dresses with inappropriate cutouts, excessive armpit cutouts, or see-through elements
- e. Dresses that do not cover the back, waist and midriff

EXAMPLES OF APPROPRIATE & INAPPROPRIATE DRESS

continued

C. Shoes, Footwear

APPROPRIATE

- a. Conservative athletic or walking shoes
- b. Loafers
- c. Clogs
- d. Boots
- e. Flats, open & closed toe
- f. Dress shoes & dress heels, open & closed toe
- g. Leather deck-type shoes
- h. Sandals

INAPPROPRIATE

- a. Flashy athletic shoes
- b. Flip-flops
- c. Bedroom slippers
- d. Bare feet

D. Hats, Head Coverings, Head Gear

APPROPRIATE

- a. Head gear designed for safety or protection when employee works outdoors or when performing duty indoors that requires such protection
- b. Head coverings that are required for religious purposes
- c. Head coverings worn to honor cultural traditions

INAPPROPRIATE

In accordance with common courtesy and tradition, all hats, including baseball caps, shall not be worn by employees working in City offices.

EXAMPLES OF APPROPRIATE & INAPPROPRIATE DRESS

continued

A. Jewelry

- a. Conservative earrings, necklaces, bracelets, watches, rings, and ankle bracelets are permitted.
- b. Jewelry must not interfere with an employee's ability to perform his/her job duties.
- c. All jewelry should be in good taste.
- d. Jewelry should not be worn in excessive amounts.
- e. Jewelry should not be overly gaudy or ostentatious.
- f. Visible body piercing should be limited and the wearing of facial jewelry, such as nose rings, tongue rings, and lip and eyebrow rings, are not allowed at work or at any City function.

B. Makeup, Perfume, Cologne

Because some people are allergic to the chemicals in perfumes and make-up, these substances should be worn with restraint.

C. Hair, Hairstyles

Extreme hairstyles and hair colors, such as hair dyed pink, purple, green, blue, etc., are inappropriate for the workplace. Hair should be neat in appearance and clean. Facial hair and general hair length should be an appropriate length to reflect a professional appearance and be safe in the workplace.

D. Tattoos

Tattoos bearing offensive language or logos that are or could be seen by others as profane, racist, sexist or discriminatory in nature are to be covered.

4.13 - SEPARATION PAY:

An employee who is separated shall be paid for annual leave accumulated to the date of separation not to exceed the maximum allowed provided he/she has completed six (6) or more months of continuous service and provided he/she has submitted and worked a two-week notice. Department heads shall submit a written resignation and work a minimum four-week notice. An employee who is involuntarily separated without fault or delinquency on his/her part shall be paid for annual leave accumulated to the date of separation not to exceed the allowable maximum for accumulation purposes. Compensation for accumulated annual leave **shall not** be paid to an employee dismissed for cause ~~or delinquency or who does not submit the required notice or does not surrender any and all City issued or provided equipment, and any office or City related materials and document.~~ as outlined in Section 10.03 DISCIPLINARY ACTIONS subsection grossly inefficient job performance and:

- (a) Falsification of mandated reporting to the State or Federal government
- (b) Failure of drug and/or alcohol screening
- (c) Violence in the workplace
- (d) Theft of City property
- (e) Conviction of a felony

Employees who does not submit the required notice to separate or obtain written permission from their supervisor to leave at an earlier agreed upon date will be subject to forfeiture of accumulated annual leave. Also, anyone that does not surrender any and all City issued or provided equipment, and any office or City related materials and document will have the final pay handled in accordance with N.C. G.S. §95-25.8.

- (a) Final pay will be made after all documented indebtedness to the City has been paid in full, (in accordance with N.C.G.S. §95-25.8) and all supplies formerly in the possession of said employee have been accounted for in proper condition.
- ~~(b) Separation pay will include the maximum amount of leave that is allowable for accumulation purposes as defined in Section 9.05 of this manual.~~

City Council Action Form

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



Agenda Item: _____

Council Meeting: 12 Aug. 2013 Reg. Meeting

23 July 2013

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

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

RE: CAF: 13-14

**Consideration of Approval of Ordinance 13-41 FY14 Budget Amendment #3,
Closing Out the Public Library Fund**

Ladies and Gentlemen:

Recommendation:

- Approval of Ordinance 13-41 FY14 Budget Amendment # 3, Closing Out the Public Library Fund.

Executive Summary:

The Public Library Fund was established years ago when a portion of the property tax was used to help finance the library. Contemporary inter-local agreements between the City and Vance County provide for a cost sharing plan which is currently 25% City and 75% County. Thus, utilization of this fund is no longer needed as it has become archaic. The Library's annual budget request is now reflected in the General Fund along with other County shared programs. This amendment serves to close out the Public Library Fund and transfer the remaining funds to the General Fund.

Enclosure:

1. Ordinance 13-41

O R D I N A N C E 13-41

AN AMENDMENT TO THE FY 2013 – 2014 BUDGET BUDGET AMENDMENT #3 CLOSING OUT FUND 40: PUBLIC LIBRARY FUND

WHEREAS, the City Council of the City of Henderson (Council), on 27 June 2013, adopted the FY 13-14 Operating Budget; *and*

WHEREAS, the Council had heretofore created and used a Public Library Fund for accounting for revenues and expenditures of the Public Library; *and*

WHEREAS, the utilization of the Public Library Fund is no longer needed and the Library's annual budget request is now being reflected in the General Fund and, therefore, it is necessary to amend the various revenue and expense accounts of the annual operating and Public Library Fund to effect closeout of the Public Library Fund, said amendment being incorporated into 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 and the NC Department of Commerce:

FUND 40: Public Library Fund and 10: General Fund			Ordinance 13-41 FY13-14 Budget Amendment # 3			
PUBLIC LIBRARY FUND REVENUES: 40			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
	Fund Balance Appropriation	40-990-490999	\$ -	\$ -	\$ 461	\$ 461
			\$ -	\$ -	\$ -	\$ -
		Total	\$ -	\$ -	\$ 461	\$ 461
						\$ 461
PUBLIC LIBRARY FUND EXPENDITURES: 40			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
	Trans to: 10 General Fund	40-850-561010	\$ -	\$ -	\$ 461	\$ 461
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
		Total	\$ -	\$ -	\$ 461	\$ 461
						\$ 461
		Variance			\$ -	
GENERAL FUND REVENUES: 10			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
	Trans fr: 40 Public Library Fund	10-980-461040	\$ -	\$ -	\$ 461	\$ 461
			\$ -	\$ -	\$ -	\$ -
		Total	\$ -	\$ -	\$ 461	\$ 461
						\$ 461
GENERAL FUND EXPENDITURES: 10			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
	Reserve	10-660-900999	\$ -	\$ -	\$ 461	\$ 461
			\$ -	\$ -	\$ -	\$ -
		Total	\$ -	\$ -	\$ 461	\$ 461
						\$ 461
		Variance			\$ -	
Reference:			Notes:			
22 July 2013 Meeting; CAF 13-14; Ordinance 13-41; BA #3			To transfer remaining funds from the Public Library Fund to the General Fund. This fund is no longer being utilized. The Library's annual budget request is reflected in the General Fund along with the other Vance County Shared Programs.			

The foregoing Ordinance 13-41 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. ***; CAF 13-14*

**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 13-30 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 July 2013.

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

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

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

City Council Action Form

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



Agenda Item:

Council Meeting: 12 August 13 Regular Meeting

24 July 2013

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

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

RE: CAF: 13-89

Consideration of Approval of Ordinance 13-47, An Ordinance Amending Portions of Chapter 15, Regarding Water and Sewer Due Dates and Cut-Offs, and the Annual Fee Schedule

Ladies and Gentlemen:

Council Goals / Core Values Addressed By This Item:

- CV-3: Fairness-We value equity and will be fair in how we work with citizens and customers and how we implement City policies, regulations and ordinances.

Recommendation:

- Approval of Ordinance 13-47, An Ordinance Amending Portions of Chapter 15, Regarding Water and Sewer Due Dates and Cut-Offs, and the Annual Fee Schedule.

Executive Summary

During its 22 July 2013 Work Session, Members of Council reviewed the City's utility security deposit, service fee and late fee policies. The unanimous consensus of Council was to amend the policies as follows:

- Late Fee policy will now provide for one (1) automatic late fee waiver per year for customers who have otherwise been a customer in good standing during the most recent rolling 12-months.
- Grace Period policy will now be extended from seven (7) calendar days to ten (10) calendar days.

Ordinance 13-47 provides for these amendments to existing ordinance and fee schedule to be implemented.

Enclosures:

1. Ordinance 13-47

ORDINANCE 13-47

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 15, REGARDING WATER AND SEWER DUE DATES AND CUT-OFFS AND THE ANNUAL FEE SCHEDULE

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

Section 1: That Section 15-9 of the Henderson City Code be rewritten to read as follows:

“Sec. 15-9. - Cutting off water and/or sewer for violating Code.

- a) **Consequences for Violating Provisions of this Chapter:**Any water and/or sewer consumer violating any provisions of this chapter or any provisions of ~~a~~Article I, ~~e~~Chapter 20 (including the North Carolina Plumbing Code incorporated therein by reference, and further including the nonpayment of any bill, statement or fee included within this chapter) of the City Code is liable to have the water and/or sewer service to his/her premises turned off pursuant to Section 15-34 of this Chapter. ~~after at least five days' notice of said proposed cut-off mailed or delivered to said customer's last known address, said notice further~~
- b) **Utility Bill Advice to Consumer:**~~The utility bill shall advise the customer of the current amount due, the due date and the cut-off date as well as any amount past due and/or delinquent and the cut-off date for said past due/delinquent amounts. Additionally, the bill shall advise~~advising the consumer that no second notice shall be given and that he/she can request an informal "hearing" with the ~~collector of revenue~~Utilities Customer Service Supervisor or his/her assignee in city hall during designated office hours in the event the consumer does not feel he/she is delinquent or otherwise in violation. The ~~city~~City ~~shall incur no liability whatsoever for turning off water and/or sewer under the provisions of this section~~Chapter.”

Section 2: That paragraph (b) of Section 15-34 of the City Code be rewritten to read as follows:

“b) Grace Period Established: A grace period of ~~seven (7)~~ten (10) calendar days~~before cut-off~~shall be extended to customers that have not paid their bills by the due date as printed on their monthly bills. If the last day of the grace period falls on a holiday or a weekend, the grace period shall extend through the close of business on the next business day.”

Section 3: The Respective provision of the Annual Fee Schedule of the City of Henderson, approved on 27 June 2013 (as part of adopting the FY 13-14 Budget) is amended as follows:

Finance

"Late Fee: (~~One Time Waiver~~within a rolling 12 month period with Good Standing History). A Late Fee of \$12.00 shall be charged to any customer whose water/utility bill is not paid by 5:00 p.m. on the due date.A customer whose account has not had any late fees applied during the previous rolling twelve (12) month period shall be entitled to automatically receive one (1) waiver of Late Fee per year during said rolling twelve (12) month period."

Section 4: This Ordinance shall be in full force and effect upon adoption.

The foregoing Ordinance 13-47, upon motion of Council Member ** and seconded by Council Member ** and having been submitted to a roll call vote and received the following votes and was *** on this the *** day of *****2013: YES:. NO:. ABSENT:. ABSTAIN:.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

Reference: Minute Book 42, p.;

Meetings and Events Calendar

Last Updated: 8/7/2013 12:27 PM

Date	Time	Event	Location
Aug 13 th	3:00 PM	Henderson Community Appearance Commission	City Council Chambers
Aug 15 th	7:00 PM	Human Relations Commission	City Council Chambers
Aug 26 th	6:00 p.m.	City Council Meeting Work Session to Follow	<i>City Council Chambers</i>
Sept 2	City Hall Closed	Labor Day Holiday	Happy Holiday
Sept 9	3:30 PM	Henderson Planning Board	City Council Chambers
Sept 9	5:00 PM	Library Board of Trustees	Perry Memorial Library
Sept 9	6:00 PM	City Council Regular Meeting	City Council Chambers
Sept 10	3:00 PM	Henderson Community Appearance Commission	City Hall Large Conference Room <i>*Note Change of Venue*</i>
Sept 10	3:30 PM	Henderson Zoning Board of Adjustment	City Council Chambers
Sept 12	12:00 PM	Henderson-Vance Park & Recreations Commission	Aycock Recreation Center
Sept 19	7:00 PM	Human Relations Commission	City Council Chambers
Sept 23	6:00 PM	City Council Meeting Work Session to Follow	<i>City Council Chambers</i>
Sept 27	10:00 AM	Henderson-Vance E911 Advisory Board Meeting	E911 Operations Center
Oct 1	3:30 PM	Henderson Zoning Board of Adjustment	City Council Chambers
Oct 7	3:30 PM	Henderson Planning Board	City Council Chambers
Oct 8	3:00 PM	Henderson Community Appearance Commission	City Council Chambers
Oct 10	12:00 PM	Henderson-Vance Park & Recreations Commission	Aycock Recreation Center
Oct 14	9:30 AM	KLRW Advisory Board Meeting	City Hall Large Conference Room
Oct 14	6:00 PM	City Council Regular Meeting Cancelled	Cancelled due to Conference
Oct 17	7:00 PM	Human Relations Commission	City Council Chambers
Oct 28	6:00 PM	City Council Meeting Work Session to Follow	<i>City Council Chambers</i>
Nov 4	3:30 PM	Henderson Planning Board	City Council Chambers
Nov 5	3:30 PM	Henderson Zoning Board of Adjustment	City Council Chambers
Nov 11	5:00 PM	Library Board of Trustees	Perry Memorial Library
Nov 11	6:00 PM	City Council Regular Meeting	City Council Chambers

HENDERSON-VANCE COUNTY 911

NUMBER OF CALLS REPORT BY COMPLAINT (ALL UNITS)

TOTAL

7,430

TIME PERIOD:06/21/2013 09:00:00 Through 07/20/2013 23:59:59

DEPARTMENT	COMMENT	TOTAL	COUNTY	CITY	STATE	OTHER
DATA WITH NO DEPARTMENT		161				161
AFYON VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	4	4			
AMERICAN RED CROSS	Other Dispatch	0				0
BEARPOND VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	40	40			
BERTIE AMUBLANCE SERVICE	City & County Dispatch-actual	4	4			
COKEBURY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	40	40			
CSX RAILROAD	Other Dispatch	1				1
DREWRY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	14	14			
EMBARQ	Other Dispatch	1				1
EPSOM VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	18	18			
HENDERSON FIRE DEPARTMENT-STA 1	City Dispatch	304		304		
HENDERSON FIRE DEPARTMENT-STA 2	City Dispatch	111		111		
HENDERSON POLICE DEPARTMENT	City Dispatch	3,131		3,131		
HENDERSON STREET DEPT	City Dispatch	4		4		
HENDERSON WATER DEPARTMENT	City Dispatch	14		14		
HICKSBORO VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	29	29			
KITRELL VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	15	15			
NORTH CAROLINA DEPT OF PARKS	State Dispatch	8			8	
NORTH CAROLINA DEPT OF TRANSPORTATION	State Dispatch	10			10	
NORTH CAROLINA DIVISION OF MOTOR VEHICLES	State Dispatch	1			1	
NORTH CAROLINA FORESTRY SERVICE	State Dispatch	2			2	
NORTH CAROLINA MAGISTRATE OFFICE	State Dispatch	0			0	
NORTH CAROLINA MEDICAL EXAMINER	State Dispatch	2			2	
NORTH CAROLINA PROBATION & PAROLE	State Dispatch	0			0	
NORTH CAROLINA STATE HIGHWAY PATROL	State Dispatch	42			42	
NORTH CAROLINA UNDERWATER RECOVERY	Other Dispatch	0			0	
NORTH CAROLINA WILDLIFE	State Dispatch	2			2	
PROGRESS ENERGY	Other Dispatch	12				12
PUBLIC SERVICE GAS	Other Dispatch	0				0
RIDGEWAY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	1	1			
TOWNSVILLE VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	44	44			
VANCE COUNTY AMBULANCE SERVICE (EMS)	City & County Dispatch-actual	557	225	310		22
VANCE COUNTY ANIMAL CONTROL	County Dispatch	76	76			
VANCE CO DEPT OF SOCIAL SERVICES	County Dispatch	1	1			
VANCE COUNTY EMERGENCY MANAGEMENT	City & County Dispatch	4	4			
VANCE COUNTY FIRE DEPARTMENT	County Dispatch/FIRE	128	128			
VANCE COUNTY RESCUE SQUAD	County Dispatch	38	38			
VANCE COUNTY SHERIFF DEPARTMENT	County Dispatch	3,525	3,225			
WAKE ELECTRIC COOPERATIVE	Other Dispatch	0				0
WATKINS VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	10	10			
TOTALS		8,354	3,916	3,874	67	197

Signature:

Carey D. Thompson

Prepared by: Carey D. Thompson, 911 Database Coordinator

Signature:

Brian K. Short

Reviewed by Brian K. Short, Director

07/31/2013

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 06/21/2013

Last Date: 07/21/2013

<i>Complaint</i>		<i>Number</i>
911HU	911 HANG UP CALL	91
ABDOM-EMD	ABDOMINAL PAIN OR PROBLEMS	19
ABNV	ABANDONED VEHICLE	1
ACC-PD	ACCIDENT PROPERTY DAMAGE	93
ACC-PI	ACCIDENT PERSONAL INJURY	34
ALARM	ALARM RESIDENCE OR BUSINESS	298
ALARMFALSE	ALARM FALSE	128
ALARMMED	ALARM MEDICAL	10
ALLERG-EMD	ALLERGIC REACTION / ENVENOMATIC	5
ANIMAL-EMD	ANIMAL BITE / ATTACK	8
ANIM	ANIMAL COMPLAINT/VISCIOUS ANIMAL	70
ARMED SUSP	ARMED SUSPECT (MAN WITH A GUN)	11
ASAG	ASSIST OTHER AGENCY	26
ASMO	ASSIST MOTORIST	66
ASSAULT-EMD	ASSAULT OR SEXUAL ASSAULT - IN PI	13
ASSAULT-EMD	ASSAULT OR SEXUAL ASSAULT	49
BACKPAIN-EMD	BACK PAIN (NON-TRAUMATIC)	5
BE MV	BREAKING AND ENTERING TO A MOTOR	20
BON	BONDING	16
BONDSET	BOND SET	5
BREATH-EMD	BREATHING PROBLEMS	48
BURG-IP	BURGLARY/B&E IN PROGRESS	9
BURGLARY	BURGLARY	98
CARBON-EMD	CARBON MONOXIDE / INHALATION / H	1
CAR	CARELESS AND RECKLESS DRIVER	57
CARDIAC-EMD	CARDIAC/RESPIRATORY ARREST OR I	10
CHASE	CHASE	5
CHESTPAI-EMD	CHEST PAIN	44
CHILD-ABU	CHILD ABUSE OR NEGLECT	2
CHIVEH	CHILD LOCKED IN VEHICLE	1
CHOKING-EMD	CHOKING	1
CIVDIS	CIVIL DISPUTE	85
COMTHR	COMMUNICATING THREATS	7
CONVULS-EMD	CONVULSIONS / SEIZURES	28
DIABETIC-EMD	DIABETIC PROBLEMS	20
DIRTRF	DIRECTING TRAFFIC/TRAFFIC CONTR	5
DISO	DISORDERLY PERSON	85
DOMEIP/W	DOMESTICE DISPUTE - IN PROGRESS	6
DOM-PROB	DOMESTIC PROBLEM	116
DROWNING-EMD	DROWNING (NEAR DRWONING) / DIVI	1
DRUGALC	DRUG OR ALCOHOL COMPLAINT	62
DRUNKDRIV	DRUNK DRIVER	12
DVO	DOMESTIC VIOLENCE ORDER	9
ELECTROC-EMD	ELECTROCUTION / LIGHTNING	1
EMERG TRANS	EMERGENCY TRANSPORT	5
ESCO	ESCORT	223
EVICTON	EVICTON CARRIED OUT	69
EYE PROB-EMD	EYE PROBLEMS / INJURIES	1
FALLS-EMD	FALLS (SUBJECT FALLEN)	65
FIGHT	FIGHT	32
FIGHT-IP/W	FIGHT IN PROGRESS/W-WEAPONS	7
FIRE AL	FIRE ALARM	42

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 06/21/2013

Last Date: 07/21/2013

<i>Complaint</i>		<i>Number</i>
FIRE BRU	BRUSH/GRASS FIRE	5
FIRE ELEC	ELECTRICAL FIRE	9
FIRE GRE	GREASE FIRE	1
FIRE SMOKE	SMOKE REPORT	3
FIRE STRUC	STRUCTURE FIRE	7
FIRE VEHI	VEHICLE FIRE	6
FRAUD	FRAUD/FORGERY	28
FUELSPILL	FUEL SPILL	2
GASLEA	GAS LEAK	2
HARR	HARRASSMENT/THREATS	61
HEADACHE-EMD	HEADACHE	7
HEART-EMD	HEART PROBLEMS - AICD	5
HEAT/CLD-EMD	HEAT / COLD EXPOSURE	2
HEMORR-EMD	HEMORRHAGE / LACERATION	24
HRPD	HIT & RUN PD	24
HRPI	HIT & RUN PI	1
ILL-DUMP	ILLEGAL DUMPING	20
INDEXPO	INDECENT EXPOSURE	5
INSPECTION	FIRE INSPECTION	51
INTPERS	INTOXICATED PERSON	29
INVE	INVESTIGATE ----- AT	844
IPV	IMPROPERLY PARKED VEHICLE	7
JUV	JUVENILE PROBLEMS	26
LARCIP	LARCENY IN PROGRESS	1
LARC	LARCENY - ALREADY OCCURRED	155
LOIT	LOITERING COMPLAIN	8
LOST	LOST PROPERTY	10
LOUD	LOUD MUSIC	107
MEDICAL	MEDICAL	1
MEN	MENTAL SUBJECT	58
MISS	MISSING PERSON	8
OPEN	OPEN DOOR/WINDOW	9
OVERDOSE-EMD	OVERDOSE / POISONING (INGESTION)	6
PDAMG	PROPERTY DAMAGE ALREADY OCCUI	88
PDMGIP	PROPERTY DAMAGE IN PROGRESS	2
PREGNANT-EMD	PREGNANCY/CHILDBIRTH/MISCARRIA	11
PROW	PROWLER	32
RACE	RACING/HIGH SPEED DRIVING	6
RAPE	RAPE	1
RECFPI	RECOVERED/FOUND PROPERTY	16
ROBARM	ROBBERY ARMED	3
ROBBERY	ROBBERY	4
RUN	RUNAWAY	4
SHOP	SHOPLIFTER	19
SHOTS	SHOTS FIRED	70
SICK-EMD	SICK PERSON	107
SPEC	SPECIAL ASSIGNMENT	2
STABBING-EMD	STABBING / GUNSHOT / PENETRATING	1
STOLV	STOLEN VEHICLE	8
STROKE-EMD	STROKE (CVA)	23
SUBINCUS	SUBJECT IN CUSTODY	38
SUICIDE-EMD	SUICIDE / PSYCHIATRIC / ABNORMAL	2

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 06/21/2013

Last Date: 07/21/2013

<i>Complaint</i>		<i>Number</i>
SUMMONS	CIVIL / CRIMINAL SUMMONS	339
SUPSUB	SUSPICIOUS SUBJECT	93
SURR	SURRENDER	4
SUSVEH	SUSPICIOUS VEHICLE	113
TEST	TEST CALL	76
Traffic Stop	VEHICLE STOP	709
TRANSPORT	TRANSPORT	3
TRAUMA-EMD	TRAUMATIC INJURY (SPECIFY IN NARI	12
TREEDWN	TREE DOWN	18
TRES	TRESPASSING SUSPECT	102
UNAUTHVEH	UNAUTHORIZED USE VEHICLE	7
UNCONC-EMD	UNCONCIOUS / FAINTING OR NEAR	30
UNKNOWN-EMD	UNKNOWN PROBLEM (MAN DOWN)	7
WARRANT	WARRANT	1799
WATER	WATER RELATED PROBLEM	14
WRIT	WRIT OF EXECUTION	10

Report Total: 7430

HENDERSON-VANCE CO 911

Number Of Calls Report by Department (All Units)

First Date: 06/21/2013

Jurisdiction: HEN-VAN

Last Date: 07/21/2013

	<i>Department</i>	<i>Number</i>
1	Data with no Department.	161
2	data error, blank in Department	1
3	AFTO	4
4	BERT	4
5	BVFD	40
6	CSX	1
7	CVFD	40
8	DMV	1
9	DOT	10
10	DSS	1
11	DVFD	14
12	EM	4
13	EMS	557
14	EVFD	18
15	FOR	2
16	HFD1	304
17	HFD2	111
18	HPD	3131
19	HVFD	29
20	KVFD	15
21	ME	2
22	PARK	8
23	PE	12
24	RIDG	1
25	SHP	42
26	STRE	4
27	TVFD	44
28	VCAC	76
29	VCFD	128
30	VCR	38
31	VCSD	3525
32	WATE	14
33	WILD	2
34	WVFD	10

Total: 7430

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