



AGENDA

Henderson City Council Regular Meeting

Monday 13 January 2014, 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 Peace-Jenkins

Councilmember Garry D. Daeke

Councilmember Fearldine A. Simmons

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) 9 December 2013 Regular Meeting [See Notebook Tab 1]*

VII. PRESENTATIONS AND RECOGNITIONS

- a) Recognition of Retiree Patricia M. Jackson
b) Recognition of Newly Appointed Police Chief Marcus Barrow*

VIII. PUBLIC HEARING

- a) Conduct a Public Hearing for the Purpose of Receiving Initial Citizen Comments Relative to Ordinance 14-03, Requiring Various Certificates and Permits Have the Same Legal Entity Name. (CAF 14-04) [See Notebook Tab 2]*
- Public Hearing
 - Ordinance 14-03

IX. PUBLIC COMMENT PERIOD ON 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

X. NEW BUSINESS

- a) Consideration of Approval of Resolution 14-01, Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2013. (CAF 14-01) [See Notebook Tab 3]*
- Resolution 14-01

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.

b) Consideration of Approval of 1) Resolution 14-03, Approving the Bid Award for the Henderson Police Department Training Center Repair Project to Highland Company of Eastern NC, LLC, and 2) Ordinance 14-01, FY14 BA #22, Amending the Project Budget to Include Additional Repairs. (CAF 14-02) [See Notebook Tab 4]

- Resolution 14-03
- Ordinance 14-01

c) Consideration of Approval of Resolution 14-10, Authorizing an Agreement Between the Embassy Cultural Center Foundation and the City of Henderson for the Use of City Owned Parking Lot and Approving Terms of a Temporary Construction Easement Allowing Use of City Owned Parking Spaces by Variety Wholesalers, Inc. (CAF 14-19) [See Notebook Tab 5]

- Resolution 14-10

d) Consideration of Approval of Resolution 14-05, Providing for the Disposition of Jointly Held Property by the City and Country Otherwise Identified as 514 High Street Tax Parcel #0008 01033. (CAF 14-11) [See Notebook Tab 6]

- Resolution 14-05

e) Consideration of Approval of Ordinance 14-09, FY14 Budget Amendment #23, Amending the Water Fund to Use Contingency Funds to Appropriate Additional Legal Fees Within the Water Distribution Department. (CAF 14-16) [See Notebook Tab 7]

- Ordinance 14-09

XI. CONSENT AGENDA

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

a) Consideration of Approval of Ordinance 14-04, FY14 Budget Amendment #20, Authorizing the Transfer of Contingency Funds to Engineering in the CIP Regional IBT Project. (CAF 14-05) [See Notebook Tab 8]

- Ordinance 14-04

b) Consideration of Approval of Resolution 14-08, Awarding of Departmental Handgun and Badge to Retiree Lieutenant Marshall Perry. (CAF 14-14) [See Notebook Tab 9]

- Resolution 14-08

- c) Consideration of Approval of Tax Releases and Refunds from Vance County for the Months of November and December 2013. (CAF 14-07) [See Notebook Tab 10]

XII. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

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XIII. REPORTS

- a) Mayor/Mayor Pro-Tem
- b) City Manager
 - i. Perry Memorial Library, Inc. Audit Report [See Notebook Tab 11]
- c) City Attorney
- d) City Clerk
 - i. Meeting and Events Calendar [See Notebook Tab 12]
 - ii. Fire Department Report

XIV. WORK SESSION

- a) Consideration of Approval of 1) Resolution 14-07, Authorizing the Execution of Change Order #2 for the Henderson Water Reclamation Facility Project to Devere Construction Company, Inc. in the Amount of \$33,080, and 2) Ordinance 14-08, Amending the FY14 Budget to Authorize the Use of the Contingency Funds to the Henderson Water Reclamation Facility Project for Change Order #2. (CAF 14-13) [See Notebook Tab 13]

- Resolution 14-07
- Ordinance 14-08

XV. ADJOURNMENT

⁴ Citizen Comment Guidelines

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- 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

Regular Meeting

9 December 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, George M. Daye and Council Member – Elect Fearldine A. Simmons

ABSENT

Council Member Vernon L. Brown

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, Jr., City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Katherine C. Brafford, Engineering Director, Peter Sokalski, Kerr Lake Regional Water Director Christy Lipscomb, Code Compliance Director Corey Williams, Planning and Community Development Director Erris Dunston, Henderson Water Reclamation Facility Director Tom Spain, Recreation and Parks Director Alan Gill, Youth Services Director Donna Stearns, Human Resources Director Cathy Brown, Interim Police Chief Marcus Barrow and Fire Chief Danny Wilkerson.

CALL TO ORDER

The 9 December 2013 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:00 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

OPENING COMMENTS

Mayor O'Geary said it was a pleasure to see so many attending this special meeting. He said he is always happy to see citizens at Council Meetings.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. City Clerk McCrackin said with Council's approval a *Closed Session* will be added Pursuant to G.S.§143-318.11 (a)(3) regarding Attorney/Client Privilege (Oxford Law Suit). Council Member Inscoe moved to accept the adjusted Agenda. Motion seconded by Council Member Coffey and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Kearney moved the approval of the 25 November 2013 Short Regular and 25 November 2013 Work Session minutes as presented. Motion seconded by Council Member Daye and unanimously approved.

PRESENTATIONS AND RECOGNITIONS

Mayor O'Geary recognized retiree Emma Granston by reading a Proclamation and presenting her an engraved clock. The Mayor told Ms. Granston he hated to see her retire and said he would miss saying good morning to her. She received a round of applause from both Council and attendees.

Mayor O'Geary then asked Donna Stearns to come forward to give a summary of the United Way Campaign. Ms. Stearns said there were five (5) departments with 100% participation this year. She said the total giving was in the mid-range of giving which she felt was good considering the economic conditions. As a City employee and also as director of the Henderson Vance Recreation Youth Services which is partially funded by United Way, Ms. Stearns expressed appreciation to the Council and employees for their support.

Mayor O'Geary thanked Ms. Stearns for spearheading the campaign as she has done for many years in the past.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

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

OLD BUSINESS

Authorizing a Bid Award for the High Service Pump Replacement in the Amount of \$914,866 to Dellinger Inc., of Monroe, North Carolina for the Regional Water System and Amending the KLRWP High Speed Efficiency Pump Project Fund. (Reference: CAF 13-06; Resolution 13-04; Ordinance 13-71)

City Manager Griffin asked Assistant City Manager Frazier to familiarize Council regarding this item. Mr. Frazier said this is a project that has been in the works for quite a while. On 23 July 2012, Council approved acceptance of a 0% interest loan from the State to replace an existing

700Hp Finished water pump with a 750Hp Finished variable frequency drive water pump. The new pump will ensure redundancy, efficiency of pumping capacity and reliability. After the plans and specifications were updated by EE&T, as part of the 20MGD project, and after the proper publishing and opening of bids, it is recommended the bid award be given to Dellinger, Inc., of Monroe, North Carolina.

Council Member Inscoe asked for verification that the funds were coming out of the Regional Water budget. Mr. Frazier responded yes. Mr. Inscoe also shared that this project was endorsed by the KLRW partners during its meeting this morning.

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

Council Member Rainey moved the approval of Resolution 13-04, *Authorizing a Bid Award for the High Service Pump Replacement in the Amount of \$914,866 to Dellinger Inc., of Monroe, North Carolina for the Regional Water System* and Ordinance 13-71, *Amending the KLRWP High Speed Efficiency Pump Project Fund*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke and Daye. NO: None. ABSTAIN: None. ABSENT: Brown. (See Resolution Book 3, p 103; Ordinance Book 9, p 63)

Authorizing the Acceptance of the Clean Water State Revolving Fund Loan for the Elmwood Cemetery Sewer Main Replacement Project (Resolution 13-72,); 2) Resolution 13-68, Authorizing the Execution of a Contract with McGill Associates, P.A. for the Completion of Engineering Design for the Elmwood Cemetery Outfall Project; and 3) Ordinance 13-50, FY 14 Budget Amendment #14, Revising the Elmwood Cemetery Outfall CIP Project Budget to Encompass All Additional Costs Incurred for the Project. (Reference: CAF 13-108; Resolution 13-72, Resolution 13-68 and Ordinance 13-50)

City Manager Griffin asked Assistant City Manager Frank Frazier to review this item and mentioned Andy Lovingood from McGill Associates is present to answer any questions Council may have. Mr. Frazier said this item was brought before Council at the last meeting as a Consent Agenda Item. Council Member Kearney asked to have this item removed from the Consent Agenda until a discussion could be held as to whether a reduction in fees had been negotiated. Mr. Frazier said there has been a reduction in costs by \$3,700 from \$202,000 to \$198,300.

Council Member Inscoe asked if costs could be further reduced with City staff performing some of the work. Mr. Frazier said he would certainly look into the possibility but felt staff is currently stretched too thin to take on part of this project.

Mayor O'Geary asked for the pleasure of Council.

Council Member Coffey moved the approval of Resolution 13-72, *Authorizing the Acceptance of the Clean Water State Revolving Fund Loan for the Elmwood Cemetery Sewer Main Replacement Project (Resolution 13-72,); 2) Resolution 13-68, Authorizing the Execution of a Contract with McGill Associates, P.A. for the Completion of Engineering Design for the Elmwood Cemetery Outfall Project; and 3) Ordinance 13-50, FY 14 Budget Amendment #14, Revising the Elmwood*

Cemetery Outfall CIP Project Budget to Encompass All Additional Costs Incurred for the Project. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: Brown. *(See Resolution Book 3, p 245 and 237, Ordinance Book 9, p. 21)*

CONSENT AGENDA

The City Clerk read the Consent Agenda which is summarized as follows:

Handicap Parking and Loading/Unloading Zone on Chestnut Street. *(Reference: CAF 13-113)* This ordinance will allow for a loading/unloading zone and handicap parking on the north side of Chestnut Street in front of the Maria Parham Apartments. *(See Ordinance Book 9, p 49)*

Dissolving the 2005 David Street Community Development Advisory Committee and Establishing a City Wide Community Development Advisory Committee and Establishing a Flint Hill Neighborhood Advisory Committee Relative to the CDBG Talent Enhancement Grant. *(Reference: CAF 13-98; Resolution 13-65, Resolution 13-78)* To be in compliance with the CDBG Talent Enhancement Grant, it is important that the City establish both a city wide advisory board and a neighborhood advisory board. *(See Resolution Book 3, p 231 and 257)*

Developing a Demolition Contract for Partnerships with Non-Profit Organizations/ Churches for the Demolition of Abandoned Structures and Abatement Projects. *(CAF 13-122; Resolution 13-80)* This allows the City to enter into an agreement with an organization and/or church which would allow the organization/church to demolish structures as approved by the City Council and the City Attorney. *(See Resolution Book 3, p 26)*

Appointments to the Henderson-Vance Human Relations Commission. *(CAF 13-123; Resolution 13-81)* After proper review by the City Council Boards and Commissions Committee, City Council approved three citizen applications to serve on the Human Relations Commission. To balance out the three-year staggered terms, these three individuals were appointed for two year terms. *(See Resolution Book 3, p 263)*

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

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

SEATING OF NEW COUNCIL

Mayor O'Geary explained that Council Member Brown was unable to be with us this evening as he is out of town and decided not to try to drive due to inclement weather conditions. Mr. Brown sends his regrets and wishes the new Council well. Mayor O'Geary said the resolution recognizing Mr. Brown's service will be presented when he returns to Henderson.

Mayor O'Geary then asked the Honorable J. Henry Banks, 9th Judicial District Court Judge, and former Council Member, to administer the Oath of Office to the newly elected/re-elected Council Members. Judge Banks reminded the Mayor and Council Members of the serious commitment they were making. Judge Banks first administered the Oath of Office to the re-elected Council Members. Family members and/or friends held the Bible for Sara Coffey, Garry Daeke and Michael Inscoe as they each took their Oath of Office. New Council Member Fearldine Simmons asked her immediate family to join her as she took the Oath of Office and her extended family members stood during her affirmation. Judge Banks said this was a special moment as the citizens of Henderson have placed their trust in the Council and it also requires a lot of time away from family.

Mayor O'Geary officially congratulated each newly seated Council Member and said he looks forward to working with each member in moving the City forward. He then called for a recess of approximately thirty (30) minutes for a brief reception.

RECESS FOR NEW COUNCIL RECEPTION

After approximately thirty (30) minutes, Mayor O'Geary thanked everyone for coming and reconvened the meeting. He said subsequent to each seating of a newly elected Council, there are two parts to the reorganization. The first part is the appointment of a Mayor Pro Tempore. The second part is the appointment of the City Manager, City Attorney and City Clerk. He then asked the City Clerk to continue with the New Business items.

NEW BUSINESS

Appointment of Mayor Pro Tempore.

Mayor O'Geary asked for nominations for Mayor Pro Tempore. Council Member Daeke nominated Council Member Rainey. He said the honor usually goes to the individual who has served the longest and said Mr. Rainey is that person. Council Member Daye seconded the motion.

Appointment of City Manager A. Ray Griffin, Jr., City Attorney John H. Zollicoffer, Jr., and City Clerk, Esther J. McCrackin

Mayor O'Geary asked that the appointment of the City Manager be considered first. Motion was made by Council Member Rainey to appoint A. Ray Griffin, Jr. as City Manager. Motion was seconded by Council Member Daye. The Mayor asked for a verbal vote which was as follows: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

Mayor O'Geary then asked that the appointment of the City Attorney be considered. Motion was made by Council Member Inscoe to appoint John H. Zollicoffer, Jr., as City Attorney. Motion was seconded by Council Member Coffey. The Mayor asked for a verbal vote which was as follows: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

Mayor O'Geary then asked that the appointment of the City Clerk be considered. Motion was made by Council Member Coffey to appoint Esther J. McCrackin as City Clerk. Motion was seconded by Council Member Kearney. The Mayor asked for a verbal vote which was as follows: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

Promissory Note for 2" Water Main Replacement (*Reference: CM 13-33*)

City Manager Griffin explained no action is needed for this item. This loan was accepted on 13 August 2012 by Resolution 12-62 and serves only as a matter of record by showing the promissory note (*see Attachment A*) which was executed on 5 December 2013 for \$1,898,571 State Revolving funds at 0% interest.

There was no discussion.

Mayor O'Geary asked if Council was now 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)(3) for an Attorney-Client Privilege Matter regarding the Oxford lawsuit. Motion seconded by Council Member Daeke and unanimously approved.

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

WORK SESSION

Authorizing the Transfer of Contingency Funds to Engineering in the CIP Regional IBT Project. (*Reference: CAF 13-126, Ordinance 13-70*)

City Manager Griffin asked Kerr Lake Regional Water Director Christy Lipscomb to present this item. Ms. Lipscomb said this is a routine matter. The funds have been held in the contingency fund until needed and this transfer will allow funds to pay current bills.

It is the consensus of Council to bring this item forward to the next Council Meeting with a consensus as follows: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

Off Premise Advertisement Sign Ordinance. (*Reference: CM 13-32*)

City Manager Griffin said this is just informational as the Planning Director Erris Dunston continues to work with the City Attorney relative to this ordinance and if it is anticipated this ordinance will be brought to the first Work Session in January 2014

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

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

Dr. Lucille Hilliard. P.O. Box 60208, Washington, DC 20039. Dr. Hilliard presented information to Council regarding her non-profit organization called Growing On (GO). She brought her daughter Rhonda Phillips with her and together they shared the need for children to learn skills to go forward, enhance character and build life skills. As part of her synopsis, she used a live plant which starts as a seed in *good* soil. Coming from a farming family in Henderson, she emphasized the need for good soil which she compared to job readiness, self-respect, life skills, leadership, developing confidence and a positive self-image. She then used a *fake* plant to show how easily it falls apart. She concluded by saying she hoped for a partnership with the City.

Mayor O'Geary and several Council Members thanked Dr. Hilliard and thought she had a wonderful program.

Council Member Peace-Jenkins mentioned that Dr. Hilliard contacted herself and Council Member Daye via the City's web page.

Mr. Tim Bowden, 59 Wendy Court, Henderson. Mr. Bowden arrived during the recess. The City Clerk advised Mr. Bowden that since he was unable to sign-in before the start of this meeting, it would be up to Council to allow him to speak. When Council went to Closed Session, Mr. Bowden chose to leave the meeting although he was told Council would return shortly.

REPORTS

- a) Mayor/Mayor Pro-Tem - Mayor Pro-Tem Rainey said he appreciated the confidence shown to him this evening in re-appointing him Mayor Pro-Tem. He said the Mayor is a tough act to follow and is very well-liked. Mr. Rainey said if anyone does not think the City is growing, he said sometimes there are several ribbon-cuttings in a week. He also mentioned the addition to Brewer Cycle and said it would nice to see more businesses adding on.

Council Member Coffey said that she is helping to re-open the Tip Top Restaurant. She said work is on-going both inside and out and they expect to open in mid-January.

- b) City Manager – City Manager Griffin recognized the City employees for all their hard work throughout the year. He said the Department Heads are working well as a team. He went on to thank Council for appointing him as City Manager saying Henderson is a good place and the Council works well together to reach middle ground to help the City grow.

Mr. Griffin wished each Council Member a very Merry Christmas.

c) City Attorney – John Zollicoffer, Jr. expressed his appreciation for being re-appointed as City Attorney and also wished Council a happy holiday season.

d) City Clerk - Ms. McCrackin thanked Council for their confidence and said she looked forward to working with all the Council Members in the coming year.

As Mayor for the past six year, James “Pete” O’Geary said he is looking forward to two more years of working with the Council and staff. He said it has been a pleasure to serve and wished everyone a wonderful and blessed holiday season.

Council Member Inscoe brought attention to an article (Triangle Round Table) which he distributed to Council from the *North Carolina Magazine*. The article referenced Research Triangle Park.

On another matter, Council Member Inscoe requested a monthly update regarding the project status and mentioned specifically the on-going Chavasse/Beckford Drive projects.

Council Member Daye thanked Dr. Hilliard again for addressing Council saying he specifically like her good soil analogy. He said there are a lot of good things about Henderson and he hopes more focus will be placed on the positives.

With 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 Coffey, and was unanimously approved. The meeting adjourned 7:35 p.m.

James D. O’Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk

6/28/13

City of Henderson

Schedule for a Federal Revolving Loan
Prepared by the Department of State Treasurer

Amount:	\$1,898,571	LGC Approval Date:	June 5, 2012
Term (Years):	20	Approval Amount:	\$1,726,000
Interest Rate:	0.00%	Loan Amount:	\$1,898,571
Est. Date of Completion:	December 1, 2014	Principal Forgiveness:	\$0
State Project Number:	H-LRX-F-11-1694		

Certified Completion Date:

Fiscal Year	Outstanding Balance	Interest Rate			May 1 Principal Payment	Total Payment
05/01/16	\$ 1,898,571.00	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/17	\$ 1,803,642.45	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/18	\$ 1,708,713.90	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/19	\$ 1,613,785.35	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/20	\$ 1,518,856.80	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/21	\$ 1,423,928.25	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/22	\$ 1,328,999.70	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/23	\$ 1,234,071.15	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/24	\$ 1,139,142.60	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/25	\$ 1,044,214.05	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/26	\$ 949,285.50	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/27	\$ 854,356.95	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/28	\$ 759,428.40	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/29	\$ 664,499.85	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/30	\$ 569,571.30	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/31	\$ 474,642.75	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/32	\$ 379,714.20	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/33	\$ 284,785.65	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/34	\$ 189,857.10	0.000%			\$ 94,928.55	\$ 94,928.55
05/01/35	\$ 94,928.55	0.000%			\$ 94,928.55	\$ 94,928.55
					\$ 1,898,571.00	\$ 1,898,571.00

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 Jan Reg. Meeting

30 December 2013

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

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

RE: CAF: 14-04

Conduct a Public Hearing for the Purpose of Receiving Initial Citizen Comments Relative to Ordinance 14-03, Requiring Various Certificates and Permits Have the Same Legal Entity Name.

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- **KSO 3: Enhanced Economic Development**
 - o **AP 3-2: Revise and Align Land Use and Sign Ordinances and Implement Conditional Use Zoning.**

Recommendation:

- Conduct a Public Hearing for the Purpose of Receiving Initial Citizen Comments Relative to Ordinance 14-03, Requiring Various Certificates and Permits Have the Same Legal Entity Name.

Executive Summary:

This ordinance is a recommendation from the Planning Board brought forth by the City Staff relative to the identifications of businesses. In order to operate a business within the City limits a business must have proper zoning permits, fire inspections and, if required, a City Privilege License and Alcohol permit. These permits and certificates are issued by various City departments.

The current policy does not require a business to have the same entity name on all of its permits, which presents a challenge if businesses have permits in different names when it comes to permitting and enforcement practices.

Ordinance 14-03 is adding two sections to the Zoning Ordinance, section 903.6 and 903.7.

Section 903.6 requires a Certificate of Zoning Compliance be obtained whenever there is a change in ownership, occupant or change in business operator if there has not been a change materially, or the property has been vacated within the last 180 days.

Section 903.7 requires all applications and certificates including Zoning Certificates, Privilege Licenses, Fire Inspections and Alcohol Permits have the same legal entity name.

Ordinance 14-03 also adds a new paragraph to Section 3.2 of the City Code relative to Privilege License Tax. This new paragraph requires that all privilege license tax must be in the same legal entity name as the Certificate of Zoning Compliance, Fire Inspection Certificate and any Alcohol Permit issued by any governmental authority.

The City Staff worked collaboratively on this recommendation understanding it will affect various City Departments. The Planning Board unanimously approved these recommended changes to the Zoning Ordinance and the City Code on December 2, 2013 at their regular meeting.

Enclosures:

1. Ordinance 14-03
2. Planning Board Recommendations

ORDINANCE 14-03

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

“AN ORDINANCE REQUIRING THAT VARIOUS PERMITS AND CERTIFICATES BE IN THE SAME LEGAL ENTITY NAME ”

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

Section 1. That two new Sections be added to the Zoning Code being designated as Section 903.6 and 903.7 reading as follows:

“903.6. Application Required Upon Change of Structure Ownership or Primary Occupant or Business Operator. A Certificate of Zoning Compliance shall be required whenever there is a change in the ownership, primary occupant, or business operator of any structure; provided, however, that no site plan or additional Special Use Permit shall be required when the prior approved use has not been materially changed and the property has not been vacated within the last 180 days prior to said application.

903.7. Applications and Certificates Shall Be in the Same Legal Entity Name. All Certificates of Zoning Compliance shall be in the same name as the Business Privilege Licenses (issued pursuant to Section 3.2 of the City Code) by the City of Henderson, the Fire Inspections and any Alcohol Permits issued by the proper governmental authorities.”

Section 2. That a new paragraph be added to Section 3.2 of the City Code relative to Privilege License taxes, said new paragraph reading as follows:

“That all privilege license taxes issued hereunder must be in the same legal entity name as any Zoning Certificate of Compliance issued pursuant to Section 305.6, Fire Inspection Certifications, and any Alcohol Permit issued by any governmental authority.”

Section 3. The foregoing Ordinance shall be in full force and effect from and after the date of its passage.

The foregoing Ordinance 14-03, upon motion of Council member _____ and seconded by Council Member _____, and having been submitted to a roll call vote and received the following votes and was **APPROVED/DISAPPROVED** on this the ____ day of _____, 2014: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

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

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the foregoing Ordinance is a true and exact copy of *Ordinance 14-03*, An Ordinance Requiring That Various Permits And Certificates Be In The Same Legal Entity Name, adopted by the Henderson, City Council in Regular Session on ** ** 20** (*See Minute Book 4*, p. **.*). This Ordinance is recorded in *Ordinance Book # 9*, pp. **.

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

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



City of Henderson

Planning and Community Development Department

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

Phone: (252) 430-5723

FAX: (252) 492-7935

RECOMMENDATIONS FROM THE December 2, 2013 PLANNING BOARD MEETING

Recommendation of an Ordinance Requiring that Various Permits and Certificates be in the Same Legal Entity Name

The above recommendation went before the Planning Board on December 2, 2013. Item was introduced by Zoning Administrator Sherry Moss. Moss reviewed items of the agenda packet. Planning Director Erris Dunston addressed the Planning Board the purpose of the ordinance. Dunston shared with the board that this ordinance requires a business to operate under one name. There have been some instances in the city where the owner in the water records is one name. The owner of the zoning permit is one name, and the alcohol permit is in another name. Dunston addressed the board that businesses need to be under one identity. Dunston raised the concern with convenient stores frequently changing ownership, in which they're only getting the business license and the zoning permit changed and stated they don't go through the whole process. So if something comes up, when enforcement needs to be done, there are a lot of names to go through. The ordinance will require businesses to have one form of identity; the same responsible party throughout the whole permitting process. The board further discussed licenses and permits regarding the permitting process. The board stated this ordinance is a great idea.

Motioned by Vice Chairman Horace Bullock to **APPROVE** recommendation; Second by Board Member Marguerite Anduze; all members were in favor; **AYES**: M. Rainey, H. Bullock, M. Anduze, J. Ayscue, A. Henderson, P. Walters, and R. Easter; **NOES**: None; **ABSENT**: Charles Douglas

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 Jan 14 Regular Meeting

7 January 2014

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

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

RE: **CAF: 14-01**

Consideration of Approval of Resolution 14-01, Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2013.

Ladies and Gentlemen:

Recommendation:

- Approval of Resolution 14-01, Receiving the Comprehensive Annual Financial Report for FY Ending 30 June 2013.

Executive Summary

Mr. Curtis Averette, Certified Public Accountant with William L. Stark and Company has conducted the audit of the basic financial statements of the City of Henderson and will report his findings at tonight's meeting.

Highlights of the Comprehensive Annual Financial Report (CAFR) are as follows:

- a. Total assets exceeded total liabilities (for all funds) by \$94,575,578.
- b. The General Fund Balance (excluding Powell Bill, Federal Asset Forfeitures, Reserved by State Statute, and Assigned for Subsequent Year's Expenditures) totaled \$2,966,287, an increase of \$960,747 over last year's total. This "unassigned" fund balance represents 22.36% of the fiscal year expenditures. This is the City's "conservative" fund balance percentage. Per the Local Government Commission's (LGC) computation, the fund balance percentage would be 30.51% (compared to the required 8%).

Enclosures:

1. Resolution 14-01
2. FY 2012-2013 Audit (to be presented at meeting)

RESOLUTION

14-01

A RESOLUTION RECEIVING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FY ENDING JUNE 30, 2013

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

WHEREAS, this Resolution addresses CV 10: Transparency in Governance; *and*

WHEREAS, Mr. Curtis Averette, Certified Public Accountant with William L. Stark and Company has conducted the audit of the basic financial statements of the City of Henderson; *and*

WHEREAS, the Comprehensive Annual Financial Report for FY ending June 30, 2013 has been prepared; *and*

WHEREAS, the FY13 Audit has been submitted to and approved by the North Carolina Local Government Commission; *and*

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY RECEIVE the Comprehensive Annual Financial Report for FY ending June 30, 2013

The foregoing Resolution 14-01, upon motion of Council Member ** and second by Council Member **, and having been submitted to a roll call vote received the following votes and was ***** on this the 13th day of January 2014: 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. **.*

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 January 13 Reg. Meeting

17 December 2013

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

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

RE: CAF: 14-02

Consideration of Approval of: 1) Resolution 14-03, Approving the Bid Award for the Henderson Police Department Training Center Repair Project to Highland Company of Eastern NC, LLC, and; 2) Ordinance 14-01 FY 14 BA#22, Amending the Project Budget to Include Additional Repairs.

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

KSO 2: To Reduce Crime and Provide for a Safe Community

Recommendation:

Approval of:

- 1) Resolution 14-03, Approving the Bid Award for the Henderson Police Department Training Center Repair Project to Highland Company of Eastern NC, LLC.
- 2) Ordinance 14-01, FY14 BA#22, Amending the Project Budget to Include Additional Repairs.

Executive Summary

On March 30, 2013, a fire damaged the shelter and contents (grills, coolers, etc.) at the Police Training Center on Hwy 158 Business. A claim was filed with the NC League of Municipalities ("League") under the terms of the City's property and liability insurance policy. The claim was settled and a check from the League in the amount of \$29,678.24 was received and deposited into the City's account on June 26, 2013.

Following an advertised bid process conducted by City Engineer Peter Sokalski and Interim Chief Marcus Barrow for the repairs needed, only one bid was received. This bid was from Highland Company of Eastern NC, LLC in the amount of \$29,700.

Also submitted for bid were two (2) sub awards for needed repairs not related to the fire. These repairs are for capping and sealing an unused well located on the property during the inspection following the fire, and the demolition of the old “mobile unit” training building which is not usable at this time and poses a hazard at the facility. Highland Company has submitted a bid for these two sub awards as well totaling \$5,760. However, if the sub awards are accepted, they will reduce the cost of these repairs by \$700 bringing the bid down to \$5,060. The funding for these repairs would come from State Asset Forfeiture Funds. The current balance of the State Asset Forfeiture fund is \$35,168.26, the majority of which resides in restricted fund balance in the General Fund.

Resolution 14-03 approves the bid award to Highland Company of Eastern NC, LLC for the repairs needed in the total amount of \$34,760 (\$29,700 plus \$5,060) and Ordinance 14-01, FY14 Budget Amendment #22, amends the project budget to include the extra repairs.

Enclosures:

1. Resolution 14-03
2. Ordinance 14-01

RESOLUTION 14-03

APPROVING THE BID AWARD FOR THE POLICE TRAINING CENTER REPAIRS TO HIGHLAND COMPANY OF EASTERN NC, LLC

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

WHEREAS, this Resolution addresses one of the Key Strategic Objectives as follows: **KSO 2:** Reduce Crime; *and*

WHEREAS, on March 30, 2013, a fire damaged the shelter and contents (grills, coolers, etc.) at the Police Training Center on Hwy 158 Business; *and*

WHEREAS, a claim was filed with the NC League of Municipalities ("League") under the terms of the City's property and liability insurance policy and a check was received from the League in the amount of \$29,678.24 *and*

WHEREAS, the repair project was bid properly through the informal process as well as bids for other repairs needed to the center not related to the fire damage; *and*

WHEREAS, only one bid was received for the project from Highland Company of Eastern NC, LLC for the initial repairs as well as the additional repairs; *and*

WHEREAS, the bid for all repairs needed totals \$34,760, with \$29,678.24 from insurance receipts and the balance from state asset forfeitures.

NOW THEREFORE BE IT RESOLVED by the Henderson City Council that it approves the bid award to Highland Company of Eastern NC, LLC in the amount of \$34,760, being more fully articulated in **Attachment A** to this Resolution.

The foregoing Resolution 14-03, upon motion of Council Member _____ and seconded by Council Member _____ and having been submitted to a roll call vote received the following votes and was _____ on this the ____th day of _____ 2014: YES:.
NO: ABSTAIN:. ABSENT:.

James D. O'Geary, Mayor

ATTEST:

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

John H. Zollicoffer, Jr., City Attorney
Reference Minute Book 42; p ***; CAF 14-02

Contract
Police Department Kenneth K. Training Center Repairs
Project No.: COH 13-005

Page C-1

CONTRACT

THIS CONTRACT made and entered into this _____ day of _____, in the year 2014 by and between the City of Henderson, North Carolina, party of the first part, hereinafter called the Owner, and Highland Company of Eastern NC, LLC of Rocky Mount, NC, party of the second part, hereinafter called the Contractor.

WITNESSETH

THAT, WHEREAS, a Contract for:

Police Department Kenneth K. Training Center Repairs

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

Total Bid Accepted: \$ \$34,760 (Base bid of \$29,700 + \$5,060 (Alternates 1 & 2))

AND WHEREAS, it was one of the conditions of said Award that a formal Contract should be executed by and between the Owner and the Contractor, evidencing the terms of said award, and that the Contractor shall commence the work to be performed under this agreement on a date to be specified in a written order of the Owner, and shall fully complete all work hereunder within 45 Consecutive Calendar Days, of the date specified in the Notice to Proceed.

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

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

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

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

City of Henderson

December 5, 2013

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

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

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

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

Completion for above listed item(s) shall be defined as completely installed including all associated appurtenances, tested and ready for the intended service.

ANTI-DISCRIMINATION AND EQUAL OPPORTUNITY

All funds will be distributed in accordance with all anti-discrimination and equal opportunity statutes, regulations, and Executive Orders in accordance to local, state and federal regulations.

HISTORICALLY UNDERUTILIZED BUSINESS

Please check the following:

Is your organization registered with HUB office? Yes _____ No _____

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

Yes _____ No _____

Contract
Police Department Kenneth K. Training Center Repairs
Project No.: COH 13-005

Page C-3

FURTHER AGREEMENTS

See attached letter from Highland Company of Eastern NC, LLC, dated 12/3/13 for additional agreements.

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

OWNER:

ATTEST

THE CITY OF HENDERSON, NORTH CAROLINA

(SEAL) BY _____
Esther McCrackin, City Clerk James D. O'Geary, Mayor

CONTRACTOR:

ATTEST: Highland Company of Eastern NC, LLC (SEAL)

Witness BY _____
John H. High, Jr., Manager
(If contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

FINANCIAL CERTIFICATION

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

Katherine C. Brafford, CPA Date

CERTIFICATE OF INSURANCE

(Attach)

CERTIFICATE OF ATTORNEY

I hereby certify that I am the duly appointed attorney for the Owner of the Project and that I have examined the foregoing instrument and related Bonds (if required) and I have approved the same as being legal form.

This _____ day of _____, 20_____.

John H. Zollicoffer, Jr., City Attorney

ORDINANCE 14-01

FY 2013—2014 BUDGET AMENDMENT # 22

AN AMENDMENT TO THE GENERAL FUND AND THE CIP GENERAL FUND TO TRANSFER FUNDS FROM STATE ASSET FORFEITURE TO SUPPLEMENT THE INSURANCE REIMBURSEMENT TO HELP RE-BUILD THE SHELTER AT THE POLICE TRAINING CENTER

WHEREAS, the City Council of the City of Henderson on 27 June 2013 adopted the FY13-14 Annual Operating Budget; *and*

WHEREAS, the Council has created and uses a Capital Improvements Fund for active capital projects related to the General Fund, said fund referred to as 41: CIP General Fund; *and*

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

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

			Ordinance 14-01			
FUNDS: 10: General Fund and 41: CIP General Fund			FY 13-14 Budget Amendment #22			
10: GENERAL FUND REVENUES			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
	Fund Balance Appropriated	10-990-990999	\$ 153,000	\$ 182,700	\$ 5,060	\$ 187,760
			\$ -	\$ -	\$ -	\$ -
	Total		\$ 153,000	\$ 182,700	\$ 5,060	\$ 187,760
						\$ 187,760
10: GENERAL FUND EXPENDITURES			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
	Trans to: 41 CIP General	10-660-561041	\$ -	\$ 29,700	\$ 5,060	\$ 34,760
			\$ -	\$ -	\$ -	\$ -
	Total		\$ -	\$ 29,700	\$ 5,060	\$ 34,760
						\$ 34,760
	Variance				\$ -	
41: CIP GENERAL FUND REVENUES			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
	Trans fr: 10 General Fund	41-630-461010	\$ -	\$ 29,700.00	\$ 5,060	\$ 34,760
			\$ -	\$ -	\$ -	\$ -
	Total		\$ -	\$ 29,700.00	\$ 5,060	\$ 34,760
						\$ 34,760
41: CIP GENERAL FUND EXPENDITURES			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
	Capital Outlay-Bldg Impr	41-630-507404	\$ -	\$ 29,700	\$ 5,060	\$ 34,760
			\$ -	\$ -	\$ -	\$ -
	Total		\$ -	\$ 29,700	\$ 5,060	\$ 34,760
						\$ 34,760
	Variance				\$ -	
Reference:			Notes:			
CAF# 13-87; Ordinance #13-44; BA# 5 22 July 2013 Council Meeting			To appropriate fund balance for amount of insurance proceeds received in June 2013 for the damage to the shelter at the Police Training Center and to transfer this amount to a CIP General project fund for the purpose of tracking the repairs. This amendment also serves to establish the project budget for the re-building of the shelter.			
CAF# 14-02; Ordinance #14-01; BA# 22 13 January 2014 Council Meeting			To transfer funds from State Asset Forfeitures to CIP - General to supplement the insurance proceeds received by the City for damages to the Police Training Center. Bids for repairs came in more than the amount of the insurance reimbursement, primarily due to needed repairs unrelated to the fire damage.			

The foregoing Ordinance 14-01, upon motion of Council Member *** and second by Council Member ***, and having been submitted to a roll call vote and received the following votes and was **** on this the 13th day of January 2014: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther McCrackin, City Clerk

*Reference: Minute Book 42, p.**; CAF 14-02*

STATE OF NORTH CAROLINA - CITY OF HENDERSON

I, Esther McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 14-01 adopted by the Henderson, City Council in Regular Session on _____ 2014. This Ordinance is recorded in *Ordinance Book 8*, p.***.

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

Esther McCrackin
City Clerk
City of Henderson, North Carolina

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

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

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 Jan 14 Regular Meeting

8 January 2014

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

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

RE: **CAF: 14-19**

Approval of Resolution 14-10, Authorizing an Agreement Between the Embassy Cultural Center Foundation and the City of Henderson for the Use of City Owned Parking Lot and Approving Terms of a Temporary Construction Easement Allowing Use of City Owned Parking Spaces by Variety Wholesalers, Inc.

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

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

Recommendation:

- Approval of Resolution 14-10, Authorizing an Agreement Between The Embassy Cultural Center Foundation and the City of Henderson for the Use of City Owned Parking Lot and Approving Terms of a Temporary Construction Easement Allowing Use of City Owned Parking Spaces by Variety Wholesalers, Inc.

Executive Summary

On 13 May 13 Council approved Resolution 13-39 authorizing an agreement between the Embassy Cultural Center Foundation and the City of Henderson which enabled the procession of the construction the Performing Arts Center adjacent to McGregor Hall located on Breckenridge Street.

As you were previously notified via CM 13-28 in October 2013, the Embassy Cultural Center Foundation (Foundation) requested a temporary lease on the City's parking lot located at the corner of S. Chestnut and Breckinridge streets. The lease would be for parking by Perry Library patrons during construction of the Performing Arts Center, and for evening parking for patrons attending events at the Performing Arts Center. As part of this lease agreement, the Foundation has agreed to grade, pave with asphalt, and landscape the property. The end result would be a no-cost, significant improvement to the City's parking lot and expansion of available parking spaces.

The parking lot would continue to be available for City employees of the Police Department and general public parking. This lease agreement would begin February 1, 2014 and expire on January 31, 2015.

CAF 14-19: 13 January 14 Council Meeting

Page 1 of 10

During the construction period, Embassy Foundation has requested a Temporary Construction Easement from Variety Wholesalers allowing the Foundation to use Variety's parking lot for easier access and storage of construction materials and equipment. Subsequently, the City of Henderson is now being asked to allow Variety Wholesalers to use a portion of the City owned Parking lot currently used by the Perry Library patrons, located at the easternmost intersection of Winder and Chestnut during the duration of the Temporary Construction Easement. Library patrons will have access to the Library parking lot along Breckenridge Street as well as the parking lot located at the easternmost corner of Breckenridge and Chestnut during this same period. This Temporary Construction Easement would be in force until the completion of the Embassy Arts Center or 1 June 2015, whichever occurs first.

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

Enclosures:

1. Resolution 14-10

R E S O L U T I O N 14-10

A RESOLUTION AUTHORIZING AN LEASE AGREEMENT BETWEEN THE EMBASSY CULTURAL CENTER FOUNDATION AND THE CITY OF HENDERSON AND APPROVING TERMS OF A TEMPORARY CONSTRUCTION EASEMENT ALLOWING USE OF CITY OWNED PARKING SPACES BY VARIETY WHOLESALERS, INC.

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

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

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

WHEREAS, the Foundation has requested to be awarded a temporary lease, on the City's parking lot located at the corner of S. Chestnut and Breckinridge streets primarily for library patrons use; *and*

WHEREAS, the Foundation has agreed to grade, pave with asphalt, and landscape the property herein leased in anticipation of its future non-exclusive use of the same; *and*

WHEREAS, during the construction period, the Foundation has requested a Temporary Construction Easement from Variety Wholesalers allowing them the use of their parking lot for easier access and storage of construction materials and equipment; *and*

WHEREAS, during the duration of the Temporary Construction Easement, the City of Henderson will allow Variety Wholesalers to use a portion of the City owned Parking lot now used by the Perry Library patrons, located at the easternmost intersection of Winder and Chestnut Streets.

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

BE IT FURTHER RESOLVED BY THE CITY OF HENDERSON that Variety Wholesalers has use of the aforementioned parking spaces during the Temporary Construction Easement (*see Attachment B*).

The foregoing Resolution 14-10 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 **th day of *****2014: 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 14-19*

STATE OF NORTH CAROLINA

LEASE

COUNTY OF VANCE

This Lease, made and entered into this the _____ day of January, 2014, by and between the CITY OF HENDERSON (hereinafter referred to as "Landlord") and THE EMBASSY CULTURAL CENTER FOUNDATION, INC. (hereinafter referred to as the "Tenant");

WITNESSETH:

WHEREAS, the Tenant anticipates that it desires parking by Perry Library patrons during construction of the Performing Arts Center being constructed on Tenant's land on Breckenridge Street, and further for evening parking for patrons attending events at the Performing Arts Center; and

WHEREAS, the Landlord owns property fronting on Breckenridge Street, Chestnut Street, and Montgomery Street near the Performing Arts Center being constructed at this time; and

WHEREAS, it is the intent of the parties that said City property can be used for non-exclusive parking until the City desires to construct structures on it in the future; and

WHEREAS, the Tenant desires to grade, pave with asphalt, and landscape the property herein leased in anticipation of its future non-exclusive use of the same; and

WHEREAS, this Lease is for a one year term or less pursuant to the second paragraph in N.C.G.S. 160A-272; and

WHEREAS, the parties propose to keep the present parking facilities located on part of the property herein leased available for non-exclusive parking purposes throughout most of the term of this Lease; and

WHEREAS, the City Council has determined that the property will not be otherwise needed by the City for the term of this Lease.

NOW THEREFORE, for and in consideration of the mutual promises and agreements herein set forth, the parties hereto agree as follows:

- (1) This Lease shall commence on the 1st day of February, 2014 and shall extend for one year through January 31, 2015, but Tenant can commence work on the property at any time prior thereto.
- (2) The property herein leased shall be located on the southeast side of Chestnut Street extending between Breckenridge Street and Montgomery Street and going back along Breckenridge Street and Montgomery Street for a distance of approximately 225 feet, more or less.

- (3) During the term of this Lease, the Tenant agrees to grade and pave with asphalt and landscape the leased property in accordance with plans which are subject to approval by the City Engineer and by the Planning Director of the City of Henderson. It is anticipated that there will be two entrance/exit points from said proposed new parking facilities leading to and from the adjacent streets.
- (4) The parties agree that the existing public parking (on the southeastern corner of Chestnut Street and Breckenridge Street, extending back 180 feet, more or less, from Chestnut Street and 233 feet, more or less, from Breckenridge Street) shall be kept open for Library patron parking as much as is feasibly possible during the term of this Lease, although the Tenant agrees to re-asphalt the same in accordance with plans approved by the City Engineer and the Planning Director.
- (5) All work to be performed by Tenant shall be performed promptly in a good workmanlike manner and in accordance with plans that are approved by the City Engineer and by the City Planning Director.
- (6) During the term if this Lease, where construction has been completed, the property shall be used for non-exclusive parking purposes only.
- (7) The Landlord agrees, as owner of the property, to absorb any permit fees charged by the City of Henderson for zoning permits, building permits or soil erosion and sedimentation permits, if any, relative to the construction on the leased property.
- (8) During the term of this Lease, the Tenant shall indemnify and hold harmless the Landlord from any liability resulting from its activities and operations on the leased property. The Tenant shall require certificates of insurance from any contractor which it retains to do work on the property with minimum coverage of \$1,000,000.00 for personal injury and death and \$100,000.00 relative to property damage.

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

CITY OF HENDERSON
CENTER

By: _____
James D. O'Geary, Mayor

Attest:

Esther McCrackin, City Clerk

(Municipal Seal)

THE EMBASSY CULTURAL
FOUNDATION, INC.

By: _____
John P. Wester, President

Prepared by: John H. Zollicoffer, Jr.
Stainback, Satterwhite & Zollicoffer, PLLC
115 N. Garnett Street
Henderson, NC 27536

STATE OF NORTH CAROLINA

TEMPORARY CONTRUCTION EASEMENT

COUNTY OF VANCE

THIS TEMPORARY CONSTRUCTION EASEMENT made and entered into this the ____ day of _____, 2014, by and between **VARIETY STORES, INC.** (successor by merger to Roses Stores, Inc., Roses 5-10-25 Stores, Inc. and Rose Realty, Inc. [hereinafter referred to as "Variety"], whose address is P.O. Box 947, Henderson, North Carolina 27536), Party of the First Part, and the **EMBASSY CULTURAL CENTER FOUNDATION, INC.** (hereinafter referred to as "Embassy"), Party of the Second Part;

WITNESSETH:

WHEREAS, the parties entered into "Exchange Deeds and Cross Easements" dated January 31, 2007 and recorded in Book 1155 at Page 629, Vance County Registry; and

WHEREAS, in said document, Variety deeded to Embassy a tract of land located at the easternmost corner of Wyche Street and Breckenridge Street, and Embassy conveyed to Variety a tract located at the northern intersection of Wyche Street and Winder Street; and

WHEREAS, said Variety granted Embassy certain easements across said latter tract as set forth in said Exchange Deeds and Cross Easements; and

WHEREAS, Embassy now proposes to construct a Performing Arts Center on the tract previously conveyed to it as hereinabove described; and

WHEREAS, Embassy needs a temporary construction easement across a portion of the properties conveyed to Variety for access and for storage of construction equipment and materials during the construction of said Performing Arts Center; and

WHEREAS, the parties hereto have agreed to amend the Exchange Deeds and Cross Easements dated January 31, 2007 as herein provided.

NOW, THEREFORE, for and in consideration of the mutual promises herein set forth, Variety and Embassy agree as follows:

- (1) Embassy (and its contractors and assigns) are hereby granted by Variety a temporary construction easement for access to Embassy's adjacent lot (on the eastern corner of Wyche Street and Breckenridge Street) and for storage of construction materials and equipment upon a portion of the Variety's lot located on the northern intersection of Wyche Street and Winder Street. The portion of the property of Variety so covered by this Temporary Construction Easement shall be the entire lot except for the 11 parking spaces fronting on Winder Street nearest the main entrance leading to McGregor Hall from Winder Street.
- (2) As part of the consideration for this Temporary Construction Easement, Variety shall be permitted to use portions of the Perry Library parking lot located on the easternmost intersection of Winder Street and Chestnut Street, which is presently owned by the City of Henderson. Patrons of the Perry Library will be permitted to use parking along Breckenridge Street together with the City's parking lot located on the easternmost corner of Breckenridge Street and Chestnut Street during the time of this Temporary Construction Easement.
- (3) The provisions hereinabove set forth shall be in full force and effect until the construction of the Performing Arts Center on the Embassy's property is completed or until June 1, 2015, whichever occurs earlier; after said time, said Temporary Construction Easement and the provisions set forth herein shall be null and void.
- (4) In no other way is the Exchange Deeds and Cross Easements between Variety and Embassy dated January 31, 2007 changed or modified, and the same in all respects not inconsistent herewith ratified.

The City of Henderson joins in this Temporary Construction Easement to consent to the parking arrangements on its properties as above set forth.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hand and seals by appropriate authority duly given.

VARIETY STORES, INC. (Successor by merger
to Roses Stores, Inc., Roses 5-10-25 Stores, Inc.
and Rose Realty, Inc.

By: _____ (SEAL)
(Vice) President

EMBASSY CULTURAL CENTER FOUNDATION, INC.

By: _____ (SEAL)
John P. Wester, President

CITY OF HENDERSON

ATTEST:

BY: _____
James D. O'Geary, Mayor

City Clerk
(MUNICIPAL SEAL)

State of North Carolina
County of _____

I, a Notary Public of the County and State aforesaid, certify that _____,
(Vice) President of Variety Stores, Inc. (successor by merger to Roses Stores, Inc., Roses 5-10-25
Stores, Inc. and Rose Realty, Inc.) personally came before me this day and acknowledged that he/she
voluntarily signed the foregoing instrument for the purposes therein expressed and in the capacity
indicated.

Witness my hand and notarial stamp or seal this ____ day of _____, 2014.

(Affix Seal)

Notary Public
My Commission Expires: _____

State of North Carolina

County of _____

I, a Notary Public of the County and State aforesaid, certify that John P. Wester, President of Embassy Cultural Center Foundation, Inc. personally came before me this day and acknowledged that he voluntarily signed the foregoing instrument for the purposes therein expressed and in the capacity indicated.

Witness my hand and notarial stamp or seal this ____ day of _____, 2014.

(Affix Seal)

Notary Public

My Commission Expires: _____

State of North Carolina

County of Vance

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

Witness my hand and notarial stamp or seal this ____ day of _____, 2014.

(Affix Seal)

Notary Public

My Commission Expires: _____

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 Jan 14 Regular Meeting

8 January 2013

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

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

RE: CAF: 14-11

Consideration of Approval of Resolution 14-05, Providing for the Disposition of Jointly Held Property by the City and County Otherwise Identified as 514 High Street Tax Parcel # 0008 01033

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- CV 9:(Core Values) We value a good working relationship with the County of Vance and believe that by working together in a cooperative effort we can better address the strategic challenges and opportunities facing our community.

Recommendation:

- Approval of Resolution 14-05, Providing for the Disposition of Jointly Held Property by the City and County Otherwise Identified as 514 High Street Tax Parcel # 0008 01033.

Executive Summary:

On 10 September 2012, the City Council approved Resolution 12-79, which provided an agreement between the City of Henderson and County of Vance to allow interested parties to bid and purchase the properties owned by City of Henderson and County of Vance acquired through the tax foreclosure process from Vance County.

The City and County administrations are working on a draft inter-local agreement for the governing bodies to consider. The agreement would deal with any current and future jointly owned properties acquired through the tax foreclosure process. This process isn't yet complete.

In the meantime, Vance County Tax Department has received interest from a private buyer to bid on and purchase the property located at 514 High Street. The property assessed tax value is \$32,082 and prior to tax foreclosure, the unpaid taxes totaled \$2,732.45. The City had the

following liens against this property for weed abatement, which has now been placed in debt set off.

<u>Date</u>	<u>Lien Amount</u>
04-31-12	\$150.00
09-07-12	\$175.00
10-30-13	<u>\$150.00</u>
Total	\$475.00

It is requested Council approve the transfer of this property to Vance County with the understanding upon the sale, the proceeds will be shared on a pro-rata basis.

Enclosure:

1. Resolution 14-05
2. Vance County Request
3. Offer to Purchase
4. Copy of Deed

RESOLUTION 14-05

A RESOLUTION PROVIDING FOR THE DISPOSITION OF JOINTLY HELD PROPERTY BY THE CITY AND COUNTY OTHERWISE IDENTIFIED AS 514 HIGH STREET TAX PARCEL ID # 0008 01033

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

WHEREAS, this Resolution addresses one Core Value as follows: CV 9: maintain a good working relationship with the County of Vance; *and*

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

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

WHEREAS, there is a potential buyer for the previously mentioned property and both the County and City administrations believe it appropriate for the City to transfer its interest in said property to the County in order that they might be more expeditiously sold; *and*

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

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

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

The foregoing Resolution 14-05, upon motion of Council Member**and second by Council Member ** and having been submitted to a roll call vote received the following votes and was APPROVED on this the ** day of -----2014: 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

----- Original Message -----

From: [Jonathan S. Care](#)
To: ['Ray Griffin'](#)
Cc: ['John H. Zollicoffer, Jr.'](#) ; ['Jerry Ayscue'](#) ; ['David Beck'](#)
Sent: Wednesday, October 30, 2013 9:12 AM
Subject: 514 High Street, Tax Parcel 008 01033

Vance County has received an offer on this piece of jointly owned property which was foreclosed on for past due taxes. Can you please look to see if the City has any interest or need in this parcel, and if not, would there be any reason the Council would have objection to conveying their interest in this parcel to the County to effect a sale as has been done in the past?

I am planning to present this to our Commissioners Monday evening for their action, subject to the City taking action as well, unless you see some reason for us to wait. Thanks

Jonathan S. Care
Attorney at Law, PA
109 West Montgomery Street
Henderson, North Carolina 27536
252.492.3053 Telephone
252.430.8355 Fax

NORTH CAROLINA

VANCE COUNTY

OFFER TO PURCHASE
COUNTY OWNED PROPERTY

Roger M. Silva, (hereafter referred to as "Buyer"), hereby offers to purchase from Vance County, North Carolina (hereafter referred to as the "Seller"), in accordance with the following terms and conditions, all that tract, lot or parcel of land together with any improvements located thereon, in Vance County, North Carolina, being known as and more particularly described as follows:
Vance County Register of Deeds Book 1236 **Page** 565 :
Street Address: 514 High Street, Henderson NC 27536
252-226-4351

1. **The Purchase Price:** The purchase price is \$ 2,500.00, plus the cost of publication as required by NCGS 160A-269, and shall be paid as follows:
 - a. \$ 750.00, (the greater of \$750 or 5% of the purchase price) in cash, cashier's check or certified funds as a deposit, with the delivery of this offer, to be held by the Vance County Attorney until the sale is closed at which time it will be credited to Buyer, or this agreement is otherwise terminated as herein provided.
 - b. \$ _____, plus the cost of publication, the balance of the purchase price, in cash, cashier's check or certified funds upon delivery of the Deed and the closing of this transaction.
2. **Conditions.**
 - a. Title will be delivered at closing by **Non-Warranty Deed**. Title to the property hereinabove described is subject to the following exceptions: liens, encumbrances, ad valorem taxes, assessments, zoning regulations, restrictive covenants, access, utility and or conservation easements, rights of others in possession, and other matters of record.
 - b. This offer is conditioned upon there being no proper upset bid submitted within a ten (10) day period after notice of Buyer's offer has been published in a local newspaper in accordance with N.C.G.S. § 106A-269, and final acceptance of this offer by the Board of Commissioners following the upset bid period.
 - c. Other Conditions: The buyer represents that all Ad Valorem Property Taxes owed by the buyer, or any business entity the buyer or the buyer's shareholders or members have an ownership interest in have been paid in full. The Board of County Commissioners reserves the right to reject all bids, including yours, in the resolution.

Last Revised November, 2011

3. **Closing.** Each party hereby agrees to execute any and all documents or papers that may be necessary in connections with the transfer of title. Final settlement shall be made on or before 30 days following the resolution approving the final bid at a place designated by Seller with the Non Warranty Deed made out to
Roger M. Silva.
4. **Possession.** Buyer takes the property subject to all then existing leases and rights of others in possession, if any, or other matters or exceptions to title.
5. **Deposit.** In the event this offer is not accepted, or in the event that any of the conditions hereby are not satisfied, or in the event of a breach of this contract by Seller, then the deposit shall be returned to the Buyer, and such return shall be the extent of Buyers remedies. In the event that Buyer withdraws this offer and fails to proceed with the execution of this agreement according to its terms for any reason, the Buyer hereby agrees to forfeit the deposit held by the County in Section 1 of this agreement. Said forfeiture shall not affect any other remedies available to Seller for such breach.
6. **New Loan.** Buyer shall be responsible for all charges made to Buyer with respect to any new loan obtained by Buyer, and Seller shall have no obligation to pay any discount fee or other charge in connection therewith unless specifically set forth in this contract.
7. **Closing Expenses.** Buyer shall pay for the first required legal advertisement for upset bids. At closing, Buyer shall pay for the preparation and recording of a deed, and for preparation and recording of all instruments required to secure the balance of the purchase price unpaid at closing. In addition, Buyer may have prepared, at Buyer's option and sole expense, an appraisal, a survey of the property, the title examination and title opinion, or a termite inspection. The property shall be made available at reasonable times for Buyer to perform or to have performed the above-mentioned inspections.
8. **Assignments.** This offer may not be assigned without the written consent of all parties, but if the same is assigned by agreement, then the same shall be binding on the assignee and his/her heirs.
9. **Termination of Offer.** This offer shall be terminated if not acted upon by the Board of Commissioners within ninety (90) days of the date of this offer or upon being upset by a proper bid in accordance with N.C.G.S. § 160A-269. Seller reserves the right to reject this offer at any time.
10. **Condition of Improvements and Premises:** Seller makes no warranties or guarantees regarding the condition of the improvements on the property. Buyer takes the premises in "**AS IS**" condition without warranty from the Seller. Buyer stipulates that Buyer has had full opportunity to inspect the premises and Buyer stipulates that Buyer is accepting the improvements in "as is" condition. After title has been conveyed to Buyer, Buyer shall hold Seller harmless for any claims, suits, damages or causes of action resulting from an occurring on the property as a result of the condition of any of the improvements.

Roger M. Sika
Buyer

Buyer

Acknowledgment of Receipt of Deposit:

I, Betty H. Grisson, County Clerk or her designee, hereby acknowledge receipt of the deposit in the amount of \$ 750.00 as set forth herein in accordance with the terms hereof.

Date: 10-7-13

Betty H. Grisson
Title: Clerk to Board

Acknowledgment of Receipt of Deposit from County Clerk

I, Jonathan S. Care, County Attorney, hereby acknowledge receipt of the herein above referenced deposit in the amount of \$ 750.00 from the County Clerk, and shall hold the same in my Trust Account in accordance with the terms hereof.

This is the 7 day of October, 2013.

[Signature]
Jonathan S. Care, County Attorney

Accepted by the Vance County Board of County Commissioners by vote in open session on

Vance County Board of County Commissioners

Chairman

PROCEDURE FOR PURCHASING COUNTY OWNED PROPERTY

This is for informational purposes only. These guidelines and procedures are subject to change.

Note if property is in City - 2/12

1. You should acquire a copy of the tax map for the property in question and a copy of the deed to Vance County and bring it to the County Tax Administrator indicating your interest in purchasing the lot. *This is to correctly identify your parcel & do #2.*
2. All departments may be notified of your interest in order to determine if there is any need for the property by the County that would prevent it from being sold. This may take about three weeks.
3. **Prior to submitting an offer**, you may wish to obtain a title examination and a title opinion for the property to be conveyed. You may wish to consider retaining an attorney to assist you with this process. **The property will be conveyed by a non warranty deed**, which in most instances will be drafted by the County Attorney. If you choose to have your private attorney draft a non warranty deed at your own expense, you must provide a copy to the County Attorney for review prior to closing.
4. Your written offer to purchase and the greater of \$750 or 5% of the bid amount deposit must be submitted to the Clerk to the Board of County Commissioners. The name of the actual purchaser shall be disclosed on the offer to purchase.
5. Upon occasion the County may require that an appraisal and/or survey be done prior to forwarding your offer on to the full Board of County Commissioners. The cost of the appraisal and a survey, if required, must be paid by you.
6. If the Commissioners approve of selling the property, a resolution detailing your offer and authorizing the advertisement of your bid for upset bids will be adopted. The upset bid period is ten days. The County reserves the right to reject all bids, including yours, after the final bids have been advertised.
7. Your offer will be advertised for upset bids pursuant to N.C.G.S. § 160A-26. The cost of the advertisement will be paid by you, in addition to your bid amount if you are the final successful bidder.
8. In the event of an upset bid, the property will be advertised again for upset bids, and you will have an opportunity to bid again.
9. After there are no upset bids within ten (10) days from the date it was last published, the final bid/offer will be presented to the Board of County Commissioners for final acceptance or rejection. If your bid is rejected, your deposit will be refunded to you. If your offer is accepted, the property will be deeded to you within 10 business days of receipt of the balance of the purchase price. The deed will be a **Non Warranty Deed**. You will have 30 days from the date the Commissioners accept your final bid amount to pay in full the final purchase price. All payments shall be made in certified funds or wire transfer.
10. If your offer is accepted, but you do not pay the balance of the purchase price within the 30 days of the final acceptance by the Commissioners, your bid deposit shall be deemed forfeited, and the County may entertain other offers for the purchase of the property and hold the defaulting bidder for any difference not realized on the subsequent sale.

Last Revised November, 2011

*514 High St
0008 01033*

1236
0565

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FILED FOR RECORD
VANCE COUNTY, N.C.
CAROLYN R. PECORA
REGISTER OF DEEDS
RECORDED Oct 28, 2011
AT 01:21 pm
BOOK 01236
START PAGE 0565
END PAGE 0567
INSTRUMENT # 03582
EXCISE TAX \$10.00

Prepared by and return to: N. Kyle Hicks, a North Carolina Licensed Attorney,
P.O. Box 247, Oxford NC 27565

Delinquent taxes, if any, to be paid by the closing attorney to the Vance
County Tax Collector upon disbursement of closing proceeds.

STATE OF NORTH CAROLINA

COMMISSIONER'S DEED

COUNTY OF VANCE

THIS DEED, made and entered into this the 28 day of October, 2011, by
and between N. KYLE HICKS, acting as Commissioner as hereinafter stated, Party
of the First Part, and the CITY OF HENDERSON (42.79%) and VANCE COUNTY
(57.21%), Party of the Second Part, whose mailing address is 122 Young St.,
Suite E, Henderson NC 27536;

W I T N E S S E T H:

THAT WHEREAS, in that certain Tax Foreclosure Proceeding entitled "Vance
County and City of Henderson, Plaintiffs vs. John E. Smith, et al,
Defendants", File No. 11-CVD-322, in the office of the Clerk of Superior Court
of Vance County, brought and pending before the District Court of Vance
County, North Carolina, a Judgment was made by said Court appointing N. Kyle
Hicks as Commissioner to sell at public sale, subject to the confirmation of
the Court, hereinafter described lands; and,

WHEREAS, said N. Kyle Hicks, acting as Commissioner as aforesaid, after
due advertisement as required by law and said order of the Court, offered said
lands for sale at public auction at the Courthouse door on September 20, 2011,
when and where no bidders were present; and,

WHEREAS, said N. Kyle Hicks filed a Notice of Postponement of Sale,
postponing said sale until September 26, 2011; and,

WHEREAS, said N. Kyle Hicks offered the lands for sale on September 26,
2011, at which time the City of Henderson (42.79%) and Vance County (57.21%)
became the last and highest bidder, bidding the sum of \$4,635.00; and,

WHEREAS, said N. Kyle Hicks reported said sale to the Court on September
26, 2011; and,

WHEREAS, said N. Kyle Hicks reported said amended report of sale to
correct an error in the ownership interest of the City of Henderson from
42.75% to 42.79%.

WHEREAS, the bid remained open for ten (10) days and no upset bids were
placed; and,

WHEREAS, on October 11, 2011, said Court entered an Order approving and
confirming said sale and directing said N. Kyle Hicks as Commissioner to make,

(A0082397.DOC)

HOPPER, HICKS & WHEEN, PLLC, 111 GILLIAM ST., OXFORD NC 27565

execute and deliver to said City of Henderson (42.79%) and Vance County (57.21%) a good and sufficient deed for said lands upon the payment to him of the said purchase price; and

WHEREAS, said purchase price has been fully paid;

NOW, THEREFORE, said N. Kyle Hicks, acting as Commissioner as aforesaid, and under authority of said Order of Court and in consideration of the purchase price of \$4,635.00, has bargained and sold and by these presents, does hereby bargain, sell and convey unto the Party of the Second Part, its successors and/or assigns, all of that certain tract or parcel of land lying and being situate in the City of Henderson, Vance County, North Carolina, and more particularly described as follows:

TRACT 1: Lots 41 and 42 as shown on that certain plat of the subdivision owned by B. H. Hicks and S. E. Jennette, prepared by S. E. Jennette, Reg. Engr., dated November 24, 1953, and recorded in Plat Book I, Page 20, Vance County Registry, reference to which plat is hereby made for more definite description. Each of the said above described lots fronts 25 feet on the west side of High Street and extends back between parallel lines a distance of 150 feet.

For further reference, see Deed of record in Book 489, Page 846, Vance County Registry.

TRACT 2: Begin at an iron pin in the western right of way line of High Street, said iron pin being located at the common corner of Lots 42 and 43 as shown on plat recorded in Plat Book "I", Page 20, Vance County Registry; run thence along and with the western right of way line of High Street, North 15° 30' East 12 1/2 feet to a point; run thence North 75° 00' West 150 feet to a point in the backline of Lot 43; run thence along the backline of Lot 43, South 15° 30' West 12 1/2 feet to an iron pin, common corner for Lots 42 and 43; run thence along the common line of Lots 42 and 43, South 75° 00' East 150 feet to an iron pin in the northern right of way line for High Street, the point and place of beginning, the same being the southern one-half of Lot 43 as shown on that plat of B. H. Hicks and S. E. Jennette Property Subdivision prepared by S. E. Jennette, Engineer, dated November 24, 1953, and recorded in Plat Book "I", Page 20, Vance County Registry, reference to which plat is made for more definite description.

For further reference, see Deed of record in Book 527, Page 483, Vance County Registry.

(Map #0008 01033; 514 High St., Henderson NC)

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereunto belonging unto it, the said Party of the Second Part, its successors and/or assigns, in as full and ample a manner as said N. Kyle Hicks, acting as Commissioner as aforesaid, is authorized and empowered to convey the same.

IN TESTIMONY WHEREOF, the said Party of the First Part, N. Kyle Hicks acting as Commissioner as aforesaid, has hereunto set his hand and seal, this the day and year first above written.


N. Kyle Hicks, Commissioner (SEAL)

1236
0567

BK 1236PG0567

STATE OF NORTH CAROLINA; COUNTY OF GRANVILLE

I, the undersigned Notary Public for the County of Vance and State of North Carolina, do hereby certify that N. Kyle Hicks, acting as Commissioner herein, either (x) personally known to me or () proven by satisfactory evidence (said evidence being _____), personally appeared before me this day, and acknowledged the voluntary due execution of the foregoing instrument by him for the purposes stated therein. Witness my hand and notarial seal, this the 28 day of October, 2011.



Christy R. Sanford
Christy R. Sanford, Notary Public
My Commission Expires: 06/24/2015

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 Jan 14 Reg. Meeting

6 January 2014

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

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

RE: CAF: 14-16

Consideration of Approval of Ordinance 14-09, FY 14 Budget Amendment #23, Amending the Water Fund to Use Contingency Funds to Appropriate Additional Legal Fees Within the Water Distribution Department

Ladies and Gentlemen:

Recommendation:

- Approve Ordinance 14-09, FY 14 Budget Amendment #23, Amending the Water Fund to Use Contingency Funds to Appropriate Additional Legal Fees Within the Water Distribution Department

Executive Summary

Additional funds are needed in the Water Fund to cover the anticipated costs of legal services incurred as a result of the lawsuit involving the City of Oxford's claim regarding the Granville County Water Sales Agreement. It is recommended to use a portion of the Water Fund contingency account to cover this additional appropriation.

Enclosures

1. Ordinance 14-09

O R D I N A N C E 14-09

FY 2013 -- 2014 BUDGET AMENDMENT #23 AMENDING THE WATER FUND TO USE CONTINGENCY FUNDS FOR PROFESSIONAL SERVICES (LEGAL)

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

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

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

FUNDS: 30: Water Fund			Ordinance 14-09 FY 13-14 Budget Amendment #23			
30: WATER FUND REVENUES			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
		Total	\$ -	\$ -	\$ -	\$ -
						\$ -
30: WATER FUND EXPENDITURES			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
660: Non-Departmental	Contingency	30-660-509900	\$ 42,700	\$ 32,700	\$ (5,000)	\$ 27,700
818: Water Distribution	Professional Services	30-818-500400	\$ 2,300	\$ 13,700	\$ 5,000	\$ 18,700
			\$ -	\$ -	\$ -	\$ -
		Total	\$ 45,000	\$ 46,400	\$ -	\$ 46,400
						\$ 46,400
		Variance			\$ -	
Reference:			Notes:			
CAF# 13-120; Ordinance #13-67; BA#18 25 November 2013 Council Meeting			To move funds from contingency to the Professional Services line item in the Water Fund to cover the anticipated additional costs of legal services as a result of the lawsuit involving the City of Oxford's claim regarding the Granville County Water Sales Agreement.			
CAF# 14-16; Ordinance #14-09; BA#23 13 January 2014 Council Meeting			To move additional funds from contingency to the Professional Services line item in the Water Fund to cover the anticipated additional costs of legal services as a result of the lawsuit involving the City of Oxford's claim regarding the Granville County Water Sales Agreement.			

The foregoing Ordinance 14-09 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 _____ 2014: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Reference: Minute Book 42 p. ***

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 14-09, adopted by the Henderson, City Council in Regular Session on _____ (*Minute Book 42 p.***). This Ordinance is recorded in *Ordinance Book 9*, p. ***.

Witness my hand and corporate seal of the City, this *** day of _____ 2014.

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

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 Jan 14 Reg. Meeting

30 December 2013

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

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

RE: CAF: 14-05

Consideration of Approval of Ordinance 14-04, FY14 Budget Amendment #20, Authorizing the Transfer of Contingency Funds to Engineering in the CIP Regional IBT Project

Ladies and Gentlemen: *(This item was originally brought before Council on 9 December 2013 Work Session as CAF 13-126 and Ordinance 13-70)*

Council Goals Addressed By This Item:

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

Recommendation:

- Approval of Ordinance 14-04, FY14 Budget Amendment #20, Authorizing the Transfer of Contingency Funds to Engineering in the CIP Regional IBT Project.

Executive Summary

On 27 September 2010 City Council approved the acceptance of a contract with CH2MHill for IBT services via Resolution 10-98. Throughout the Inter-basin Transfer Project, funding for the engineering services has been allocated in the contingency line item and then moved to the appropriate line item as needed, contingent on City Council approval. There is ongoing work related to the modeling and projections update which will require continued funding of the project services with CH2MHill.

The City and its KLRW partners, through its legislative representatives, are discussing proposed legislation which may help expedite the lengthy process.

Enclosures:

1. Ordinance 14-04
2. Resolution 10-98

ORDINANCE 14-04

AN AMENDMENT TO THE FY 2013 - 2014 BUDGET TO TRANSFER CONTINGENCY FUNDS TO ENGINEERING IN THE CIP REGIONAL – IBT PROJECT BUDGET AMENDMENT #20

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 Capital Improvements Fund for active capital projects related to the regional water treatment system, said fund referred to as 46: CIP Regional Water Fund; *and*

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating and capital improvements budgets from time-to-time, said amendment incorporated in 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: 46: CIP - Regional			Ordinance 14-04			
PROJECT: 937: KLRWS Inter-Basin Transfer Permit			FY 13-14 Budget Amendment #20			
Project Budget Created: 26 January 2004			Amending Capital Project 46-937: KLRWS Inter-Basin Transfer Permit			
REVENUES			Approved 26-Jan-04	Current Budget	Amendment	Revised
<i>Department</i>	<i>Line Item</i>	<i>Code</i>				
	Investment Income	46-939-458100	\$ -	\$ 12	\$ -	\$ 12
	Trans Fr: 64 Regional	46-937-461064	\$ 465,000	\$ 345,988	\$ -	\$ 345,988
	Trans Fr: 78 Regional Res	46-937-461065	\$ -	\$ 525,000	\$ -	\$ 525,000
			\$ -	\$ -	\$ -	\$ -
	Total		\$ 465,000	\$ 871,000	\$ -	\$ 871,000
						\$ 871,000
EXPENDITURES			Approved 26-Jan-04	Current Budget	Amendment	Revised
<i>Department</i>	<i>Line Item</i>	<i>Code</i>				
	Professional Services	46-937-500400	\$ -	\$ 79,224	\$ -	\$ 79,224
	Contingency	46-937-509900	\$ 60,000	\$ 188,012	\$ (134,135)	\$ 53,877
	Planning/Design	46-937-510100	\$ 405,000	\$ 119,988	\$ -	\$ 119,988
	Engineering	46-937-510301	\$ -	\$ 483,776	\$ 134,135	\$ 617,911
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
	Total		\$ 465,000	\$ 871,000	\$ -	\$ 871,000
	Variance				\$ -	\$ 871,000
Reference:			Notes:			
City Council Meeting 1/26/2004; BA #24			Amendment to establish a new project to obtain a new IBT (Interbasin Transfer) certificate as was required by the State. Total project cost estimated to be \$465,000. Revenue to come from Regional Reserve.			
City Council Meeting 4/12/2004; BA #27			Amendment to decrease the Interbasin Transfer (Plan/Design) budget by \$285,000 and contingencies by \$60,000, for a total budget reduction of \$345,000. This was due to the Public Utilities Committee agreement on 3/22/2004 to allocate \$120,000 for fiscal year 2003/04 as a CIP Project for the work related to obtaining an Interbasin Transfer Permit. The reduction from revenue was obtained by reducing the appropriation from Regional Reserve.			
City Council Meeting 4/10/2006; BA #30			Amendment to appropriate actual costs thus far for the IBT Project (\$119,988). The revenue was appropriated from Regional Water Reserves, however the actual money was never transferred from the Reserves. This amendment was made for the purpose of "making the transfer." The project was to remain open until further review by the City Council.			
City Council Meeting 6/27/2007; BA #1			Amendment to transfer \$150,000 from the Regional Water FY 07-08 operating budget to the IBT Budget to continue plans and study of the project.			
City Council Meeting 6/23/2008; BA #1			Amendment to transfer \$150,000 from the Regional Water FY 08-09 operating budget to the IBT Budget to continue plans and study of the project.			
City Council Meeting 11/10/2008; BA #14			Amendment to "true up" the IBT project budget with the engineering contract. Funds were initially budgeted in the contingency line item.			
City Council Meeting 6/22/2009; BA #1			The FY 09/10 Budget Ordinance appropriates \$100,000 from Regional Water to the CIP Regional Water IBT Project. This \$100,000 will remain in contingency until such time as the Council approves additional contract or project costs for the project.			
City Council Meeting 7/13/2009; BA #2			This amendment appropriates \$271,224 from contingency; \$240,000 to Engineering due to a contract with CH2MHill for continued engineering services regarding the IBT Project and \$31,224 to Professional Services to cover the legal fees to be incurred by Poyner & Spruill, LLC for this project.			
1/10/2010			Interfund transfer of \$10,000 from Engineering to Planning/Design to cover overage in the Planning/Design line item.			
City Council Meeting 6/14/2010; BA #3			Amendment to transfer \$125,000 from the Regional Water FY 10-11 operating budget to the IBT Budget. This \$125,000 will remain in contingency until further contracts are authorized by the City Council.			
City Council Meeting 2/28/2011; Ord 11-17; BA #35			Amendment to transfer \$125,000 from Contingency to Engineering to help cover the costs of the contract with CH2MHill which was approved by the City Council on 9/27/2010.			
City Council Meeting 6/13/2011; Ord 11-39; BA #1			Amendment appropriates \$150,000 to the CIP Regional IBT Project. Appropriations will be placed in the contingency line item until further contracts are authorized by the City Council.			
City Council Meeting 7/9/2012; Ord 12-47; BA #1			Amendment provides for the formal allocation of \$38,000 provided in the FY 2013 budget to Fund 46. The transfer line from Fund 64 to Fund 46 is shown as a memo reference only since it was approved in the budget adoption ordinance. Since Fund 46 is a capital improvement project fund, it's budgetary appropriations are not considered in the routine annual budget adoption ordinance and are made separately and subsequent to the budget adoption.			
City Council Meeting 6/27/2013; Ord 13-19; BA #1 (effective 7/1/2013)			Amendment provides for the formal allocation of \$38,000 provided in the FY 2014 budget to Fund 46. The transfer line from Fund 64 to Fund 46 is shown as a memo reference only since it was approved in the budget adoption ordinance. Since Fund 46 is a capital improvement project fund, it's budgetary appropriations are not considered in the routine annual budget adoption ordinance and are made separately and subsequent to the budget adoption.			
Council Meeting 01/13/2014; Ord 14-04, CAF 14-05; BA #20			Amendment to transfer \$134,135 from Contingency to Engineering to help cover the costs of the contract with CH2MHill which was approved by the City Council on 9/27/2010.			

The foregoing Ordinance 14-04, 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 9 day of December 2013: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

*Reference: Minute Book 42 p. ***; CAF 14-05*

**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 14-04 adopted by the Henderson, City Council in Regular Session on _____, 2014 (*Minute Book 42 p.***). This Ordinance is recorded in *Ordinance Book 9, p.****.

Witness my hand and corporate seal of the City, this *** day of _____ 2014.

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

(This Ordinance was originally brought before Council as Ordinance 13-70 as a Work Session Item on 9 December 2013. In order to have a proper record of when items are voted on, it was necessary to change the Ordinance number to reflect the current year.)

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

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

RESOLUTION 10—98

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH CH2MHILL FOR THE INTER-BASIN TRANSFER OF WATER PROJECT FOR THE KERR LAKE REGIONAL WATER SYSTEM

WHEREAS, the City Council (Council) conducted its Annual Planning Retreat in January 2010, and during said Retreat identified eight Key Strategic Objectives (KSO) and Goals; *and*

WHEREAS, this Resolution addresses one KSO as follows: KSO 5—Provide reliable, dependable infrastructure, Action Plan 5-2: Expand the Kerr Lake Regional Water Treatment Facility; *and*

WHEREAS, the North Carolina Department of Environment and Natural Resources (NCDENR) requires that the inter-basin transfer of water (IBT) from one river basin to another be approved and done under the certification process of the EMC; *and*

WHEREAS, A Master Services Agreement was executed with the engineering firm of CH2MHill on 8 May 2008 for services relative to an IBT Petition; *and*

WHEREAS, CH2MHill has completed Task Orders One and Two of the requirements for the certification process and have submitted the scope of work for the third task as outlined in *Attachment A*; *and*

WHEREAS, The Kerr Lake Regional Water System Advisory Board was advised of the City's intent to continue with the IBT Petition process and there was no expressed opposition; *and*

WHEREAS, funding for the IBT Process is set up as a CIP Project and additional funding in the amount of \$125,000 was approved in the FY 10 Budget.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE the execution of the contract with the engineering firm of CH2MHill in conjunction with the existing Master Services Contract for Task Order Three as more fully articulated in *Attachment A* to this Resolution, *and*

BE IT FURTHER RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY AUTHORIZES the Mayor to execute said agreement on behalf of the City.

The foregoing Resolution 10—98, upon motion of Council Member Inscoe and second by Council Member Rainey and having been submitted to a roll call vote and received the following votes and was APPROVED on this the 27th Day of September 2010: YES: Peace-Jenkins, Daeke, Davis, Daye, Coffey, Inscoe, Rainey. NO: None. ABSTAIN: None. ABSENT: Evans.

James D. O'Geary, Mayor

ATTEST:

Frank Frazier, Interim Deputy City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

Reference: Minute Book 41, p 662

ATTACHMENT A
TASK ORDER No. 3
(Amendment 2 to TASK ORDER No. 1)
SCOPE OF WORK
INTERBASIN TRANSFER FROM THE ROANOKE RIVER BASIN
ONGOING SUPPORT
City of Henderson and Kerr Lake Regional Water System

This Task Order is an attachment to the Master Services Agreement ("AGREEMENT") executed May 8, 2008 between the City of Henderson, North Carolina ("CITY") and CH2M HILL, Inc. ("CH2M HILL") for the PROJECT generally described as Interbasin Transfer from the Roanoke River Basin.

Project Understanding

The City of Henderson and their partners, the City of Oxford and Warren County, in the Kerr Lake Regional Water System (KLRWS) require the services of a consultant to assist them in obtaining an interbasin transfer (IBT) certificate. The KLRWS currently provides water directly or indirectly to municipal and county systems in four counties and three river basins in northeastern North Carolina. The KLRWS currently has a maximum day IBT of approximately 5 million gallons per day (mgd), a grandfathered IBT allowance of 10 mgd, and a projected IBT by 2040 of approximately 24 mgd to the Tar River Basin including the Fishing Creek subbasin. In addition, a small amount of water is transferred to the Neuse River Basin. This transfer to the Neuse Basin is currently below 0.3 mgd, and is not projected to grow to over 2.0 mgd by 2040. While the KLRWS will not approach the grandfathered IBT during the next 5 to 8 years, it is important to complete this process in a timely manner to ensure continued water service to KLRWS' partners and the local governments with contracts with the partners.

KLRWS completed an environmental assessment (EA) for an expansion of its water plant in 2003 (prepared by EE&T). This EA received a Finding of No Significant Impact (FONSI) and plan approvals for a water plant expansion. This EA is a comprehensive document that can become the basis of an environmental review document to support an IBT certificate. In addition, the US Army Corps of Engineers (USACE) approved the request of KLRWS for additional storage in Kerr Lake. The final report, issued in 2005, will also be a source of information. The 2007 and 2008 Local Water Supply Plans for the partner communities, once approved by NC Division of Water Resources (NCDWR), will also serve as key information to be incorporated into the IBT planning process.

Under Task Order 1, projected water demands were updated along with estimates of the required IBT. In addition, a scoping document was developed that was provided to

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agencies and the public. The scoping document served as the basis to obtain public comment on the proposed project at a total of five public meetings in accordance with the requirements of North Carolina House Bill 820 (HB 820) and General Statute 143-215.22L. The five public meetings were publicized through legal advertisements in newspapers throughout the Roanoke, Tar-Pamlico, and Neuse River Basins. During Task Order 1, the agencies determined that an environmental impact statement (EIS) should be developed for the IBT.

Task Order 2 included completion of the preliminary draft EIS and hydrologic modeling. Public and agency comments received during the scoping process were included in the planning of this task order and incorporated into the draft EIS. Services included under Task 2 involved developing and working toward the agency approval process for an IBT environmental document in accordance with the State Environmental Policy Act (SEPA) and associated stakeholder involvement.

With Task Order 3, this project continues to follow the process outlined in the attached flow chart outlining the steps in the SEPA and IBT Petition processes (Figure 1 in Exhibit A). This will involve review by North Carolina agencies and modifications to address any comments. The second round of public comments and coordination with federal agencies and the state of Virginia will then be collected via a round of public hearings and a public comment period. The EMC will also review the EIS at this point. Any comments will be addressed in the revised EIS. The IBT Petition will also be prepared.

Scope of Work

These tasks build from Tasks 1 and 2 completed under previous Task Orders. Task 3 covers any necessary additional services beyond this Task Order 3 scope of work and funding of Task 3 is being replenished under this task order. The scope of work for the next phase begins with Task 4, and additional services listed last (replenishment of Task 3).

Task 4 Revised Draft Environmental Impact Statement

The preliminary draft EIS will be submitted by CH2M HILL on behalf of KLRWS to the NCDWR for review as the lead state agency. After NCDWR's review, CH2M HILL and KLRWS will meet with NCDWR one time to discuss NCDWR's comments. Based on their comments, CH2M HILL will revise the draft EIS one time and submit the document to NCDENR (through NCDWR) for agency review.

Deliverables

- Revised preliminary draft EIS will be submitted to NCDWR in electronic (pdf) and hard copy format (3 copies).
- Meeting summary from one meeting with KLRWS and NCDWR to discuss NCDWR comments on the revised preliminary draft EIS.

- Twelve hard copies of 2nd revision of the preliminary draft EIS for submittal to NCDWR (3 of these are for NCDWR use) for distribution to other agencies for comment; electronic (pdf) version and three hard copies will be submitted to KLRWS.

Assumptions

- No field work will be needed to revise the EIS.
- No additional modeling analyses other than the hydrologic modeling outlined in Task 1 (previous task order) will be completed.
- No air quality conformity analysis is required.
- No GIS data will be digitized; all necessary analyses and maps will be completed from data available from the local governments and other agencies.
- Historic and cultural resources analyses will be completed using available data; no historic, cultural resources, or archaeology studies will be required.
- It is assumed the preliminary draft EIS and revised versions will be in a 3-inch binder and will include up to twenty 8 ½ x 11 color figures. The figures will be placed at the end of each section.
- Meeting with KLRWS and NCDWR to discuss NCDWR's comments on preliminary draft EIS will last up to two (2) hours and be held in Raleigh, NC.
-
- A comment summary of KLRWS and/or NCDWR comments will be prepared; however this comment summary will be used for tracking purposes only and will not be included in the draft EIS described in Task 3.

Task 5 EMC Process: Development of Draft IBT Petition

Task 5-1 Preparation of Draft IBT Petition

This task will begin once the NCDENR agencies have approved the preliminary draft EIS. A petition will be prepared for consideration by the Environmental Management Commission (EMC) for the IBT. The petition will rely on information in the EIS but will be organized according to the requirements of the IBT Statute (Table 2 in Exhibit A). Available updates to the 2009 Local Water Supply Plans and KLRWS water sales agreements will be included in the draft petition.

All public water systems intending to purchase water from the Partners will be given the opportunity to review the draft IBT petition and comment prior to submittal to the NCDWR for its review.

One meeting with the Partners and one meeting with NCDWR is assumed for this task. It is also assumed that attendance at one EMC meeting to discuss the Roanoke River Basin Hydrologic Model results (completed under the previous task order) will be required.

Deliverables

- PowerPoint presentation summarizing IBT Petition key statements
- Draft IBT Petition in electronic (pdf) format for review

Assumptions

- It is assumed that the meetings with the Partners and NCDWR will be held on the same day and three CH2M HILL staff will attend.
- It is assumed that three CH2M HILL staff will attend the EMC meeting in Raleigh.
- Development of the final IBT Petition will occur under separate task order.

Task 5-2 Water Conservation and Drought Management Plan

North Carolina G.S. §143-215.22L requires that a water conservation and drought management plan be included in the IBT certificate. This requires a water conservation plan for the communities in the receiving basin that equals or exceeds the most stringent water conservation plan implemented by a community water system in the source river basin. In addition, a drought management plan that equals or exceeds the most stringent drought management measures in the source river basin must be adopted by the local governments receiving water through the IBT in the receiving basin.

In North Carolina, Water Shortage Response Plans (WSRPs) should include the applicable information related to droughts to be used for the purposes of this rule. After consulting with NCDWR to determine the most stringent plans in the source basin, the Partners' WSRPs will be updated to meet this requirement. The WSRPs will differ slightly for each Partner, per the requirements of WSRP format. Coordination with NCDWR will ensure the appropriate level of actions is present in the plans. A draft will be submitted to each Partner for review and comments will be incorporated into the final WSRPs, which should then be adopted by each Partner's governing body. These WSRPs will be summarized in the IBT Petition and included as attachments.

Deliverables

- Draft updated WSRP for each Partner in electronic format for review (PDF)
- Summary table of WSRP review comments to ensure consistency among Partners' WSRPs.
- Final WSRPs in electronic format following client review and comments

Assumptions

- NCDWR will conduct the review of WSRPs in the Roanoke River Basin to ensure that the most stringent components are also included in the Partners' Plans.
- One round of review and revisions with NCDWR is expected
- Each Partner will be responsible for uploading their final WSRP to the NCDWR website.
- Meetings with the KLRWS members will not be necessary for this task. Any such meeting will be considered an additional service. Communications can occur via telephone and electronic transmissions.
- WSRPs for customers of KLRWS may also require updating; this is beyond the scope of this authorization.

Task 6 – Public Draft EIS and Public Notice

CH2M HILL will summarize the comments received from the NCDENR agencies on the draft EIS in a table format which includes the agency who made the comment, the comment, and a proposed response/how the comment will be addressed in the draft EIS. This table summary will be submitted to KLRWS for review. Based upon their review and comments, CH2M HILL will revise the comment summary table and submit it electronically to NCDWR and other agencies for review. A meeting(s) will be held with the agencies to discuss their comments. The purpose of the meeting will be to get concurrence in how comments will be addressed in the public draft EIS.

Based on the comments and discussion at the meeting with the agencies, CH2M HILL will revise the draft EIS and submit it to NCDWR for submittal to the North Carolina State Clearinghouse for public review and comment. At this time, the draft EIS will also be made available to federal agencies and Virginia Department of Environmental Quality. The following mechanisms will be used by CH2M HILL on behalf of KLRWS to notify the public of the availability of the draft EIS and hearing:

- Publication in the North Carolina Environmental Bulletin; copies will be made available to the North Carolina State Clearinghouse
- Publication of notice in newspapers which received scoping notice [as described in NCAC 143-215.22L(c)]
- Notification to other entities which received the scoping notice, including in Virginia

The public notice will summarize the procedures that should be followed to comment on the DEIS and where copies can be viewed. The DEIS will be made available to the public by posting an electronic version to the NCDWR's website. Hard copies of the complete EIS (main body of EIS and all appendices) will be placed in public locations in Warren, Vance, Franklin, and Granville Counties and at NCDWR office in Raleigh.

Deliverables

- Draft comment summary table with NCDENR agency comments in electronic format
- One meeting summary for meeting with NCDENR to discuss comments
- Revised comment summary table in electronic format
- Draft EIS for KLRWS and NCDWR review in electronic format
- 24 hard copies of draft EIS (4 for NCDWR, six for State Clearinghouse, 4 for KLRWS, 10 for public locations in Vance, Warren, Franklin, and Granville Counties, 1 for NCDENR, 1 for VADEQ. Public location copies will include hard copy appendices; other hard copies will include a CD with electronic appendices.
- An electronic version of draft EIS with complete appendices suitable for publication on NCDWR's website.

Assumptions

- Meeting with NCDENR will last 2 hours and occur in Raleigh, NC
- No field work will be needed to complete the EIS.
- No additional modeling analyses other than the hydrologic modeling outlined in Task 1 (previous task order) will be completed.
- No air quality conformity analysis is required.
- No GIS data will be digitized; all necessary analyses and maps will be completed from data available from the local governments and other agencies.
- Historic and cultural resources analyses will be completed using available data; no historic, cultural resources, or archaeology studies will be required.
- 23 hard copies of the draft EIS will be provided as described under the deliverables section. It is assumed the main body of the draft EIS will be in a 3-inch binder and will include up to twenty 8 ½ x 11 color figures. The figures will be placed at the end of each section. Other than the 10 complete public hard copies, appendices will be provided in electronic format.

Task 7 – Public Hearing and Comments

North Carolina G.S. §143-215.22L requires at least one public hearing that is held at least 30 days after public notice is provided. It is anticipated for the purposes of this Task Order that three public hearings will be held, one in the source basin and one in each of the two receiving basins. The EMC is responsible for holding the public hearings and preparing a

record of all comments. CH2M HILL will assist KLRWS in preparing their comments for the public hearing and attend the public hearing. One meeting with KLRWS and NCDWR to plan the public hearing is anticipated. Major comments received on the draft EIS during the hearings and throughout the public comment period will be summarized by CH2M HILL along with a adequate response to the comment. The comments will be organized from the EMC record and summarized overall and not by individual commenter for the review purposes of the KLRWS. The full record of comments, as recorded by the EMC, will be included in a draft EIS appendix.

Deliverables

- One meeting with NCDWR and KLRWS to plan for public hearings
- Attendance at 3 public hearings by four (4) CH2M HILL staff, with one hearing in the source basin and a hearing in each of the receiving basins.
- Draft comment summary of comments received on draft EIS either through comment letter or through oral comment during the hearing(s). These comments will be addressed under a separate Task Order.

Assumptions

- Meeting with NCDWR and KLRWS will be held in Raleigh, NC and last 2 hours
- Hearings will last up to 3 hours each
- EMC is responsible for recording hearings and preparing record of public comments during hearing and during public comment period and will provide the record to CH2M HILL
- If room rental fee is required, KLRWS will arrange for payment

Task Order 3 Optional Additional Services

During the project, NCDWR or KLRWS may have a project need that is not covered under this scope of work. Task 3 has been established to cover these circumstances and is being replenished under this task order. A \$25,000 time and expense allowance has been included to replenish the budget of this Task.

During the project, NCDWR or KLRWS may request additional services that are not covered under another project task. If either occurs, CH2M HILL will develop a task scope and budget and present it to KLRWS for review and approval. No work will be completed under this Task without written authorization from the KLRWS. Potential services may include additional modeling scenarios or additional alternatives analysis. Other activities that may fall under this task include additional KLRWS or agency meetings not covered in this scope.

The following Tasks 8-9 will be completed under a separate Task Order once comments are received from the public hearing process and the EMC a path forward is further defined:

Task 8 – Final EIS and Record of Decision (Future task order)

Task 8-1 Final EIS

CH2M HILL will revise the EIS based on the comments received and the responses discussed with NCDWR and KLRWS. A hard copy of the EIS will be provided to KLRWS and NCDWR to review. The summary of comments will be annotated with responses in the EIS so that changes in the EIS can be readily located. Any further KLRWS or NCDWR comments will be addressed one time. Then the final EIS will be submitted to the North Carolina State Clearinghouse for publication. The final EIS will also be prepared in a suitable pdf format for posting on the NCDWR website.

Task 8-2 Final IBT Petition

The IBT Petition will be revised one time to reflect similar edits made in the Final EIS under Task 8-1. A summary of edits will be prepared and submitted to the KLRWS and NCDWR for their review. The IBT Petition will then be revised with any final comments prior to the public hearings relating to the EMC's draft determination.

Task 9 – Support for EMC Public Hearings and Decision Process (Future task order)

It is anticipated that the EMC will have three public hearings on the proposed request; one in the source basin and one in each of the two receiving basins. Assistance and support will be provided to KLRWS throughout this process.

Project Team

Bill Kreutzberger – Project Director and Senior Technical Review

Jaime Robinson – Project Manager; Lead Preparer

Francine Durso – Senior Advisor

Adam Sharpe – Staff Scientist

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Laurie Sickles – Staff Engineer, GIS Mapping

Klaus Albertin– Modeler

Sarah Braman – Engineer

Ruth Swanek – Senior Review

Project Schedule

IBT environmental review and certification processes have typically taken five or more years. The preliminary schedule outlined here is a four year schedule which is building off of the EA completed for the water plant expansion. It should be emphasized that there are a number of factors which can influence the schedule during both the environmental review and EMC portions of the process. The Partners will then have a month to review the preliminary DEIS. Once revisions are complete, it will be sent to NCDWR for their review. Once comments are received from NCDWR, it will take approximately 2 to 3 months to prepare the DEIS. Overall, this Task Order No. 3 will take approximately 12 months to complete. Agency review times and availability for meetings may influence this schedule.

Project Budget

The costs for this Task Order No. 3 Tasks 3-7 were determined using the attached rate table (Attachment B). Task Order No. 3 is the third step in this project, with the overall goal of obtaining a Record of Decision (ROD) and IBT Certificate. The following table presents the costs for Tasks 3-6 (including additional services replenishment) only, which total \$231,734 on a time and expense compensation basis. Further work for Tasks 8-9 of this project will be priced at a later date, once public and EMC comments are received for the draft EIS and further level of effort needs are better understood.

TABLE 1
Task Order No. 3 Price
KLRWS IBT EIS

Task No.	Description	Labor Hours	Labor Price	Expenses
Task 3	Optional Services	150	\$24,950	
Task 4	Agency Draft EIS	372	\$55,856	\$3,200
Task 5	EMC Process	336	\$48,174	\$2,000
Task 6	Public Draft EIS	332	\$51,800	\$2,000
Task 7	Public Hearing	202	\$29,954	\$19,000
Total		1,392	\$207,534	\$24,200

Total Task Order No. 3 Cost is **\$231,734**.

TABLE 2
Project to Date
KLRWS IBT

Task Order No.	Description	Expenses
Task Order 1	Scoping Phase	\$145,556.10
Task Order 2	Draft EIS Development	\$240,620.00
Task Order 3	Draft EIS and Draft IBT Petition	\$231,734.00
Total		\$617,910.10

This Task Order No. 3 will become part of the referenced AGREEMENT on the effective date when executed by both parties. The effective date is the latest date when this Task Order 3 has been signed, as shown below.

IN WITNESS WHEREOF, the parties execute below:

City of Henderson, North Carolina

CH2M HILL, Inc.

Dated this ____ of ____, 2010

Dated this ____ of ____, 2010

By: _____

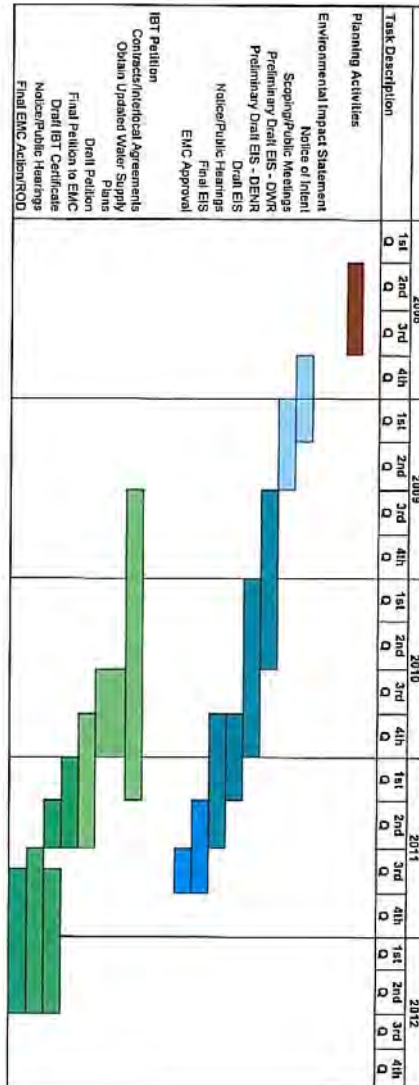
By: _____

Title: _____

Title: _____

By: _____

Title: _____



ATTACHMENT B
COMPENSATION SCHEDULE
for
CH2M HILL, INC.

CLIENT: CITY OF HENDERSON

CH2M HILL PER DIEM CODE	CH2M HILL E-GRADE EQUIVALENT	JOB BASED PAY EMPLOYEE CLASSIFICATIONS	Hourly Billing Rates 2010	Hourly Billing Rates 2011
03	E7	Principal Program Manager / Sr. Project Consultant / Project Planning & Controls Mgr	\$248	\$255
04	E6	Sr. Project Manager / Sr. Technologist / Operations Manager	\$194	\$200
05	E5	Project Manager / Project Technologist / Project Controls Mgr	\$169	\$174
06	E4	Project - (Engineer/ Planner/ Scientist)/Resident Project Rep/Cx Mgr 1	\$157	\$162
07	E3	Associate - (Engineer/ Planner/ Scientist)/Facilities Ops Mgr 1/Cost Eng 3	\$118	\$122
08	E2	Staff - (Engineer/ Consultant)/ Facilities Ops Super 2/ Cost Engineer 2	\$107	\$110
09	E1	Jr. Staff Consultant/ Engineer/ Planner	\$95	\$98
10	E0	Geologist/Scientist/Planner/Scheduler	\$81	\$83
11	T5	Designer/Resident Rep/Survey Specialist - 5	\$125	\$129
12	T4	Designer/Resident Rep/Survey Tech - 4	\$102	\$105
13	T3	Engineer Tech/Tech Inspector/Survey Tech - 3	\$92	\$95
14	T2	Engineer Tech/Tech Inspector/Survey Tech - 2	\$78	\$80
15	T1	Engineer Tech/Tech Inspector/Survey Tech - 1	\$74	\$76
16	TA	Technical Aide	\$60	\$62
19	O	Admin Ass't/Acc't Specialist/Purchasing Tech/Facilities Ops Ass't	\$75	\$77

The labor schedule for the job classifications of CH2M HILL personnel required to perform the work on a (Time & Expense) basis is provided above. The codes and classifications are a representative sample of potential categories that may be utilized in the implementation of the Client's programs. These rates do not include allowances for Direct Expenses, subcontracts and outside services. The burdened rates above are inclusive of all fringe, indirects, fee, and standard project charges for computing systems.

Escalation: Rates specified above will escalate 3% annually beginning in January 2012.

Direct Expenses: Direct Expenses are those necessary cost and charges incurred to execute the work, including but not limited to: (1) the direct cost of travel, transportation, meals, lodging, mail, shipping, equipment and supplies; (2) CH2M HILL's standard rate charges for direct use of CH2M HILL's vehicles and certain field equipment; (3) Comprehensive Health and Safety requirements for OSHA for all employees enrolled in the monitoring program

Subcontractors and Outside Services - shall be billed at Cost +10%.

COMPANY CONFIDENTIAL AND PROPRIETARY

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 January 14 Reg. Meeting

6 January 2014

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

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

RE: **CAF: 14-14**
Consideration of Approval of Resolution 14-08, Awarding of Departmental Handgun and Badge to Retiree Lieutenant Marshall Perry

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 14-08, Awarding of Departmental Handgun and Badge to Retiree Lieutenant Marshall Perry

Executive Summary

Lieutenant Marshall Perry joined the police force in January 1989 and will be retiring from the City of Henderson effective 1 February 2014. Upon the recommendation of Police Chief Marcus Barrow, I am requesting that the Henderson City Council recognize Lieutenant Perry's departure, as has been the case with previous retirees, by awarding him his departmental badge and service side arm as per NCGS 20-187.2: "Badge and service side arms of deceased and retiring members of State, city and county law enforcement agencies" (See Enclosure No.2).

It has been the tradition of the City of Henderson to award the retiring officer his/her badges at no cost and to also award the service side arm at the said price of \$1.00.

The weapon is Glock Model 22.40 caliber serial number PZK108.

Enclosures

1. Resolution 14-08
2. Interim Chief Barrow's Request
3. NCGS 20-187.2

RESOLUTION

14-08

A RESOLUTION AUTHORIZING AWARD OF DEPARTMENT HANDGUN AND BADGE TO RETIREE LIEUTENANT MARSHALL PERRY

WHEREAS, Lieutenant Marshall Perry of the Henderson Police Department will be retiring with full benefits effective 1 February 2014; *and*,

WHEREAS, in accordance with North Carolina General Statutes 20-187.2 “Badges and service side arms of deceased and retiring members of State, City and County law enforcement agencies” which states that retiring members of such agencies shall receive upon request and at no cost to him/her, the badge worn. The governing body of such law enforcement agency may also award to a retiring member the service side arm at a price determined by such governing body, upon securing a permit as required by GS 14-402; *and*,

WHEREAS, it has been the tradition of the City of Henderson to award the retiring officer his/her badge at no cost to him/her; *and*

WHEREAS, it has been the tradition of the City of Henderson to award the retiring officer his/her weapon at a nominal cost to him/her.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE the award of Departmental Badge and Service Side Arm (Glock Model 22.40 caliber, serial number PZK108) to retiree Lieutenant Marshall Perry at cost of \$1.00 to him.

AND BE IT FURTHER RESOLVED that the Mayor and City Council thank Lieutenant Marshall Perry for his years of good service to the City and wish him well in his retirement.

The foregoing Resolution 14-08, introduced by Council Member ***and seconded by Council Member *** on this the ***day of ***, and having been submitted to a roll call vote, was *** by the following votes: YES: . NO: None. ABSTAIN: None. ABSENT: None.

James D. O’Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney



Henderson Police Department

Chief Marcus W. Barrow

200 Breckenridge Street
Henderson, N.C. 27536
Phone: 252-438-4141
Fax: 252-438-7311



INTER-OFFICE MEMORANDUM

TO: Mr. Ray Griffin, City Manager
From: Marcus W. Barrow, Chief of Police *MB*
Date: 1/06/2014
Subject: Award of Department Handgun and Badge to Retiree Marshall Perry
CC: Captain P.L. Twisdale

Lieutenant Marshall Perry of our Department will be retiring with twenty five years of service effective February 1, 2014. I am requesting that the Henderson City Council recognize Lieutenant Perry's retirement, as has been the case with previous retirees, by awarding him his departmental badge and service side arm as per NCGS 20-187.2 "Badges and service side arms of deceased and retiring members of State, city and county law enforcement agencies" (Copy attached).

It has been the tradition of the City of Henderson to award the retiring officer their duty weapon at no cost to them. If city administrative rules require a sale then I recommend that the City use the same guidelines of the State and other local agencies and set the price at \$1.00.

The weapon is a Glock Model 22 .40 caliber serial number PZK108.

I would request that the Council take action on this at the next available opportunity.
Thank you.

An Internationally Accredited Law Enforcement Agency

§ 20-187.2. Badges and service side arms of deceased or retiring members of State, city and county law-enforcement agencies; weapons of active members.

(a) Surviving spouses, or in the event such members die unsurvived by a spouse, surviving children of members of North Carolina State, city and county law-enforcement agencies killed in the line of duty or who are members of such agencies at the time of their deaths, and retiring members of such agencies shall receive upon request and at no cost to them, the badge worn or carried by such deceased or retiring member. The governing body of a law-enforcement agency may, in its discretion, also award to a retiring member or surviving relatives as provided herein, upon request, the service side arm of such deceased or retiring members, at a price determined by such governing body, upon securing a permit as required by G.S. 14-402 et seq. or 14-409.1 et seq., or without such permit provided the weapon shall have been rendered incapable of being fired. Governing body shall mean for county and local alcohol beverage control officers, the county or local board of alcoholic control; for all other law-enforcement officers with jurisdiction limited to a municipality or town, the city or town council; for all other law-enforcement officers with countywide jurisdiction, the board of county commissioners; for all State law-enforcement officers, the head of the department.

(b) Active members of North Carolina State law-enforcement agencies, upon change of type of weapons, may purchase the weapon worn or carried by such member at a price which shall be the average yield to the State from the sale of similar weapons during the preceding year. (1971, c. 669; 1973, c. 1424; 1975, c. 44; 1977, c. 548; 1979, c. 882; 1987, c. 122.)

City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 January 2014 Reg. Meeting

8 January 2013

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

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

RE: CAF 14-07

Consideration of Approval of Tax Releases and Refunds from Vance County for the Months of November and December 2013.

Ladies and Gentlemen:

Recommendation:

- Approval of tax releases and refunds from Vance County for the months of November and December 2013.

Executive Summary

The Vance County Tax office submitted the following tax releases and refunds to the Finance Department for the months of November and December 2013. These releases and refunds are found to be in order and are being recommended for approval.

Nov 2013 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Releases			
Foster, Lucy Heirs	Taxes Lost to Foreclosure	2003	\$ 20.74
Foster, Lucy Heirs	Taxes Lost to Foreclosure	2004	\$ 21.76
Foster, Lucy Heirs	Taxes Lost to Foreclosure	2005	\$ 22.78
Foster, Lucy Heirs	Taxes Lost to Foreclosure	2006	\$ 22.78
Foster, Lucy Heirs	Taxes Lost to Foreclosure	2007	\$ 22.78
Foster, Lucy Heirs	Taxes Lost to Foreclosure	2008	\$ 22.49
Foster, Lucy Heirs	Taxes Lost to Foreclosure	2009	\$ 23.28
Foster, Lucy Heirs	Taxes Lost to Foreclosure	2010	\$ 23.28
Foster, Lucy Heirs	Taxes Lost to Foreclosure	2011	\$ 23.27
Foster, Lucy Heirs	Taxes Lost to Foreclosure	2012	\$ 23.27

Nov 2013 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Coffey Bail Bonds	Pers.Prop. Billed in Error	2013	\$ 15.00
Foster, Lucy Heirs	Taxes Lost to Foreclosure	2013	\$ 24.66
IGPS Company LLC	Correct Value	2013	\$ 600.84
Kirby, Gregory Curtis	Correct Value	2013	\$ 79.61
Kirby, Gregory Curtis	Correct Value	2013	\$ 5.21
Marlin Leasing Corp	Correct Value	2013	\$ 11.39
Martinez-Alvarez, Jose	Pers.Prop. Billed in Error	2013	\$ 36.86
Olvera-Perez Mario	Rebilled to include late listing pen.	2013	\$ 1.76
Olvera-Perez Mario	Rebilled to include late listing pen.	2013	\$ 1.76
Pham, Viet Quang	Correct Ownership	2013	\$ (484.83)
State Employees Credit Union	Correct Ownership	2013	\$ 484.83
Variety Stores	Correct Value	2013	\$ 70.82
Vaughan, Stephanie C	Correct Value	2013	\$ 148.81
Total R&P Property Releases			\$ 6,219.80
Real & Personal Property			
Refunds	None		\$ -
Total R & P Property Refunds			\$ -
Total R&P Prop. Rel. & Ref.			\$ 6,219.80
Vehicle Releases			
Hargrove, Carla Boyd	Pro-Rate	2012	\$ 4.57
Rainey, Mathew Christopher	Pro-Rate	2012	\$ 2.16
Richardson, Lillian Haywood	Pro-Rate	2012	\$ 6.31
Brown, Markell Daquan	Pro-Rate	2013	\$ 16.89
Chavis, Jeanette Hart	Pro-Rate	2013	\$ 2.18
Crumpler, Nathan Stanford, Jr.	Pro-Rate	2013	\$ 42.19
Dargan, Joyce Hill	Pro-Rate	2013	\$ 58.17
Davis, Kiziah Gooch	Pro-Rate	2013	\$ 5.22
Davis, Scottie Lopaze	Pro-Rate	2013	\$ 52.75
Dock, Bruce Calvin, Jr.	Pro-Rate	2013	\$ 4.88
Dover, Jonathan Ray	Pro-Rate	2013	\$ 15.94
Glover, Tracy Annen	Pro-Rate	2013	\$ 31.31

Nov 2013 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Total All Releases & Refunds Nov & Dec 2013			\$ 22,628.05
Hughes, Mickey Mantle	Pro-Rate	2013	\$ 5.83
Hunter, Zelton Arthaniel	Pro-Rate	2013	\$ 8.28
Keith, Lashonda Denise	Pro-Rate	2013	\$ 25.25
Lee, Tony Curtis, Jr.	Pro-Rate	2013	\$ 6.15
Lyons, Jernetta Williams	Pro-Rate	2013	\$ 15.56
McClinton, Rasheeda Lakeem	Pro-Rate	2013	\$ 7.00
Morales, Danilo Azotillo	Correct Value	2013	\$ 9.61
Roberts, Sheila Baines	Pro-Rate	2013	\$ 19.09
Stott, John Michael	Pro-Rate	2013	\$ 110.61
Usher, Katie Elizabeth	Correct Situs	2013	\$ 143.36
Wilkins, Kandis Kearney	Pro-Rate	2013	\$ 16.57
Yarborough, Darrell Anthony	Pro-Rate	2013	\$ 18.96
Total Vehicle Releases			\$ 628.84
Vehicle Refunds			
Alston, Marie Smithwick	Pro-Rate	2012	\$ 1.16
Archie, Nathaniel	Pro-Rate	2012	\$ 1.58
Boyd, Nathaniel Jr.	Pro-Rate	2012	\$ 1.33
Brandon, Carol Annette	Pro-Rate	2012	\$ 4.00
Bullock, Sonya Nekea	Pro-Rate	2012	\$ 16.34
Floyd, Shannon Patrice	Pro-Rate	2012	\$ 3.47
Hughes, Mickey Mantle	Pro-Rate	2012	\$ 0.72
Lee, Mason Carl	Pro-Rate	2012	\$ 0.60
Rodriguez, Sandro Barrera	Pro-Rate	2012	\$ 0.51
Small, Betty Jean	Pro-Rate	2012	\$ 6.92
Taylor Chiropractic	Pro-Rate	2012	\$ 65.76
Williams, Nea Nicole	Pro-Rate	2012	\$ 11.24
Lewis, Amanda Leigh	Pro-Rate	2013	\$ 10.55
Parks, Nicole Lynette	Pro-Rate	2013	\$ 5.34
Total Vehicle Refunds			\$ 129.52
Tot. Veh. Rel. & Ref.			\$ 758.36
Total All Releases & Refunds Nov 2013			\$ 6,978.16

Dec 2013 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Releases			
Green, Bryant	Lost to Foreclosure	2003	15.31
Hodge, Carolina Estate	Lost to Foreclosure	2003	28.37
Green, Bryant	Lost to Foreclosure	2004	16.06
Hodge, Carolina Estate	Lost to Foreclosure	2004	29.76
Green, Bryant	Lost to Foreclosure	2005	16.82
Hicks, Edward H Heirs	Lost to Foreclosure	2005	13.00
Hodge, Carolina Estate	Lost to Foreclosure	2005	31.16
Green, Bryant	Lost to Foreclosure	2006	16.82
Hendricks, Craig Cameron	Lost to Foreclosure	2006	24.12
Hicks, Edward H Heirs	Lost to Foreclosure	2006	13.00
Hodge, Carolina Estate	Lost to Foreclosure	2006	31.16
Green, Bryant	Lost to Foreclosure	2007	16.82
Hendricks, Craig Cameron	Lost to Foreclosure	2007	24.12
Hicks, Edward H Heirs	Lost to Foreclosure	2007	13.00
Hodge, Carolina Estate	Lost to Foreclosure	2007	31.16
Green, Bryant	Lost to Foreclosure	2008	19.32
Hendricks, Craig Cameron	Lost to Foreclosure	2008	30.51
Hicks, Edward H Heirs	Lost to Foreclosure	2008	21.58
Hodge, Carolina Estate	Lost to Foreclosure	2008	42.04
Jones, Rebecca & Jordon M Est	Lost to Foreclosure	2008	22.48
Green, Bryant	Lost to Foreclosure	2009	20.01
Hendricks, Craig Cameron	Lost to Foreclosure	2009	31.59
Hicks, Edward H Heirs	Lost to Foreclosure	2009	22.35
Hodge, Carolina Estate	Lost to Foreclosure	2009	43.52
Jones, Rebecca & Jordon M Est	Lost to Foreclosure	2009	246.58
Green, Bryant	Lost to Foreclosure	2010	20.01
Hendricks, Craig Cameron	Lost to Foreclosure	2010	31.59
Hicks, Edward H Heirs	Lost to Foreclosure	2010	22.35
Hodge, Carolina Estate	Lost to Foreclosure	2010	43.52
Jones, Rebecca & Jordon M Est	Lost to Foreclosure	2010	246.58
Green, Bryant	Lost to Foreclosure	2011	20.00
Hendricks, Craig Cameron	Lost to Foreclosure	2011	31.59
Hicks, Edward H Heirs	Lost to Foreclosure	2011	22.34
Hodge, Carolina Estate	Lost to Foreclosure	2011	43.55

Dec 2013 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Jones, Rebecca & Jordon M Est	Lost to Foreclosure	2011	246.57
Williams, Tanisha	Pers Prop Billed	2011	34.78
Dickerson, Henry C Jr	Correct Ownership	2012	(51.29)
Eaton, Tyrone	Correct Ownership	2012	51.29
Green, Bryant	Lost to Foreclosure	2012	20.00
Hendricks, Craig Cameron	Lost to Foreclosure	2012	31.59
Hicks, Edward H Heirs	Lost to Foreclosure	2012	22.34
Hodge, Carolina Estate	Lost to Foreclosure	2012	43.55
Jones, Rebecca & Jordon M Est	Lost to Foreclosure	2012	246.57
Star Grocery	Correct Ownership	2012	768.01
Williams, Tanisha	Pers Prop Billed	2012	34.78
Aiken, Kirby Glenn	Correct Ownership	2013	525.75
Arby's Restaurant Gro	Correct Value	2013	42.44
B & L Properties	Correct Ownership	2013	65.42
Cawthorne, William Glenn	Correct Value	2013	146.32
Compare Foods	Add Late Listing Penalty	2013	(15.91)
Davis, Harold D	Correct Value	2013	18.22
E & B Partnership	Correct Value	2013	(1,244.68)
Evans, Marie H	Real Prop Billed in Error	2013	31.00
Freedom Life Church	Religious	2013	6,731.49
Green, Bryant	Lost to Foreclosure	2013	21.20
Hawkins, Rosa Lee Brown	Reg Veh Billed in Error	2013	420.93
Hendricks, Craig Cameron	Lost to Foreclosure	2013	33.48
Hernandez, Sergio	Pers Prop Billed	2013	47.53
Hicks, Edward H Heirs	Lost to Foreclosure	2013	23.67
Hodge, Carolina Estate	Lost to Foreclosure	2013	46.15
Hunt Investments, LLC	Correct Value	2013	3,991.84
Jones, Rebecca & Jordon M Est	Lost to Foreclosure	2013	261.32
Jones, Stella D	Real Prop Billed in Error	2013	257.36
Lloyd, Robert B	Correct Ownership	2013	(65.42)
McKnight, Catherine	Correction Exemp	2013	279.00
Rent A Center	Correct Value	2013	30.18
Rice, Kelly	Correct Ownership	2013	(326.92)
Rice, Ramona Merriman	Correct Ownership	2013	326.92
Tarheel Regional Comm	Charitable Allocation	2013	196.55
USOC of NC	Correct Value	2013	(44.62)
Warren-Vance Community	Correction Exemp	2013	51.99
Williams, Tanisha	Pers Prop Billed	2013	36.86
Total R&P Property Releases			14,638.45

Dec 2013 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Refunds			
Knoll Terrace	Pers Prop Billed	2013	81.84
Total R& P Property Refunds			81.84
Total R&P Prop. Rel. & Ref.			14,720.29
Vehicle Releases			
Collins, Alphonso Ricardo	Pro-Rate	2012	38.88
Kerr Area Transportation	Charitable Allocation	2012	82.42
Terry, Dwayne Marcello	Military, Non Resident	2012	80.60
Turrentine-Whitaker	Pro-Rate	2012	6.64
Vass, George Calvin	Pro-Rate	2012	24.11
Adams, Jasmine Leilah	Pro-Rate	2013	23.32
Barrett, David Lee	Pro-Rate	2013	186.61
Crosson, Shariah Perry	Reg Veh Billed in Error	2013	20.23
Edwards, Stephen Hampton	Reg Veh Billed in Error	2013	50.11
Evans, Tiffany Vishond	Pro-Rate	2013	44.35
Franklin Construction	Pro-Rate	2013	142.09
Hargrove, Jessica Manique	Pro-Rate	2013	4.21
Hauter, Alexander Nagi	Pro-Rate	2013	30.52
Henderson, Ronald	Pro-Rate	2013	4.82
Hillard, Brian Andrew	Pro-Rate	2013	6.86
Jarrell, Frances Jones	Pro-Rate	2013	7.72
Johnson, Frankie Donnell	Pro-Rate	2013	2.81
Noel, Robert Frederick	Pro-Rate	2013	58.20
Parham, Stacy Barnard	Correct Value	2013	5.40
Williams, Linda Branch	Pro-Rate	2013	16.66
Total Vehicle Releases			836.56
Vehicle Refunds			
Griffin, Lynne Byerly	Pro-Rate	2012	4.63
Lassiter, Alvin Lee	Pro-Rate	2012	0.49
Maroke, Sony	Pro-Rate	2013	62.83
Stevenson, John Richard	Pro-Rate	2013	14.39
Waverly, Willie Lee Sr.	Pro-Rate	2013	7.70
Total Vehicle Refunds			90.04
Tot. Veh. Rel. & Ref.			926.60
Total All Releases & Refunds Dec 2013			15,646.89
Total All Releases & Refunds Nov & Dec 2013			\$ 22,625.05

AUDIT REPORT
PERRY MEMORIAL LIBRARY, INC.
HENDERSON, NORTH CAROLINA
JUNE 30, 2013

Board Members
Cynthia Walker
Marion B. Perry
Mary T. Austell
Diane B. Davis
Robert L. Hubbard
Jean G. Lark
Martha Zollicoffer
Susan Adcock
Katrina Richardson
Barbara Foster
Dr. Stelfanie Williams
Tamala Anderson

Stevie Scaramilli, ex officio- Friends of the Library

Director
James Stephens

Finance Officer
Vacant

PERRY MEMORIAL LIBRARY, INC.
HENDERSON, NORTH CAROLINA
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JUNE 30, 2013

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FINANCIAL SECTION

PHILLIPS, DORSEY, THOMAS, WATERS & BRAFFORD, P.A.
CERTIFIED PUBLIC ACCOUNTANTS

Drawer 1359 • 349 Ruin Creek Rd. • Henderson, NC 27536
252-438-8154 • Wats 800-356-7674 • Fax 252-492-5066

Susan R. Waters, CPA
Michael H. Brafford, CPA
Franklin L. Irvin, Jr., CPA
Janet N. Green, CPA
Cecilia E. Leahy, CPA

Ronald S. Dorsey, CPA (Retired)

INDEPENDENT AUDITORS' REPORT

Board of Trustees
Perry Memorial Library, Inc.
Henderson, North Carolina

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities of Perry Memorial Library, Inc., North Carolina, as of and for the year then ended June 30, 2013, and the related notes to the financial statements, which collectively comprise Perry Memorial Library's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, based on our audit, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, of Perry Memorial Library, Inc., North Carolina as of June 30, 2013, and the respective changes in financial position and cash flows, where applicable, thereof and the respective budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis and the other Postemployment Benefits' Schedules of Funding Progress and Employer Contributions on pages 6-13 and 36, respectively, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated September 13, 2013 on our consideration of Perry Memorial Library's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose the report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Perry Memorial Library's internal control over financial reporting and compliance.

Phillips, Dorsey, Thomas, Waters, + Brafford, P.A.
CERTIFIED PUBLIC ACCOUNTANTS

September 13, 2013

Management's Discussion and Analysis

As management of Perry Memorial Library, Inc., we offer readers of Perry Memorial Library, Inc.'s financial statements this narrative overview and analysis of the financial activities of Perry Memorial Library, Inc. for the fiscal year ended June 30, 2013. We encourage readers to read the information presented here in conjunction with additional information that we have furnished in the Library's financial statements, which follow this narrative.

Financial Highlights

- The assets of Perry Memorial Library, Inc exceeded its liabilities at the close of the fiscal year by \$326,663 (*net position*).
- The government's total net position decreased by \$158,330.
- As of the close of the current fiscal year, Perry Memorial Library, Inc.'s governmental funds reported ending fund balance of \$616,603 a decrease of \$87,622 in comparison with the prior year. Approximately 75 percent of this total amount, or \$460,647 is available for spending at the board's discretion (committed and unassigned fund *balance*).
- At the end of the current fiscal year, unassigned fund balance for the General Fund was \$460,647 or 43 percent of total general fund expenditures for the fiscal year.
- The following funds have been restricted at June 30, 2013:

Restricted by outside sources:

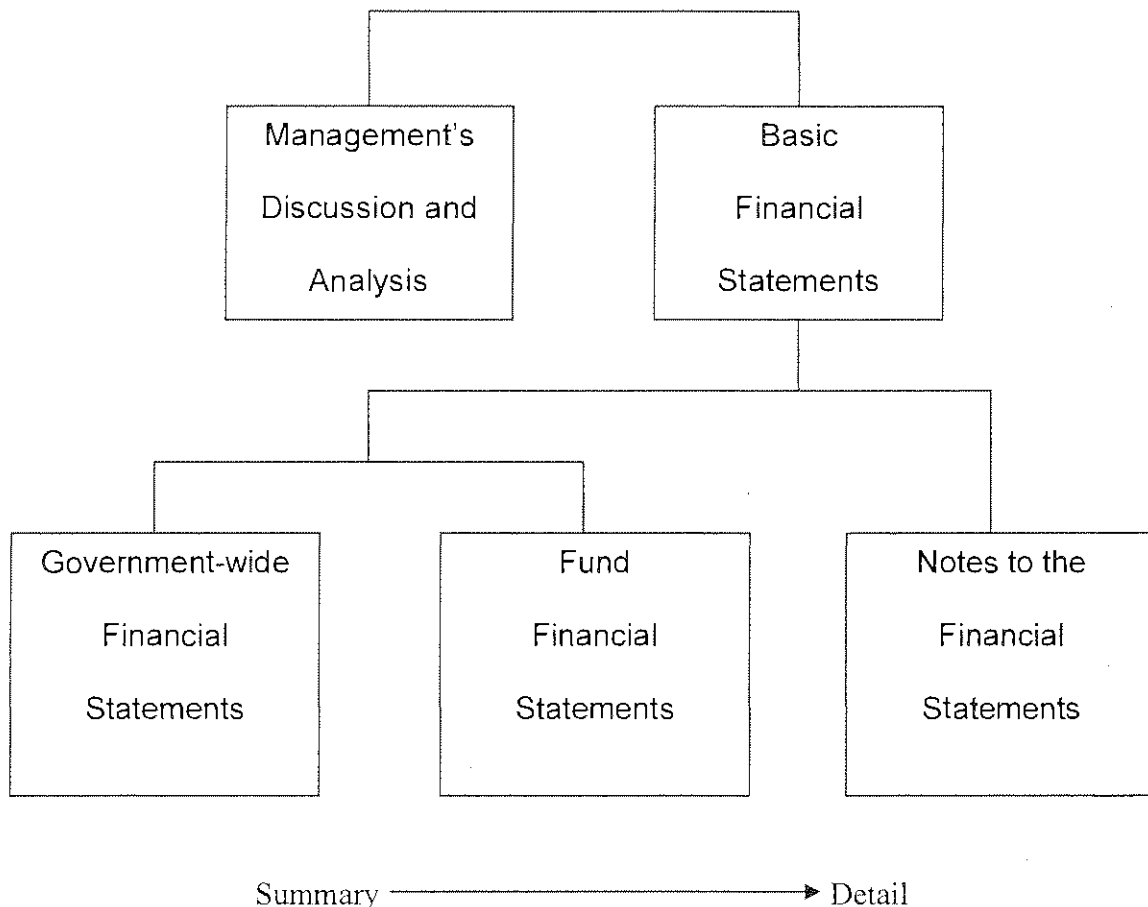
Friends of the Library	\$ 32,930
CD-Burial	5,000
Stabilization by State Statute	19,036
Total Restricted Funds	<u>\$ 56,966</u>

Overview of the Financial Statements

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

Required Components of Annual Financial Report

Figure 1



Basic Financial Statements

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

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

The next section of the basic financial statements is the **notes**. The notes to the financial statements explain in detail some of the data contained in those statements.

Government-wide Financial Statements

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

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

The government-wide statements present the governmental activities, which include most of the Library's basic services such as culture and recreation and general government. State, city, and county funds finance most of these activities.

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

Fund Financial Statements

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

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

Net Position and the Statement of Activities) and governmental funds is described in a reconciliation that is a part of the fund financial statements.

Perry Memorial Library, Inc. adopts an annual budget for its General Fund, as required by the General Statutes. The budget is a legally adopted document that incorporates input from the management of the Library, and the decisions of the Board about which services to provide and how to pay for them. It also authorizes the Library to obtain funds from identified sources to finance these current period activities. The budgetary statement provided for the General Fund demonstrates how well the Library complied with the budget ordinance and whether or not the Library succeeded in providing the services as planned when the budget was adopted. The budgetary comparison statement uses the budgetary basis of accounting and is presented using the same format, language, and classifications as the legal budget document. The statement shows four columns: 1) the original budget as adopted by the board; 2) the final budget as amended by the board; 3) the actual resources, charges to appropriations, and ending balances in the General Fund; and 4) the difference or variance between the final budget and the actual resources and charges.

Notes to the Financial Statements – The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements start on page 24 of this report.

Government-Wide Financial Analysis

As noted earlier, net position may serve over time as one useful indicator of a government's financial condition. The assets of Perry Memorial Library, Inc. exceeded liabilities by \$326,663 as of June 30, 2013. The Library's net position decreased by \$158,330 for the fiscal year ended June 30, 2013. Eighteen percent represents resources that are subject to external restrictions on how they may be used. An additional portion of Perry Memorial Library, Inc.'s net position, 8%, reflects the Library's net investment in capital assets (e.g. land, buildings, machinery, and equipment). Perry Memorial Library, Inc. uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the Library's investment in its capital assets is reported net of the outstanding related debt, the resources needed to repay that debt must be provided by other sources, since the capital assets cannot be used to liquidate these liabilities. An additional portion of the Library's net position \$56,966 (18%) represents resources that are subject to external restrictions on how they may be used. The remaining balance of \$244,191 (75 %) is unrestricted.

Perry Memorial Library, Inc.'s Net Position**Figure 2**

	Governmental Activities	
	2013	2012
Current and other assets	\$ 620,944	\$ 708,145
Capital assets	25,506	18,819
Total assets	<u>\$ 646,450</u>	<u>\$ 726,964</u>
Long-term liabilities outstanding	\$ 19,999	\$ 17,874
Other postemployment benefits	295,448	220,177
Other liabilities	4,340	3,920
Total liabilities	<u>\$ 319,787</u>	<u>\$ 241,971</u>
Net assets:		
Invested in capital assets, net of related debt	\$ 25,506	\$ 18,819
Restricted	56,966	43,555
Unrestricted	244,191	422,619
Total net position	<u>\$ 326,663</u>	<u>\$ 484,993</u>

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

- Expenditures of funds are made carefully and prudently by library staff.
- Management and Board review spending bi-monthly.

Perry Memorial Library, Inc.'s Changes in Net Position**Figure 3**

	Governmental Activities 2013	Governmental Activities 2012
Revenues:		
Program Revenues:		
Charges for services	46,164	\$ 46,291
Operating grants and contributions	925,335	946,352
Investment earnings, unrestricted	772	1,217
Total revenues	<u>\$ 972,271</u>	<u>\$ 993,860</u>
Expenses:		
Cultural and recreation	<u>1,130,601</u>	<u>1,092,438</u>
Decrease in net position	\$ (158,330)	\$ (98,578)
Net position, beginning	<u>484,993</u>	<u>583,571</u>
Net position, ending	<u>\$ 326,663</u>	<u>\$ 484,993</u>

Governmental activities. Governmental activities decreased the Library's net position by \$158,330.

Financial Analysis of the Library's Funds

As noted earlier, Perry Memorial Library, Inc. uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental Funds. The focus of Perry Memorial Library, Inc.'s governmental funds is to provide information on near-term inflows, outflows, and balances of usable resources. Such information is useful in assessing Perry Memorial Library, Inc.'s financing requirements. Specifically, unassigned fund balance can be a useful measure of a government's net resources available for spending at the end of the fiscal year.

The general fund is the chief operating fund of Perry Memorial Library, Inc. At the end of the current fiscal year, unassigned fund balance of the General Fund was \$460,647, while total fund balance reached \$616,603. As a measure of the general fund's liquidity, it may be useful to compare both committed and unassigned fund balance and total fund balance to total fund expenditures. Unassigned fund balance represents 43 percent of total General Fund expenditures, while total fund balance represents 58 percent of that same amount.

At June 30, 2013, the governmental funds of Perry Memorial Library, Inc. reported a combined fund balance of \$616,603, a 13 percent decrease over last year.

General Fund Budgetary Highlights: During the fiscal year, the Library revised the budget on several occasions. Generally, budget amendments fall into one of three categories: 1) amendments made to adjust the estimates that are used to prepare the original budget ordinance once exact information is available; 2) amendments made to recognize new funding amounts from external sources, such as Federal and State grants; and 3) increases in appropriations that become necessary to maintain services. Total amendments to the General Fund increased revenues by \$66,489. This increase represented a increase in state aid by \$3,719, an increase in LSTA grant in the amount of \$43,960, an increase in the amount of other grants in the amount of \$10,000, and an increase in the amount of gifts in the amount of \$8,810.

Capital Asset and Debt Administration

- **Capital assets.** Perry Memorial Library, Inc.'s capital assets for its governmental activities as of June 30, 2013, total \$25,506 (net of accumulated depreciation).

**Perry Memorial Library, Inc.'s Capital Assets
(net of depreciation)**

Figure 4

	Governmental Activities	
	2013	2012
Equipment	\$ 25,214	\$ 7,054
Furniture	292	11,765
Total	\$ 25,506	\$ 18,819

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

Long-term Debt. As of June 30, 2013 Perry Memorial Library, Inc. had long term liabilities for accrued employee annual leave and Other Post-employment Benefits. The liability for accrued employee annual leave increased by \$2,126, or 12%, during the past fiscal year, resulting in a liability of \$19,999. The liability for Other Post-employment Benefits was \$295,448.

Additional information regarding Perry Memorial Library, Inc.'s liability for accrued annual leave can be found in note 3 to the Basic Financial Statements.

Economic Factors and Next Year's Budgets and Rates

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

- The Library is an integral part of the Embassy Square Project in downtown Henderson.
- The usage of the Library's wireless capabilities continues to grow as more individuals use personal laptops to access the library network.
- The Library offers a variety of free educational and creative programs.
- The Library's overall circulation has increased.

Budget Highlights for the Fiscal Year Ending June 30, 2013

Governmental Activities:

- Comparing fiscal year ended June 30, 2013 to fiscal year ended June 30, 2012:
 - Circulation of non-print materials increased by 29.7%.
 - Overall circulation of library material increased by 1.5%.
 - Visitor count increased by 6.8%.
 - The number of new library cards added increased by 24.7%.
 - The Library increased hours of operation, adding two hours on Wednesday evenings and two hours on Thursday evenings.
- The Library received a Library Services and Technology Act grant that enabled the library to develop a new five year plan for library services.
- The Library received a Library Services and Technology Act grant to add several literacy workstation computers for young children.
- The Library received a Library Services and Technology Act grant that allowed the library to purchase many new juvenile non-fiction books and to purchase resources to allow the library to start an outreach program to area assisted living facilities.

Requests for Information

This report is designed to provide an overview of the Library's finances for those with an interest in this area. Questions concerning any of the information found in this report or requests for additional information should be directed to the Perry Memorial Library, Inc., 205 Breckenridge Street, Henderson, NC 27536.

BASIC FINANCIAL STATEMENTS

PERRY MEMORIAL LIBRARY, INC.
STATEMENT OF NET POSITION
JUNE 30, 2013

EXHIBIT A

		Governmental Activities
<u>ASSETS</u>		
Cash on hand	\$	115
Cash and cash equivalents		563,863
Restricted cash and cash equivalents		37,930
Sales tax receivable		19,036
Capital assets, net of depreciation		25,506
Total assets	\$	646,450
<u>LIABILITIES</u>		
Accounts payable	\$	4,340
Long-term liabilities		
Compensated absences		19,999
Other Postemployment Benefits		295,448
Total Liabilities	\$	319,787
<u>NET POSITION</u>		
Invested in capital assets, net of related debt	\$	25,506
Restricted for:		
Friends of the Library		32,930
Other purposes		5,000
Stabilization by State Statute		19,036
Unrestricted		244,191
Total net position	\$	326,663

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

EXHIBIT B

PERRY MEMORIAL LIBRARY, INC.
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2013

Functions/Programs	Program Revenues			Net (Expense) Revenue and Changes in Net Position	
	Expenses	Fees, Fines, and Charges for Services	Operating Grants and Contributions		Capital Grants and Contributions
Governmental Activities:					
Culture and recreation	1,130,601	46,164	925,335	-	(159,102)
General revenues:					
Investment earnings, unrestricted					772
Total general revenues, special items, and transfers					772
Change in net position					(158,330)
Net position-beginning					484,993
Net position-ending					326,663

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

PERRY MEMORIAL LIBRARY, INC.
BALANCE SHEET
GOVERNMENTAL FUNDS
JUNE 30, 2013

EXHIBIT C

	Total Governmental <u>Funds</u> General <u>Fund</u>
<u>ASSETS</u>	
Cash on hand	\$ 115
Cash and cash equivalents	563,862
Restricted cash and cash equivalents	37,930
Sales tax receivable	19,036
Total assets	<u>\$ 620,943</u>
<u>LIABILITIES AND FUND BALANCES</u>	
<u>Liabilities</u>	
Accounts payable	<u>\$ 4,340</u>
<u>Fund balances:</u>	
Fund balance	
Restricted	
Stabilization by State Statute	\$ 19,036
Friends of the Library	32,930
Other purposes	5,000
Assigned	98,990
Unassigned	460,647
Total fund balances	<u>\$ 616,603</u>
Total liabilities and fund balances	<u>\$ 620,943</u>

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

PERRY MEMORIAL LIBRARY, INC.
BALANCE SHEET
GOVERNMENTAL FUNDS
JUNE 30, 2013

EXHIBIT C

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

Capital assets used in governmental activities are not financial resources and therefore not reported in the funds.	\$ 25,507
Compensated absences are not due and payable in the current period and therefore not reported in the funds.	(19,999)
Other postemployment benefits are not due and payable in the current period and therefore not reported in the funds.	(295,448)
	<u>\$ (289,940)</u>
Fund Balance Exhibit C	616,603
Net Position of Governmental Activities, Exhibit A	<u><u>\$ 326,663</u></u>

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

PERRY MEMORIAL LIBRARY, INC.
STATEMENT OF REVENUES,
EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2013

EXHIBIT D

	Total Governmental Funds General Fund
<u>Revenues</u>	
Gifts	\$ 13,337
City of Henderson	187,315
Vance County	561,945
State Aid Funding	103,864
LSTA Grant	48,874
Non-resident cards	1,115
Fines and xerox	25,941
Grants	10,000
Interest	772
Friends of the Library	16,405
Sale of books	1,423
Other	1,279
Total Revenues	<u>\$ 972,270</u>
<u>Expenditures</u>	
Salaries and benefits	\$ 609,589
Collection Development	117,005
Postage and processing	7,817
Telecommunications & utilities	63,931
Maintenance	55,268
Contract labor	59,782
Supplies	25,800
Professional	5,750
Insurance	9,161
Equipment	37,780
Advertising and printing	5,249
Friends of the Library	14,512
Professional development	9,274
Special projects	34,580
Other	271
Programs	4,123
Total Expenditures	<u>\$ 1,059,892</u>
Excess (deficiency) of revenues over expenditures	\$ (87,622)

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

PERRY MEMORIAL LIBRARY, INC.
STATEMENT OF REVENUES,
EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2013

EXHIBIT D

	Total Governmental Funds
<u>Fund Balance</u>	
Beginning of Year - July 1, 2012	\$ 704,225
End of Year - June 30, 2013	\$ 616,603

Amounts reported for governmental activities in the statement of activities are different because:

Net changes in fund balance - total governmental funds	\$ (87,622)
--	-------------

Governmental funds report capital outlays as expenditures. However, in the Statement of Activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which depreciation exceeded capital outlays in the current period.

	6,689
--	-------

Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.

	(77,397)
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Total changes in net position of governmental activities	\$ (158,330)
--	--------------

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

PERRY MEMORIAL LIBRARY, INC.
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL-GENERAL FUND
FOR THE YEAR ENDED JUNE 30, 2013

EXHIBIT E

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance with Final-Positive (Negative)</u>
<u>Revenues</u>				
State Aid	\$ 100,000	\$ 103,719	\$ 103,864	145
City of Henderson	187,315	187,315	187,315	-
Vance County	561,945	561,945	561,945	-
Fines and Fees	14,000	14,000	14,582	582
Non-Resident cards	1,500	1,500	1,115	(385)
Friends of the Library			16,405	16,405
Copies	10,500	10,500	11,360	860
Gifts	15,000	23,810	13,336	(10,474)
Interest	1,300	1,300	772	(528)
LSTA Grant	-	43,960	48,874	4,914
Other Grants	-	10,000	10,000	-
Other	-	-	1,279	1,279
Books	-	-	1,423	1,423
Total Revenues	<u>\$ 891,560</u>	<u>\$ 958,049</u>	<u>\$ 972,270</u>	<u>\$ 14,221</u>
<u>Expenditures</u>				
Personnel	\$ 628,996	625,996	\$ 609,589	16,407
Contract labor	74,360	65,195	59,782	5,413
Collection development	100,000	134,729	117,005	17,724
Postage & Processing	6,500	8,500	7,817	683
Supplies	20,000	32,000	25,800	6,200
Telecommunications & Utilities	62,500	62,500	63,931	(1,431)
Professional Services	6,000	6,000	5,750	250
Staff Development	6,000	10,000	9,274	726
Insurance	9,000	9,165	9,161	4
Equipment	20,000	38,760	37,780	980
Maintenance	50,000	57,000	55,268	1,732
Advertising & Printing	6,000	6,000	5,249	751
Programs	5,000	5,000	4,123	877
Special Projects	35,000	35,000	34,580	420
Friends of the Library	-	-	14,511	(14,511)
Other	300	300	272	28
Total Expenditures	<u>\$ 1,029,656</u>	<u>\$ 1,096,145</u>	<u>\$ 1,059,892</u>	<u>\$ 36,253</u>

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

PERRY MEMORIAL LIBRARY, INC.
 STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
 BUDGET AND ACTUAL-GENERAL FUND
 FOR THE YEAR ENDED JUNE 30, 2013

EXHIBIT E

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance with Final-Positive (Negative)</u>
Excess (deficiency) of revenues over expenditures	\$ (138,096)	\$ (138,096)	\$ (87,622)	\$ 50,474
<u>Other Financing Sources (uses)</u>				
Appropriated fund balance	<u>138,096</u>	<u>138,096</u>	<u>-</u>	<u>(138,096)</u>
Revenues and other financing sources over expenditures and other financing sources	<u>\$ -</u>	<u>\$ -</u>	\$ (87,622)	<u>\$ (87,622)</u>
<u>Fund Balance</u>				
Beginning of Year - July 1			<u>704,225</u>	
End of Year - June 30			<u>\$ 616,603</u>	

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

PERRY MEMORIAL LIBRARY, INC.
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2013

1. Nature of Activities and Summary of Significant Accounting Policies

The accounting policies of Perry Memorial Library, Inc. conform to generally accepted accounting principles as applicable to governments. The following is a summary of the more significant accounting policies:

A. Reporting entity

The Perry Memorial Library, Inc., organized as a nonprofit Corporation under Internal Revenue Service Code 501(c) 3, is governed by a twelve-member Board of Trustees. The Corporation is organized to operate a public library for the benefit of the citizens of Henderson and Vance County, North Carolina, with funds obtained through contributions, gifts, and governmental grants. Title to all personal property is held jointly by the City of Henderson and Vance County.

The Library's board approved the changing of the Library's name from H. Leslie Perry Memorial Library, Inc. to Perry Memorial Library, Inc. during the 6/30/12 fiscal year to honor both H. Leslie Perry and Bennett H. Perry for their many years of continued support of the Library.

B. Basis of Presentation, Basis of Accounting

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

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

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

PERRY MEMORIAL LIBRARY, INC.
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2013

C. Budgetary Data

The governing board is required to adopt by July 1 an annual balanced budget ordinance for all funds except for those funds which operate under project ordinances.

The annual budget is prepared on the modified accrual basis of accounting to be compatible with the accounting system in recording transactions. Budgetary control is exercised in the operating fund. Appropriations are made at the line item level and are amended as necessary by the governing board. The amended budget ordinance as of June 30, 2013, is included in the financial statements but has been restructured to conform with the actual data.

D. Assets, Liabilities, and Fund Equity

Deposits

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

Capital Assets

Purchased or constructed capital assets are reported at cost or estimated historical costs. Donated capital assets are recorded at their estimated fair value at the date of donation. Minimum capitalization costs are as follows: land, \$10,000; building and improvements, \$5,000; furniture and equipment, \$1,000. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

PERRY MEMORIAL LIBRARY, INC.
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2013

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

	<u>Years</u>
Furniture & equipment	5-10
Computers	5
Buildings	50

Compensated Absences

The vacation policy of the Library provides for the accumulation of up to thirty days earned vacation leave with such leave being fully vested when earned. For the Library's government-wide financial statements, an expense and a liability for compensated absences and the salary-related payments are recorded as the leave is earned.

The sick leave policy of the Library provides for an unlimited accumulation of earned sick leave. Sick leave does not vest, but any unused sick leave accumulated at the time of retirement may be used in the determination of length of service for retirement benefit purposes. Since the Library has no obligation for accumulated sick leave until it is actually taken, no accrual for sick leave has been made.

Net Position/Fund Balances

Net Position

Net position in government-wide financial statements are classified as net investment in capital assets, restricted, and unrestricted. Restricted net position represent constraints on resources that are either a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or b) imposed by law through State Statute.

Fund Balances

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

PERRY MEMORIAL LIBRARY, INC.
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2013

The governmental fund types classify fund balances as follows:

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

Restricted Fund Balance- This classification includes revenue sources that are restricted to specific purposes externally imposed by creditors or imposed by law.

Restricted for Friends of the Library - represents the net funds raised by the Friends of the Library that are restricted for the Friend's activities.

Restricted for other purposes - represents a \$5,000 certificate of deposit donated with the restriction that only the interest earned could be spent.

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

Committed Fund Balance- Portion of fund balance that can only be used for specific purpose by majority vote of Perry Memorial Library, Inc's governing body. Any changes or removal of specific purposes requires majority action by the governing body.

Assigned Fund Balance- Portion of fund balance that Perry Memorial Library, Inc's governing board has budgeted.

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

E. Reconciliation of Government-wide and Fund Financial Statements

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

The governmental fund balance sheet includes a reconciliation between total fund balance for the governmental funds and net position for governmental activities as reported in the government-wide statement of net position. The net adjustment of (\$289,940) is detailed on Exhibit C.

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

PERRY MEMORIAL LIBRARY, INC.
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2013

The governmental fund statement of revenues, expenditures, and changes in fund balance includes a reconciliation between net changes in fund balance – total governmental funds and changes in net position of governmental activities as reported in the government-wide statement of activities. The net adjustment of (\$158,330) is detailed on Exhibit D.

2. Stewardship, Compliance and Accountability

Noncompliance with N.C. General Statutes

North Carolina General Statute Section 159-29 requires that each officer, employee, or agent of a local government or public authority who handles or has in his custody more than one hundred dollars (\$100) of the unit's or public authority's funds at any time, or who handles or has access to the inventories of the unit or public authority, shall, before being entitled to assume his duties, give a faithful performance bond with sufficient sureties payable to the local government or public authority. A local government or public authority may adopt a system of blanket faithful performance bonding as an alternative to individual bonds. The Library does not have in place individual, nor blanket bonds on employees who handle such cash, which is a statutory violation.

Excess of Expenditures Over Appropriations

The following programs had expenditures in excess of appropriations (see Exhibit E):

Friends of the Library
Telecommunications and Utilities

3. Detail Notes on All Funds

A. Assets

Deposits

All of the Library's deposits are either insured or collateralized by using one of two methods. Under the Dedicated method, all deposits exceeding the federal depository insurance coverage level are collateralized with securities held by the Library in its name. Under the Pooling Method, which is a collateral pool, all uninsured deposits are collateralized with securities held by the State Treasurer's agent in the name of the State Treasurer. Since the State Treasurer is acting in a fiduciary capacity for the Library, these deposits are considered to be held by the Library. The amount of the pledged collateral is based on an approved averaging method for non-interest bearing deposits and the actual current balance for interest-bearing deposits. Depositories using the Pooling Method report to the State Treasurer the adequacy of their pooled collateral covering uninsured deposits. The State Treasurer does not confirm this information with

PERRY MEMORIAL LIBRARY, INC.
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2013

the Library or with the escrow agent. Because of the inability to measure the exact amount of collateral pledged for the Library under the Pooling Method, the potential exists for under-collateralization, and this risk may increase in periods of high cash flows.

However, the State Treasurer of North Carolina enforces strict standards of financial stability for each depository that collateralizes public deposits under the Pooling Method. The State Treasurer enforces standard of minimum capitalization for all pooling method financial institutions. The Library relies on the State Treasurer to monitor those financial institutions. The Library analyzes the financial soundness of any other financial institution used by the Library. The Library does not have a formal policy regarding custodial credit risk for deposits.

At June 30, 2013, the Library's deposits had a carrying amount of \$601,792 and a bank balance of \$601,792. Of the bank balance, \$255,000 was covered by federal depository insurance; \$346,792 is secured by pledged U.S. Government securities under the Pooling Method.

At June 30, 2013 the Library had \$115 cash on hand.

Capital Assets

Capital asset activity for the year ended June 30, 2013, was as follows

	<u>Beginning Balances</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balances</u>
Capital assets not being depreciated				
Land	\$ -	\$ -	\$ -	\$ -
Capital assets being depreciated:				
Buildings & Improvements	\$ -	\$ -	\$ -	\$ -
Furniture & Equipment	<u>192,246</u>	<u>23,287</u>	<u>-</u>	<u>215,533</u>
Total capital assets being depreciated	<u>\$ 192,246</u>	<u>\$ 23,287</u>	<u>\$ -</u>	<u>\$ 215,533</u>
Less accumulated depreciation for:				
Buildings and improvements	\$ -	\$ -	\$ -	\$ -
Furniture & Equipment	<u>173,427</u>	<u>16,600</u>	<u>-</u>	<u>190,027</u>
Total accumulated depreciation	<u>\$ 173,427</u>	<u>\$ 16,600</u>	<u>\$ -</u>	<u>\$ 190,027</u>
Total capital assets being depreciated, net	<u>\$ 18,819</u>	<u>\$ 6,687</u>	<u>\$ -</u>	<u>\$ 25,506</u>
Capital assets, net	<u>\$ 18,819</u>	<u>\$ 6,687</u>	<u>\$ -</u>	<u>\$ 25,506</u>

PERRY MEMORIAL LIBRARY, INC.
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2013

Depreciation expense was charged to functions/programs as follows:

<u>Function</u>	<u>Amount</u>
Culture and recreation	\$16,600

B. Liabilities

Pension Plan Obligations - Local Governmental Employees' Retirement System

The Library contributes to the statewide Local Governmental Employees' Retirement System (LGERS), a cost-sharing multiple-employer defined benefit pension plan administered by the State of North Carolina. LGERS provides retirement and disability benefits to plan members and beneficiaries. Article 3 of G.S. Chapter 128 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly. The Local Governmental Employees' Retirement System is included in the Comprehensive Annual Financial Report (CAFR) for the State of North Carolina. The State's CAFR includes financial statements and required supplementary information for LGERS. That report may be obtained by writing to the Office of the State Controller, 1410 Mail Service Center, Raleigh, North Carolina 27699-1410, or by calling (919) 981-5454.

Plan members are required to contribute six percent of their annual covered salary. The Library is required to contribute at an actuarially determined rate. For the Library, the current rate is 6.74% of annual covered payroll. The contribution requirements of members and of the Library are established and may be amended by the North Carolina General Assembly. The Library's contributions to LGERS for the years ended June 30, 2013, 2012 and 2011 were \$24,993, \$25,926, and \$23,161, respectively. The contributions made by the Library equaled the required contributions for each year.

Other Postemployment Benefits

Plan Description. In addition to providing pension benefits, the Library participates in Vance County's administrated single-employer defined benefit healthcare plan ("the Retiree Health Plan"). The plan provides postemployment healthcare benefits to retirees of the Library, provided they participate in the North Carolina Local Governmental Employees' Retirement System (System) and have at least fifteen years of creditable service with the Library. The Library pays the full cost of coverage for these benefits through private insurers. Also, retirees can purchase coverage for their dependents at the Library's group rates. The Library may amend the benefit provisions. A separate report was not issued for the plan.

PERRY MEMORIAL LIBRARY, INC.
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2013

Membership of the plan consisted of the following at December 31, 2012, the date of the latest actuarial valuation:

	General Employees
Retirees and dependents receiving benefits	4
Terminated plan members entitled to but not yet receiving benefits	0
Active plan members	11
Total	<u>15</u>

Funding Policy. The Library pays the full cost of coverage for the healthcare benefits paid to qualified retirees. Dependent coverage cost must be paid in full by the retiree. Postemployment expenditures are made from the General Fund, which is maintained on the modified accrual basis of accounting. No funds are set aside to pay benefits and administration costs. These expenditures are paid as they come due. In fiscal year ended, June 30, 2013 the Library's total contributions were \$9,842.

Annual OPEB Cost and Net OPEB Obligation. The Library's annual OPEB cost (expense) is calculated based on the ARC, an amount actuarially determined in accordance with the parameters of GASB Statement 45. The Library has elected to calculate the ARC and related information using the alternative measurement method permitted by GASB Statement 45 for employers in plans with fewer than one hundred total plan members. The ARC represents a level of funding that, if paid on an ongoing basis is projected to cover normal cost each year and amortize any unfunded actuarial liabilities (or funding excess) over a period not to exceed thirty years.

The following table show the components of the Library's annual OPEB cost for the current year, the amount actually contributed to the plan, and changes in the Library's net OPEB obligation for the postemployment healthcare benefits:

Annual required contribution	\$ 78,508
Interest on net OPEB obligation	6,605
Adjustment to annual required contribution	-
Annual OPEB cost (expense)	<u>\$ 85,113</u>
Contributions made	<u>(9,842)</u>
Increase (decrease) in net OPEB obligation	\$ 75,271
Net OPEB obligation, beginning of year	220,177
Net OPEB obligation, end of year	<u><u>\$ 295,448</u></u>

PERRY MEMORIAL LIBRARY, INC.
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2013

The Library's annual OPEB cost, the percentage of annual OPEB cost contributed to the plan, and the net OPEB obligation for 2013 were as follows:

For the Year Ended June 30	Annual OPEB Cost	Percentage of Annual OPEB Cost Contributed	Net OPEB Obligation
2011	84,988	15.3%	143,049
2012	90,710	15.0%	220,177
2013	85,113	12.0%	295,448

Funded Statuses and Funding Progress. As of December 31, 2012, the most recent actuarial valuation date, the plan was not funded. The actuarial accrued liability for benefits and, thus, the unfunded actuarial accrued liability (UAAL) was \$639,603. The covered payroll (annual payroll of active employees covered by the plan) was \$363,165, and the ratio of the UAAL to the covered payroll was 176.12 percent. Actuarial valuations of an ongoing plan involves estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment, mortality, and healthcare trends. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future. The schedule of funding progress, presented as required supplementary information following the notes to the financial statements, presents information about the actuarial value of plan assets and the actuarial accrued liabilities for benefits.

Actuarial Methods and Assumptions. Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and the plan members) and include the types of benefits provided at the time of each valuation and the historical pattern of sharing of benefits costs between the employer and plan members at that point. The actuarial methods and assumptions used included techniques that are designed to reduce the effects of short-term volatility in actuarial accrued liabilities and the actuarial value assets, consistent with the long-term perspective of the calculations.

Other Employment Benefits

The Library has also elected to provide death benefits to employees through the Death Benefit Plan for Members of the Local Governmental Employees' Retirement System (Death Benefit Plan), a multiple-employer, State-administered, cost-sharing plan funded on a one-year term cost basis. The beneficiaries of those employees who die in active service after one year of contributing membership in the System, or who die within 180 days after retirement or termination of service and have at least one year of contributing membership service in the System at the time of death are eligible for death benefits. Lump sum death benefit payments to beneficiaries are equal to the employee's 12 highest months' salary in a row during the 24 months prior to the

PERRY MEMORIAL LIBRARY, INC.
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2013

employee's death, but the benefit may not exceed \$20,000. All death benefit payments are made from the Death Benefit Plan. The Library has no liability beyond the payment of monthly contributions. Because the benefit payments are made by the Death Benefit Plan and not by the Library, the Library does not determine the number of eligible participants. For the fiscal year ended June 30, 2013, the Library did not make any contributions to the State for death benefits. The contributions to the Death Benefit Plan cannot be separated between the post-employment benefit amount and the other benefit amount.

Risk Management

The Library is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Library has property insurance through The Hartford and liability insurance for it's director and officer's through Cincinnati Insurance Company. The Library has property insurance coverage of \$9,921,500. It also carries coverage on contents in the amount of \$899,300. It also has general liability coverage of \$2,000,000, and workers' compensation coverage at statutory limits. Claims have not exceeded coverage in any of the last three fiscal years.

The Library does not carry flood insurance. There have been no losses due to flooding in previous years and the Library does not believe that flood insurance is necessary.

In accordance with G.S. 159-29, Library employees who have access to \$100 or more of the Library's funds at any given time are performance bonded through a commercial surety bond. None of the Library's employees are bonded. Refer to Note 2 for details regarding this statutory violation.

Lease Obligations

The Library's lease obligation consists of agreements to lease two copiers and a postage meter. These agreements are in substance operating leases. The copier lease agreements were renewed in May & June 2012, and require 36 monthly payments of \$237 and \$337 respectively. The postage meter lease agreement was executed in July 2010 and requires 20 quarterly payments of \$129.

The future minimum lease payments as of June 30, 2013, are as follows:

<u>Fiscal year ended June 30</u>	<u>Amount</u>
2014	\$ 7,404
2015	<u>6,671</u>
	<u>\$14,075</u>

Rent expense for these operating leases for the year amounted to approximately \$7,404.

PERRY MEMORIAL LIBRARY, INC.
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2013

Long-Term Obligation Activity

The following is a summary of changes in the Library's long-term obligations for the fiscal year ended June 30, 2013.

	July 1, 2012	Net Decrease	June 30, 2013
Governmental Activities:			
Compensated absences	<u>\$17,873</u>	<u>\$2,126</u>	<u>\$19,999</u>

4. Summary Disclosure of Significant Commitments and Contingencies

Federal and State Assisted Programs

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

5. Income Taxes

The Corporation is a not-for-profit organization that is exempt from taxes under Section 501(c)(3) of the Internal Revenue Code. The Department is not taxed on income and expenses related to its exempt purpose, which is to operate a public library for the benefit of the citizens of Henderson and Vance County, North Carolina.

The Corporation's tax filings are subject to audit by taxing authorities. The Corporation's federal returns for 2009, 2010, 2011, and 2012 remain open to examination.

6. Subsequent Events

Date of Management's Evaluation

Management has evaluated subsequent events through September 13, 2013, the date on which the financial statements were available to be issued.

7. Change in Accounting Principles

The Library implemented Governmental Accounting Standards Board (GASB) Statement 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*, and Statement 65, *Items Previously reported as Assets and Liabilities*, in the fiscal year ending June 30, 2013. In accordance with GASB Statement 63, the Statement of Net Assets has been replaced with the Statement of Net Position. Items on the Statement of Net Position are now classified into Assets, Deferred Outflows

PERRY MEMORIAL LIBRARY, INC.
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2013

of Resources, Liabilities, Deferred Inflows of Resources and Net Position. Additionally, GASB Statement 65 requires that deferred costs from the refunding of debt, which were previously deferred and amortized, be presented as deferred outflows of resources. Bond issuance costs, which were previously deferred and amortized must be included in current expenditures. As the Library had no deferred bond issuance costs, no change to beginning net position was required.

PERRY MEMORIAL LIBRARY, INC.
OTHER POSTEMPLOYMENT BENEFITS
REQUIRED SUPPLEMENTARY INFORMATION

SCHEDULE OF FUNDING PROGRESS

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Liability (AAL)- Projected Unit Credit (b)	Unfunded AAL (UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UAAL as a % of Covered Payroll ((b-a)/c)
12/31/2012		\$ 639,603	\$ 639,603	0%	\$ 363,165	176.12%

SCHEDULE OF EMPLOYER CONTRIBUTIONS

Year Ending June 30	Annual Required Contributions	Percentage Contributed
2011	\$82,147	0.0%
2012	\$82,147	0.0%
2013	\$78,508	0.0%

COMPLIANCE SECTION

PHILLIPS, DORSEY, THOMAS, WATERS & BRAFFORD, P.A.
CERTIFIED PUBLIC ACCOUNTANTS

Drawer 1359 • 349 Ruin Creek Rd. • Henderson, NC 27536
252-438-8154 • Wats 800-356-7674 • Fax 252-492-5066

Susan R. Waters, CPA
Michael H. Brafford, CPA
Franklin L. Irvin, Jr., CPA
Janet N. Green, CPA
Cecilia E. Leahy, CPA

Ronald S. Dorsey, CPA (Retired)

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT
AUDITING STANDARDS

To the Board of Trustees
Perry Memorial Library, Inc.
Henderson, North Carolina

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, the financial statements of the governmental activities, each major fund, and the aggregated remaining fund information of Perry Memorial Library, Inc. as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprises Perry Memorial Library Inc.'s basic financial statements, and have issued our report thereon dated September 13, 2013.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Perry Memorial Library, Inc.'s internal control over financial reporting (internal control) to determine the audit procedures that area appropriate in the circumstances for the purpose of our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Library's internal control. Accordingly, we do not express an opinion on the effectiveness of the Library's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. We did identify certain deficiencies in internal control that we consider to be significant deficiencies. See internal control findings #1 and #2.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Perry Memorial Library, Inc.'s financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants, noncompliance with which could have a direct and material effect on the determination of financial statements amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*. See compliance finding #3.

1. Condition

Perry Memorial Library, Inc. has a limited number of personnel available to perform certain functions. This results in constraints on the effectiveness of certain controls due to a lack of segregation of duties among Library personnel.

Recommendation

We recommend that as the Perry Memorial Library, Inc. hires additional employees that their responsibilities be structured to achieve greater segregation of duties.

Management Response

Management believes that corrective action is not practical at this time. As additional employees are hired, steps will be taken to implement this recommendation.

2. Condition

As part of the audit, management requested us to prepare a draft of your financial statements, including the related notes to the financial statements. Management reviewed, approved, and accepted responsibility for those financial statements prior to their issuance; however, because of their lack of expertise with generally accepted accounting principles, their review could not ensure that the financial statements were consistent with GAAP.

Effect

The absence of controls over the preparation of the financial statements is considered a material weakness because more than a remote likelihood exists that a material misstatement of the financial statements could occur and not be prevented or detected by the entity's internal control.

Recommendation

The Library could hire a CPA firm other than the auditing firm to prepare the financial statements and notes.

Management Response

Financially it is not feasible for the Library to contract with two different CPA firms to prepare the financial statements and notes. A draft of the financial statements and notes are given to the Executive Director to review and make any changes before the final draft is released. Library management feels the present reports, although not prepared under General Accepted Accounting Principals, are adequate for the board to manage the library.

To the Board of Trustees
Perry Memorial Library, Inc.

Page three

3. Condition

In accordance with G.S. 159-29, the Library's employees who have access to \$100 or more of the Library's funds at any given time are required to be performance bonded through a commercial surety bond. None of the Library's employees are bonded.

Recommendation

We recommend that the Library contract its insurance agent and obtain the proper bonding on its employees to be in compliance with State Statutes.

Management Response

Management has contacted the Library's insurance agent and is working toward the proper bonding of all employees no later than the end of fiscal year 2014.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Phillips, Dorsey, Thomas, Waters & Brafford, P.A.
CERTIFIED PUBLIC ACCOUNTANTS

September 13, 2013

Meetings and Events Calendar

<i>Date</i>	<i>Time</i>	<i>Event</i>	<i>Location</i>
Jan 31 st	10:00 AM	<i>Henderson-Vance E-911 Advisory Board Meeting</i>	E-911 Operations Center
Feb 3 rd	3:30 PM	<i>Henderson Planning Board</i>	City Council Chambers
Feb 4 th	3:30 PM	<i>Henderson Zoning Board of Adjustment</i>	City Council Chambers
Feb 10 th	9:30 AM	<i>KLRW Advisory Board Meeting</i>	City Hall Large Conference Room
Feb 10 th	6:00 PM	<i>City Council Regular Meeting</i>	City Council Chambers
Feb 11 th	3:00 PM	<i>Henderson Community Appearance Commission</i>	City Council Chambers
Feb 13 th	12:00 PM	<i>Henderson-Vance Park & Recreations Commission</i>	Aycock Recreation Center
Feb 19 th	6:00 PM	<i>City Council Strategic Planning Retreat</i>	Henderson Country Club
Feb 20 th	8:00 AM	<i>City Council Strategic Planning Retreat</i>	Perry Memorial Library
Feb 24 th	6:00 PM	<i>City Council Meeting Work Session to Follow</i>	City Council Chambers
Mar 3 rd	3:30 PM	<i>Henderson Planning Board</i>	City Council Chambers
Mar 4 th	3:30 PM	<i>Henderson Zoning Board of Adjustment</i>	City Council Chambers
Mar 10 th	5:00 PM	<i>Library Advisory Board Meeting</i>	Perry Memorial Library
Mar 10 th	6:00 PM	<i>City Council Regular Meeting</i>	City Council Chambers
Mar 11 th	3:00 PM	<i>Henderson Community Appearance Commission</i>	City Council Chambers
Mar 13 th	12:00 PM	<i>Henderson-Vance Park & Recreations Commission</i>	Aycock Recreation Center
Mar 20 th	7:00 PM	<i>Human Relations Commission</i>	City Council Chambers
Mar 24 th	6:00 PM	<i>City Council Meeting Work Session to Follow</i>	City Council Chambers
Mar 28 th	10:00 AM	<i>Henderson-Vance E-911 Advisory Board Meeting</i>	E-911 Operations Center
Apr 1 st	3:30 PM	<i>Henderson Zoning Board of Adjustment</i>	City Council Chambers

Last Updated 1/10/2014



Henderson Fire Department

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

Daniel E. Wilkerson
Fire Chief

TO: RAY GRIFFIN, CITY MANAGER
FROM: DANIEL E. WILKERSON, FIRE CHIEF
DATE: January 8, 2014

FIRE SUPPRESSION AND RESCUE ACTIVITY REPORT FOR: DECEMBER, 2013

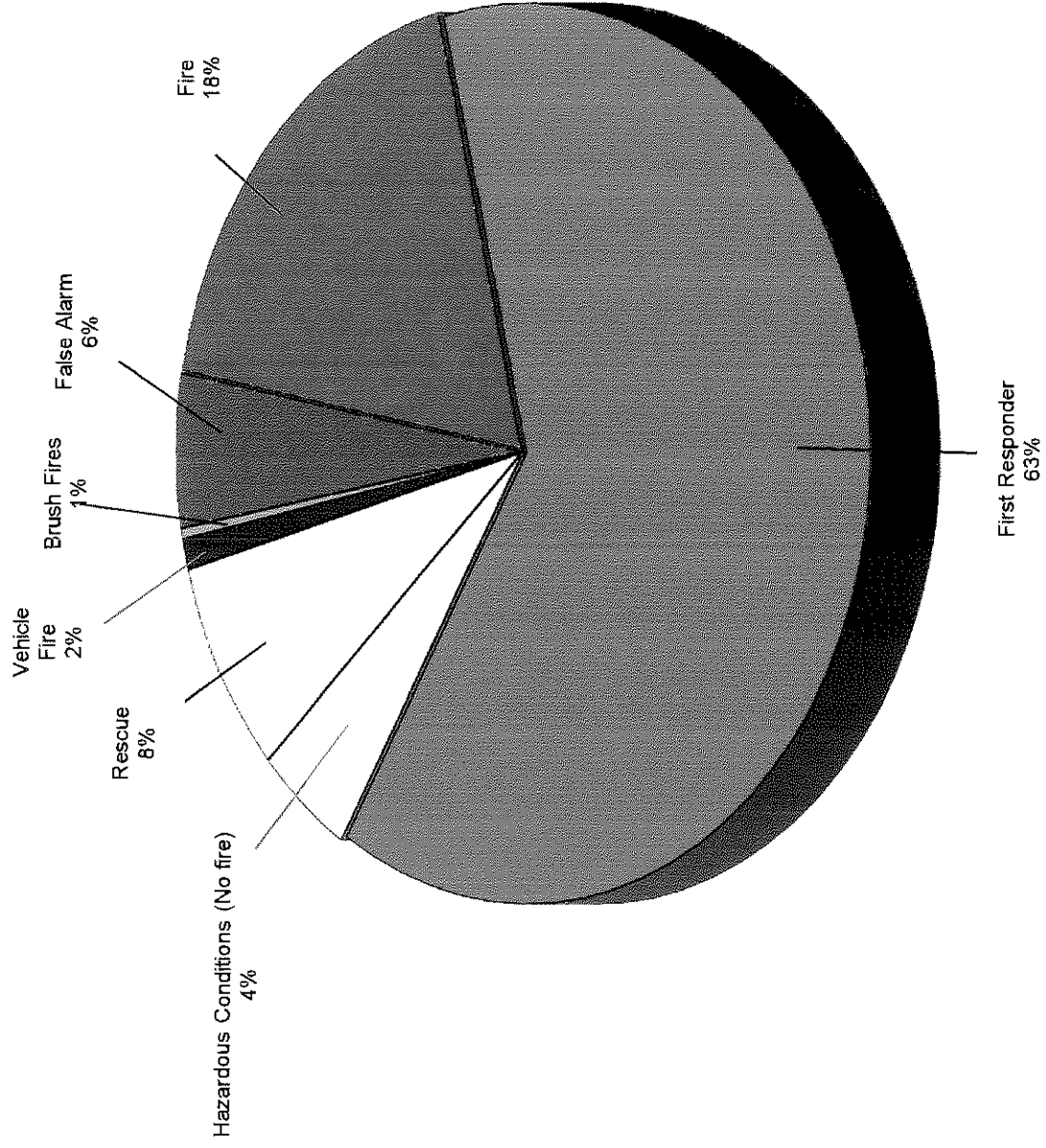
TYPE OF CALL	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
PRIVATE DWELLINGS (1 or 2 Family), Including Mobile Homes	14	14	156
APARTMENTS (3 or More Families)	7	1	28
HOTELS AND MOTELS	1	0	7
ALL OTHER RESIDENTIAL (Dormitories, Boarding Houses, Tents, etc.)	0	0	1
PUBLIC ASSEMBLY (Church, Restaurant, Clubs, etc.)	1	1	16
SCHOOLS AND COLLEGES	0	1	6
HEALTH CARE AND PENAL INSTITUTIONS (Hospitals, Nursing Homes, Prisons, etc.)	3	1	23
STORES AND OFFICES	10	4	36
INDUSTRY, UTILITY, DEFENSE, LABORATORIES, MANUFACTURING	0	0	14
STORAGE IN STRUCTURES (Barns, Vehicle storage Garages, General Storage, etc.)	0	0	0
OTHER STRUCTURES (Outbuildings, Bridges, etc.)	0	1	7
WORKING STRUCTURE FIRE	2	0	18
FIRES IN HIGHWAY VEHICLES (Autos, Trucks, Buses, etc.)	1	2	27
FIRES IN OTHER VEHICLES (Planes, Trains, Ships, Construction or Farm Vehicles)	0	0	1

FIRE OUTSIDE OF STRUCTURES WITH VALUE INVOLVED, BUT NOT VEHICLES (Outside Storage, Crops, Timber, etc.)	0	0	3
FIRES IN BRUSH, GRASS, WILD LAND (Excluding Crops and Timber) With No Value Involved	2	3	19
FIRES IN RUBBISH, INCLUDING DUMPSTERS (Outside structures), With No Value Involved	1	2	15
ALL OTHER FIRES	2	5	25
RESCUE	21	12	205
FIRST RESPONDER	171	171	1963
FALSE ALARM RESPONSES (Malicious or Unintentional False Calls, Malfunctions, Bomb Scares)	15	8	163
MUTUAL AID OR ASSISTANCE RESPONSES	4	7	81
HAZARDOUS MATERIALS RESPONSES (Spills, Leaks, etc.)	4	4	28
OTHER HAZARDOUS RESPONSES (Arcing wires, Bomb Removal, Power Line Down, etc.)	8	8	48
ALL OTHER RESPONSES (Smoke Scares, Lock-Outs, Animal Rescues, etc.)	6	2	33
TOTALS	273	247	2923

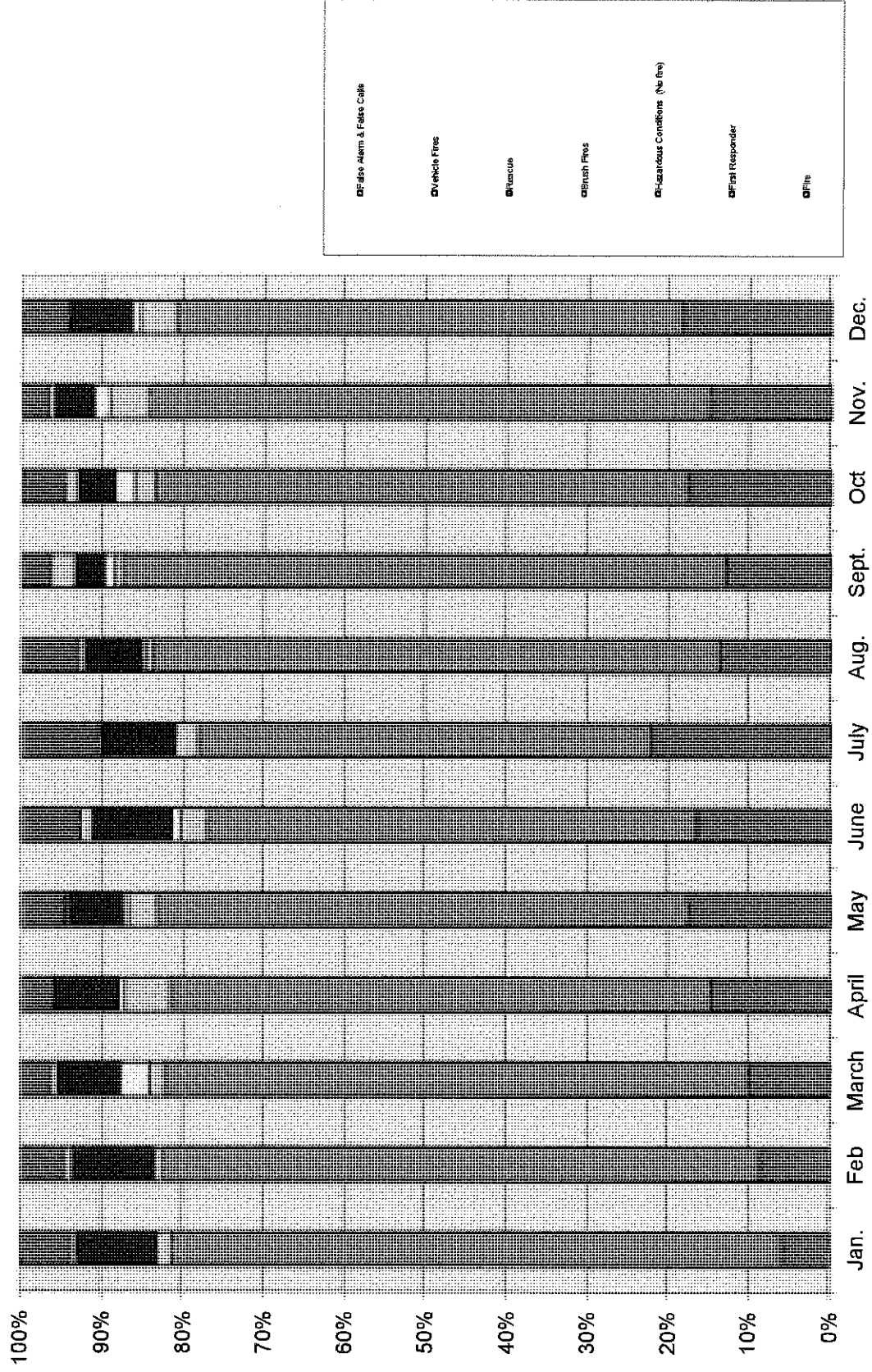
	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
Total Fire Incidents With Property and/or Contents Loss	7	8	90
Total of Property and Contents Value Saved	\$ 212,167.00	\$ 174,250.00	\$ 7,342,112.00

	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
FIRE CASUALTIES FIREFIGHTER-DEATH	0	0	0
FIRE CASUALTIES FIREFIGHTER - INJURIES	0	0	0
FIRE CASUALTIES CIVILIAN - DEATH	0	0	0
FIRE CASUALTIES CIVILIAN - INJURIES	0	0	2

Incident Summary For December



YEAR TO DATE SUMMARY BY MONTH FOR 2013



INSPECTION ACTIVITIES REPORT FOR: DECEMBER, 2013

INSPECTIONS	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
ASSEMBLY	0	2	84
BUSINESS	0	1	220
EDUCATIONAL	0	0	6
HAZARDOUS	0	0	0
INDUSTRIAL	0	0	9
INSTITUTIONAL	0	3	20
MERCANTILE	2	2	116
RESIDENTIAL	0	1	24
STORAGE	0	0	4
DAY CARE	0	0	16
HOME CARE	0	0	0
FOSTER CARE	0	0	2
VACANT	0	1	23
TOTALS	2	10	524

	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
CODE VIOLATIONS	1	13	669
FOLLOW UP INSPECTIONS	0	0	187

FIRE PREVENTION ACTIVITY REPORT FOR YEAR OF: 2013

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	TOTALS
Service Calls to Residents	18	21	15	11	8	13	17	10	6	2,220	4,560	100	6,999
Home Inspections / Door Hanger Follow Ups	8	2	5	8	0	2	0	0	0	175	200	100	500
Smoke Alarms Installed	5	12	7	6	8	9	11	5	4	65	35	15	185
Batteries Installed in Smoke Alarms	7	12	12	9	8	6	5	3	6	200	300	60	628
Fire Extinguisher Classes	0	0	0	1	0	2	3	1	4	3	2	0	16
School / Daycare Presentations	3	4	6	4	3	5	2	1	4	7	5	2	46
Community / Civic Group Presentations	2	1	3	1	2	0	3	2	4	5	2	1	26
Station Tours	1	5	3	2	3	4	3	0	2	6	3	4	36
Total Participants in Fire & Life Safety Programs	600	800	1000	1300	2000	1000	1900	1100	2400	3000	4,500	5,000	24,500
Community / Business Displays	0	1	2	1	1	0	2	5	2	3	1	2	20
Child Safety Seat Clinics	0	0	0	0	0	0	0	0	0	0	1	0	1
Child Safety Seats Inspected	12	8	6	8	5	11	4	2	3	10	5	8	82
Child Safety Seats Distributed	2	0	0	0	0	2	0	0	0	0	0	0	4
Shift Coverage Hours	40	48	16	24	24	8	4	16	24	16	8	16	246

MONTHLY CITATION REPORT FOR THE MONTH OF: DECEMBER 2013

LOCATION	CURRENT MONTH FIRE LANE	CURRENT MONTH HANDICAPPED	LAST MONTH FIRE LANE	LAST MONTH HANDICAPPED	YEAR TO DATE
Cardinal Plaza					0
Compare Foods					0
Crossroads Shopping Center					0
Dabney Shopping Center					0
Dabney West Mall					0
Golden Corral					0
Guardian Care					0
Henderson Mall					0
Henderson Square					0
Lowe's					1
Maria Parham Hospital					0
Market Place					0
Northside Plaza					0
Oak St					0
Rose's Norlina Rd					0
Staples					0
Vance County Courthouse					0
Vance Medical Arts Bldg					0
Vance Square					0
Village Square					0
Wai Mart		0	0	0	3
Walgreens					0
TOTALS	0	0	0	0	4

TRAINING DIVISION PRODUCTIVITY - DECEMBER 2013

Henderson Fire Department

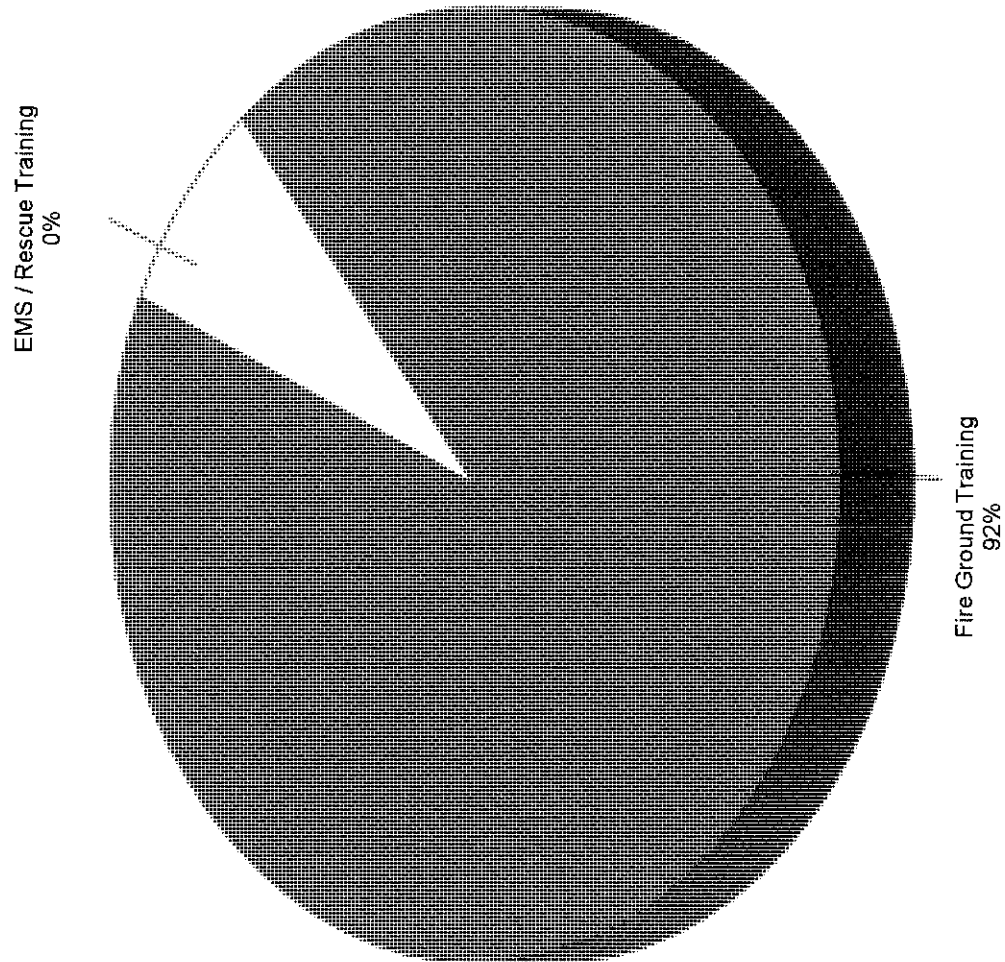
Types of Courses Taught	Course Hours Taught	Man-hours of Training
Fire Ground Training	98.5	688.5
EMS / Rescue Training	0	0
Special Training	8	176

Totals	106.5	864.5
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	Course Hours Taught	Man-hours of Training
PREVIOUS MONTH TOTAL	108	726.5

YEAR - TO - DATE TOTAL	1,690.00	15,556
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Training Hours by Category - December
2013



City Council Action Form

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



Agenda Item: _____

Council Meeting: 13 Jan 14 Work Session

10 January 2014

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

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

RE: CAF: 14-13

Consideration of Approval of: 1) Resolution 14-07, Authorizing the Execution of Change Order #2 for the Henderson Water Reclamation Facility Project to Devere Construction Company, Inc. in the Amount of \$33,080 Subject to Final Pricing, and 2) Ordinance 14-08 Amending the FY14 Budget to Authorize the Use of the Contingency Funds to the Henderson Water Reclamation Facility Project for Change Order #2.

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

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

Recommendation:

Approval of:

- 1) Resolution 14-07, Authorizing the Execution of Change Order #2 for the Henderson Water Reclamation Facility Project to Devere Construction Company, Inc. in the Amount of \$33,080, subject to final pricing.
- 2) Ordinance 14-08 Amending the FY14 Budget to Authorize the Use of the Contingency Funds to the Henderson Water Reclamation Facility Project for Change Order #2.

Executive Summary:

On 10 Dec 2010, the City Council approved acceptance of a State Revolving Loan, via Resolution 12-98, in the amount of \$16,615,000 for improvements to the Henderson Water

Reclamation Facility providing funding for major improvements to the plant which will simplify treatment processes as well as reduce operational costs.

Change Order #1 in the amount of \$55,709 was approved by the City Council on 23 September 2013, via Resolution 13-09-A, leaving a contingency balance of \$601,431.

Graph Provided by McGill Associates

Henderson WRF Open PCO's / Credits			
PCO #	Description	Cost	Days
9	Caustic Injection Manhole Replacement	\$ 5,184.49	1
	Add Clarifier Effluent Piping	\$ 2,500.00	0
11	Bollard Adjustment at Headworks	\$ 383.67	0
6R	Admin Building Termite Treatment	\$ 799.31	1
	RAS Flow Meter Vault	\$ 10,000.00	
10R	Added Rebar at Clarifier / Reduced at OD	\$ (6,394.50)	2
13	Relocate Existing at IPS	\$ 11,999.25	4
	PROACE Credit	\$ (9,765.00)	
14	MH #3	\$ 18,371.93	3
	Headworks Structural Changes		
	Headworks / O2 Conflicts relocations		
	Credit for Valve stem guides		
	Credit for DI to PVC for Non Potable		
	Increase sewer to Admin bldg		
	Totals	\$ 33,079.15	11

Staff is requesting approval for subsequent issues which have arisen that require adjustments to the contract (credits and debits). These items are still under review by the contractor and State for final numbers related to the change order items. There are several items not yet priced by the contractor which staff should have available for final consideration at the 27 January 2014 Council Meeting.

The proposed budget amendment will be presented at the 27 January 2014 Council Meeting for consideration once the final numbers are received.

Enclosures:

1. Resolution 14-07
2. Resolution 13-09-A
3. Ordinance 14-08 (to be presented at 27 January 2014 Meeting)

RESOLUTION 14-07

AUTHORIZING EXECUTION OF CHANGE ORDER #2 TO DEVERE CONSTRUCTION COMPANY FOR IMPROVEMENTS TO THE HENDERSON WATER RECLAMATION FACILITY PROJECT

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

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

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

WHEREAS, there is \$601,431 remaining in the contingency fund, which could be used for these costs pending City Council approval; *and*

WHEREAS, the City's Consulting Engineer and City staff recommend approval of Change Order #2, as outlined in the letter provided by McGill Associates, to Devere Construction Company, Inc., subject to approval of the Infrastructure Finance Section.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE the execution of Change Order #2 of the Henderson Water Reclamation Facility Improvement Project to Devere Construction Company, Inc. in the amount of \$33,080, subject to final pricing; *and*

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

The foregoing Resolution 14-07, upon motion of Council Member ** and second by Council Member **, and having been submitted to a roll call vote received the following votes and was ***** on this the *** day of **** 2010: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 41, pp. **.*

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

AUTHORIZING EXECUTION OF CHANGE ORDER #1 TO DEVERE CONSTRUCTION COMPANY FOR IMPROVEMENTS TO THE HENDERSON WATER RECLAMATION FACILITY PROJECT

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

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

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

WHEREAS, several alternates were not awarded with the original contract and staff is recommending several additions to the original project; *and*

WHEREAS, there is \$657,140 remaining in the contingency fund, which could be used for these costs pending City Council approval; *and*

WHEREAS, the City's Consulting Engineer and City staff recommend approval of Change Order #1, as outlined in the letter provided by McGill Associates, to Devere Construction Company, Inc., subject to approval of the Infrastructure Finance Section.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE the execution of Change Order #1 of the Henderson Water Reclamation Facility Improvement Project to Devere Construction Company, Inc. in the amount of \$55,709; said change order being more fully articulated in **Attachment A** to this Resolution; *and*

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

The foregoing Resolution 13-09-A, upon motion of Council Member Brown and second by Council Member Daeke, and having been submitted to a roll call vote received the following votes and was APPROVED on this the 23rd day of September 2013: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye and Coffey. NO: None. ABSTAIN: None. ABSENT: Kearney.

James D. O'Geary, Mayor

ATTEST:

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

John H. Zollicoffer, Jr., City Attorney

Reference: Minute Book 43, p. 37