



AGENDA

**Henderson City Council Short Regular Meeting
Monday 24 February 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) 27 January 2014 Short Regular Meeting *[See Notebook Tab 1]*
- b) 27 January 2014 Work Session

VII. PUBLIC HEARING

- a) Consideration of Approval of Ordinance 14-13, Rezoning Seven (7) Tracts Located Off Wilbur Street From I2 (Industrial Non-Park Zoning District) To B4 (Neighborhood Commercial Zoning District). (CAF 14-25) *[See Notebook Tab 2]*
 - Public Hearing
 - Ordinance 14-13
- b) Consideration of Approval of Ordinance 14-18, Amending the Zoning Ordinance Section 405.3 and City Code Section 10-33.3 Relative to Signs in Street Right of Ways and in Public Places. (CAF 14-30) *[See Notebook Tab 3]*
 - Public Hearing
 - Ordinance 14-18

VIII. 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

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.

IX. NEW BUSINESS

- a)** Consideration of Approval Ordinance 14-06, FY 13-14 Budget Amendment #25, Transferring Water Reservation Fees Received From Granville County From the Water Fund to the Rate Stabilization Capital Reserve Fund. (CAF 14-24) [See Notebook Tab 4]
- Ordinance 14-06
- b)** Consideration of Approval of Ordinance 14-14, FY 14 Budget Amendment #26, for the 2-Inch Watermain & Services Replacement Project Increasing the Budget from \$1,726,000 to \$1,898,571; and 2) Change Order #1 Updating Project Construction Cost from \$1,568,267 to the Approved \$1,732,940 for the Contractor, HG Reynolds, Inc.; and 3) Resolution 14-19, Authorizing Additional Areas for Watermain and Services Replacement to the 2” Watermains and Services Replacement Project Subject to Approval from DWSRF and Availability of Remaining Funds. (CAF 14-26) [See Notebook Tab 5]
- Ordinance 14-14
- c)** Consideration of Approval of Resolution 14-18, A Resolution Honoring Charles Peete “Charlie” Rose as North Carolinian of the Year by the North Carolina Press Association. (CAF 14-32) [See Notebook Tab 6]
- Resolution 14-18

X. CONSENT AGENDA

- a)** Consideration of Approval of Resolution 14-11, Awarding Contract for David Avenue Stormsewer Replacement Project in the Amount of \$31,422 to M. T. Murphy, Inc. (CAF 14-17) [See Notebook Tab 7]
- Resolution 14-11
- b)** Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of January 2014. (CAF 14-27) [See Notebook Tab 8]

XI. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

Citizens may only speak on non-Agenda items only at this time. Citizens wishing to address the Council must sign-in on a form provided by the City Clerk prior to the beginning of the meeting. The sign-in form is located on the podium. When recognized by the Mayor, come forward to the podium, state your name, address and if you are a city resident. Please review the Citizen Comment Guidelines that are provided below.⁴

XII. REPORTS

- a)** Mayor/Mayor Pro-Tem
- b)** City Manager
- c)** City Attorney
- d)** City Clerk
 - i. Meeting and Events Calendar *[See Notebook Tab 9]*
 - ii. 911 Monthly Report
 - iii. Fire Department Monthly Report

XIII. CLOSED SESSION

- a) Pursuant to G.S.§143-318.11 (a)(3) regarding two (2) Attorney/Client Privilege Matters.

XIV. ADJOURNMENT

⁴ Citizen Comment Guidelines

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

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

City Council Minutes - DRAFT

Short Regular Meeting

27 January 2014

PRESENT

D. Michael Rainey, Mayor Pro-Tem, Presiding; and Council Members James C. Kearney, Sr., Sara M. Coffey, Michael C. Inscoc, Brenda Peace-Jenkins, Garry D. Daeke, Fearldine A. Simmons, and George M. Daye.

ABSENT

Mayor James D. O'Geary

STAFF PRESENT

City Manager Ray Griffin, City Attorney John Zollicoffer, City Clerk Esther J. McCrackin, Finance Director Kathy Brafford, Police Chief Marcus Barrow, Planning & Community Development Director Erris Dunston, Recreation and Parks Director Alan Gill, Engineering Director Peter Sokalski and Henderson Water Reclamation Facility Director Tom Spain.

CALL TO ORDER

The 27 January 2014 Short Regular Meeting of the Henderson City Council was called to order by Mayor Pro-Tem D. Michael Rainey at 6:01 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

The City Clerk called the roll and advised Mayor Pro-Tem Rainey 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 Pro-Tem Rainey welcomed all in attendance. He then gave an update on the Mayor's health. Mayor Pro-Tem Rainey said the Mayor wishes he could be here tonight and has asked that everyone keep him in their prayers.

(Clerk's Note: The Mayor Pro-Tem shall preside in the absence of the Mayor under City Code Section 13, 15 and 20. and State Statute 160A-70; While acting as Mayor, the Mayor Pro-Tem votes only in the case of a tie.)

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Pro-Tem Rainey asked if there were any adjustments to the Agenda. City Clerk McCrackin advised there would be a Closed Session Pursuant to G.S.§143-318.11 (a)(3) regarding an Attorney/Client Privilege matter. Council Member Peace-Jenkins moved to accept the Agenda as adjusted. Motion seconded by Council Member Daye and unanimously approved.

APPROVAL OF MINUTES

Mayor Pro-Tem Rainey asked for any corrections to and/or approval of the minutes. Council Member Coffey moved the approval of the 13 January 2014 Regular Meeting minutes as presented. Motion seconded by Council Member Daeke and unanimously approved.

PUBLIC HEARING

Amending the Zoning Map for a 0.43 Acre Tract Located Off Wilbur Street from I2 (Industrial Non-Park Zoning District) to B4 (Neighborhood Commercial Zoning District) Vance County Tax Map 0083, Block 02, and Lot 002. (Reference: CAF 14-18; Ordinance 14-11)

City Manager Griffin asked Planning and Community Development Director Erris Dunston to come forward. Ms. Dunston said this rezoning request comes from Eastern Pride, Inc. Rezoning to B4 provides commercial opportunities that will benefit the neighborhood and provides room for future development. Ms. Dunston said the Planning Board unanimously approved this recommendation at its 6 January 2014 meeting.

City Attorney Zollicoffer, Jr., added this rezoning moves the area from a more to less restricted area.

Council Member Kearney asked if specific permits will still be needed. Attorney Zollicoffer, Jr. said yes.

There was no further discussion. Mayor Pro-Tem Rainey then opened the Public Hearing by asking if anyone was present who wished to speak in favor of this amendment. No one came forward so Mayor Pro-Tem Rainey then asked if anyone was present who wished to speak in opposition to the amendment. No one came forward.

Mayor Pro-Tem Rainey then closed the Public Hearing and asked for Council's pleasure.

Motion was made by Council Member Daeke to approve Ordinance 14-11, *Amending the Zoning Map for a 0.43 Acre Tract Located Off Wilbur Street from I2 (Industrial Non-Park Zoning District) to B4 (Neighborhood Commercial Zoning District) Vance County Tax Map 0083, Block 02, and Lot 002*. Motion seconded by Council Member Peace-Jenkins and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 85)

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

The City Clerk advised the Mayor Pro-Tem and Council Members that no citizen wished to address Council on agenda matters.

NEW BUSINESS

Approving an Application to the North Carolina Governor's Highway Safety Program in the Amount of \$12,000 for NC Governor's Highway Safety Program Grant to Fund Police Vehicle Equipment. (Reference: CAF 14-20; Resolution 14-12)

City Manager Griffin asked Police Chief Barrow to present this item and the following item as both pertain to the Police Department. Chief Barrow said this grant application to purchase four (4) In-Car Mobile Video Camera Systems will replace outdated camera systems currently in use. He explained this is a 50/50 matching grant that requires \$12,000 by the City. The City's portion will be funded through Federal Asset Forfeiture Funds. The total project expense is \$24,000.

Council Member Daeke asked what the life expectancy is for these systems. Chief Barrow said it can vary. He added the purchase of these four units will be installed in the newest police vehicles and the plan is to continue to make purchases until all the outdated systems are replaced. There was no further discussion and Mayor Pro-Tem Rainey asked for the pleasure of Council. Mr. Daeke then asked for the Asset Forfeiture balance. Chief Barrow responded approximately \$400,000.

Council Member Inscoe inquired about the allocation of Asset Forfeiture Funds. Chief Barrow responded funds are received periodically based on seizures.

With no further questions, Mayor Pro-Tem asked for the pleasure of Council.

Motion was made by Council Member Inscoe to approve Resolution 14-12, *Approving an Application to the North Carolina Governor's Highway Safety Program in the Amount of \$12,000 for NC Governor's Highway Safety Program Grant to Fund Police Vehicle Equipment*. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Coffey, Inscoe, Peace-Jenkins, Daeke, Simmons, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 289)

Authorizing a Grant Application to the NC Governor's Crime Commission Program for the Purchase of Mobile Data Terminal Computers and VIPER Interoperability Radio System Radios. (Reference: CAF 14-21; Resolution 14-13)

Chief Barrow explained this application is for the replacement of eight (8) terminals and four (4) radios which are outdated. The Chief said if awarded, the grant will reimburse the City 75%, or \$7,969, of the total purchase cost of \$31,876.

There was no discussion and Mayor Pro-Tem Rainey asked for the pleasure of Council.

Motion was made by Council Member Coffey to approve Resolution 14-13, *Authorizing a Grant Application to the NC Governor's Crime Commission Program for the Purchase of Mobile Data*

Terminal Computers and VIPER Interoperability Radio System Radios. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Inscoe, Peace-Jenkins, Daeke, Simmons, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p2913)

Providing for the Disposition of Jointly Held Property by the City and County Otherwise Identified as 777 Parkway Drive Tax Parcel #0104 02015. (Reference: CAF 14-11: Resolution 14-14)

City Manager Griffin explained the County has received a \$2,000 offer to purchase this parcel. He said that the current unpaid taxes are \$4,130 and the tax value of the parcel is \$42,148.

Council Member Coffey asked for a cross street for reference and Council Member Kearney asked if there were any structures on the property. City Attorney Zollicoffer, Jr., said yes, there is a structure and Mr. Griffin explained the location of Parkway Drive.

Mayor Pro-Tem Rainey asked if demolition of the structure can be required. City Attorney Zollicoffer, Jr. said a requirement could be added to require condemning of the structure.

There was no further discussion. Mayor Pro-Tem Rainey asked for the pleasure of Council.

Motion was made by Council Member Peace-Jenkins to approve Resolution 14-14, *Providing for the Disposition of Jointly Held Property by the City and County Otherwise Identified as 777 Parkway Drive Tax Parcel #0104 02015.* Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 293)

Authorizing the Execution of Quitclaim Deeds for Several Properties Outside City Limits Recorded in Error as Jointly Owned City/County Properties. (Reference: CAF 14-23; Resolution 14-15)

City Manager Griffin said this is a housekeeping matter as the County has indicated four (4) properties recorded by the Register of Deeds as owned by both the City and County. Since these properties are in the County only, quitclaim deeds have been drawn up, reviewed and approved by the City Attorney to remove the City from the deeds.

Council Member Coffey asked if any of the property owners have paid City taxes. Mr. Griffin said no as these properties are not in the City.

With no further discussion, Mayor Pro-Tem Rainey asked for Council's pleasure.

Motion was made by Council Member Kearney to approve Resolution 14-15, *Authorizing the Execution of Quitclaim Deeds for Several Properties Outside City Limits Recorded in Error as Jointly Owned City/County Properties*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 295)

Approving an Amended Temporary Construction Easement Allowing Use of City Owned Parking Spaces by Variety Wholesalers, Inc. (Reference: CAF 14-19-A: Resolution 14-10-A)

City Manager Griffin asked City Attorney John Zollicoffer, Jr. to summarize this amendment. Attorney Zollicoffer, Jr. said when this was brought to Council at the last meeting it was thought all the issues had been resolved. However, although they have no adverse effect on the City, Variety Wholesalers has raised issues which need further clarification. Variety Wholesalers has asked for the right of access to the Variety parking lot during the term of the Temporary Construction Easement for the purpose of heating oil deliveries. Also, during the Temporary Construction Easement, Variety will have exclusive rights to 86 parking spaces in the current Perry Library parking lot.

Council Member Kearney confirmed 86 spaces and Council Member Daeke confirmed the parking spaces being reserved are on the Winder Street side of the Library and that Library patrons will be parking on Breckenridge Street. Attorney Zollicoffer, Jr. verified both were correct in their statements. Mr. Daeke then asked how these parking spaces are to be designated. City Manager Griffin said Variety will post signs indicating that towing of unauthorized vehicles is allowed and Attorney Zollicoffer, Jr. said Variety Wholesalers certainly has the right to tow at its discretion.

No further questions were raised so Mayor Pro-Tem Rainey asked for the pleasure of Council.

Motion was made by Council Member Daeke to approve Resolution 14-10-A, *Approving an Amended Temporary Construction Easement Allowing Use of City Owned Parking Spaces by Variety Wholesalers, Inc.* Motion seconded by Council Member Inscoe and APPROVED by the following vote: YES: Daeke, Simmons, Daye, Kearney, Coffey, Inscoe and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 285-A)

Approving a Bid Award to Turner Murphy Co., Inc. of Rock Hill, South Carolina, in the Amount of \$1,397,594 for Improvements to the Sandy Creek Pump Station. (Reference CAF 14-12: Resolution 14-06)

City Manager Griffin commented that he was glad to see this project moving forward as the pump station definitely needs replacing. He then asked Assistant City Manager Frazier to review this bid award.

Mr. Frazier said both Henderson Water Reclamation Facility Director Tom Spain and McGill Associates representative Doug Chapman were present if Council had questions. He went on to say this is one of the major infrastructure projects that City has been looking at and he is anxious to see this project proceed with the overhauling of this pump station. He said all the bids were good ones but Turner Murphy was the lowest responsible bidder and added the City has worked

with this company in the past. Mr. Frazier said a CWSRF Loan in the amount of \$1,800,000, of which \$900,000 is in the form of principal forgiveness was accepted by the City on 29 May 2012. The bid award will remain within budget and maintain 10% in contingency funds. An additional \$35,000 is recommended to change the 12" piping to 16" pipe.

City Manager Griffin said last week during the very cold night staff from both Mr. Spain's HWRF and Andy Perkinson's team worked together to repair the lift station which ultimately could have caused environmental issues. Mr. Griffin applauded everyone involved in working together to resolve the problem and thanked them for their teamwork. He also thanked McGill Associates for helping to find the funding needed for this project. Mr. Spain said it was his staff that deserved the credit adding they are well trained.

Mayor Pro-Tem Rainey expressed thanks to the staff and then asked for the pleasure of Council.

Motion was made by Council Member Coffey to approve Resolution 14-06, *Approving a Bid Award to Turner Murphy Co., Inc. of Rock Hill, South Carolina, in the Amount of \$1,397,594 for Improvements to the Sandy Creek Pump Station*. Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Simmons, Daye, Kearney, Coffey, Inscoe, Peace-Jenkins and Daeke. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 277)

Denial of Ordinance 13-60, Amending the Zoning Ordinance Section 408 Exempt Signs.
(Reference CAF 14-08: Ordinance 13-60)

City Manager Griffin asked City Attorney John Zollicoffer, Jr. to explain this denial. Attorney Zollicoffer, Jr., said this was brought before Council earlier and remanded back to the Planning Board for further study. While doing further research, it was discovered a Zoning Ordinance regarding Exempt Sign already existed. Therefore, action on this ordinance is needed.

City Manager Griffin said since the Planning Board approved this amendment and recommended it to City Council, Council needs to take action so the Planning Board's recommendation is not left in limbo. Based on redundancy, denial of the Ordinance is appropriate.

Council Member Daeke asked if the Planning Board will review design standards in the future. City Attorney said yes.

There was a short discussion clarifying that a yes vote would be a vote to deny this ordinance. Then, Mayor Pro-Tem Rainey asked for the pleasure of Council.

Motion was made by Council Member Daeke to not approve/deny Ordinance 13-60, *Amending the Zoning Ordinance Section 408 Exempt Signs*. Motion seconded by Council Member Coffey, and Ordinance 13-60 was DISAPPROVED/DENIED by the following vote: YES: Daye, Kearney, Coffey, Inscoe, Peace-Jenkins, Daeke and Simmons. NO: None. ABSTAIN: None. ABSENT: None. (See Ordinance Book 9, p 41)

Authorizing the Execution of Change Order #2 for the Henderson Water Reclamation Facility Project to Devere Construction Company, Inc., in the Amount of \$25,206, and Amending the CIP Sewer Fund for Change Order #2 to the Water Reclamation Facility Renovation Project. (Reference: CAF 14-13; Resolution 14-07, Ordinance 14-08)

City Manager Griffin asked Henderson Water Reclamation Facility Manager Tom Spain to review this request. This change order was brought before Council at the previous Work Session. Although the pricing was incomplete, staff wanted to make Council aware of the need for a change order and explained a complete request would be brought to this the 27th January meeting. Mr. Spain then reviewed the necessity of each item and ended his presentation by saying the total change order amount is \$24,204.76. This is less than the amount distributed to Council in the agenda packet.

Council Member Kearney asked what percent of the work has been completed. Doug Chapman, from McGill Associates felt approximately 30%. Mr. Spain agreed.

City Manager Griffin recommended Council's approval reflect in is motion to accept the reduced Change Order amount of \$24,204.76 and permit the proper changes be reflected in this Resolution and Ordinance.

There was no further discussion. Mayor Pro-Tem Rainey asked for the pleasure of Council.

Motion was made by Council Member Kearney to approve 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 \$25,206* and Ordinance 14-08, *FY14 Budget Amendment #24, Amending the CIP Sewer Fund for Change Order #2 to the Water Reclamation Facility Renovation Project* and included in his motion that staff should make the proper changes to reflect \$24,204.76 as the total of this Change Order. Motion seconded by Council Member Coffey and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 3, p 279, Ordinance Book 9, p 79)

Approval of Tax Releases and Refunds from Vance County for the Months of November and December 2013. (Reference CAF 14-07)

City Manager Griffin said the error found at the last meeting has been corrected and this is a routine housekeeping matter. Finance Director Kathy Brafford explained when December was added to the existing November list of releases and refunds, one line was accidentally deleted and she apologized for the oversight (*see list below*).

There was no discussion. Mayor Pro-Tem Rainey asked for Council's pleasure.

Council Member Daeke moved the approval of *Tax Releases and Refunds from Vance County for the Months of November and December 2013*. Motion seconded by Council Member Daye and APPROVED by the following vote: YES: Coffey, Inscoe, Peace-Jenkins, Daeke, Simmons, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None.

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
Clearview Baptist Church	Religious	2013	\$ 4,996.65
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
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

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

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

REPORTS

a) Mayor/Mayor Pro-Tem – Mayor Pro-Tem Rainey reminded everyone to continue to keep the Mayor in their prayers and thanked Council for its support during this time.

b) City Manager – City Manager Griffin thanked Council for cards and prayers during his time out of the office.

Mr. Griffin specifically thanked Assistant City Manager Frank Frazier for taking on a *third* job in his absence and stated Mr. Frazier did a stellar job. He also thanked his assistant, Pat Pearson and City Clerk McCrackin. Although he was unable to be in the office, he was working from home and they kept him well informed.

c) City Attorney (No Report)

d) City Clerk – City Clerk McCrackin reminded Council of the Chamber Banquet, the Polar Plunge in February that the Recreation Department is holding and also the Service Awards Banquet in March.

Council Member Peace-Jenkins said thank you to Council Member Coffey who filled in for the Mayor at the Martin Luther King breakfast and did wonderful.

Mayor Pro-Tem Rainey now asked if Council was prepared to go into 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.. Motion seconded by Council Member Peace-Jenkins and unanimously approved.

Following the Closed Session, Council Member Peace-Jenkins moved for Council to convene in open session. Motion seconded by Council Member Daye and unanimously approved.

Council Member Peace-Jenkins moved for adjournment. Motion seconded by Council Member Daye and was unanimously approved. The meeting adjourned 7:17 p.m.

D. Michael Rainey
Mayor Pro-Tem

ATTEST:

Esther J. McCrackin
City Clerk

City Council Minutes--*DRAFT*

Work Session

27 January 2014

PRESENT

Mayor Pro-Tem D. Michael Rainey, Presiding; and Council Members James C. Kearney, Sr., Sara M. Coffey, Michael C. Inscoe, Brenda Peace-Jenkins, Garry Daeke, Fearldine A. Simmons and George M. Daye.

ABSENT

Mayor James D. O'Geary

STAFF PRESENT

City Manager Ray Griffin, City Clerk Esther McCrackin, Assistant City Manager Frank Frazier, Finance Director Kathy Brafford, Recreation and Parks Director Alan Gill, and Engineering Director Peter Sokalski,

CALL TO ORDER

The 27 January 2014 Work Session of the Henderson City Council was called to order by Mayor Pro-Tem D. Michael Rainey at 7:17 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 Pro-Tem Rainey a quorum was present.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor Pro-Tem Rainey asked if there were any adjustments to the Agenda. It was the consensus of Council to accept the agenda as presented.

WORK SESSION ITEMS

Awarding Contract for David Avenue Stormsewer Replacement Project in the Amount of \$31,422 to M. T. Murphy, Inc. (CAF 114-17; Resolution 14-1)

City Manager Griffin asked Engineering Director Peter Sokalski to present this award recommendation. Mr. Sokalski said this project has been a long time coming as it was originally submitted for design and replacement due to pipe failure as discovered by City personnel in early

2013. This pipe failure is causing property damage at 1257 David Avenue and if left unrepaired has the potential of property damage to the home. It has been determined the City owns the easement which runs between 1257 and 1265 David Avenue and discharges into an existing stream at the rear of the property where the existing easement ends.

City Manager Griffin said Council may receive calls about this as the City receives many calls asking the City to repair drains on private property. In this case, because the City owns the easement, the City is responsible for repairs but this is not the norm.

Mr. Sokalski continued saying informal bids were requested and M. T. Murphy was the lowest bidder. Due to budget constraints, there is only \$20,000 in the Storm Drain Improvements line item. To make up the difference for the \$31,422 expense of this repair, it is proposed that \$13,000 be transferred from the Street Resurfacing line item.

Council Member Daeke asked where the pipe drains. Mr. Sokalski said into a stream behind the property.

Council Member Rainey asked about the bidding contractors. Mr. Frazier said the City looked into the possibility of rehabilitating the pipe but found the most economical way would be to replace the pipe. He said there were five (5) bidders. Mr. Griffin asked if any bidders were local. Mr. Frazier said yes, there was one.

Council Member Inscoe asked if the contract included repairs to the property. Mr. Sokalski responded yes, the driveway would need to be repaired. Mr. Frazier said a problem with the sewer system led to finding the manhole 2' under the driveway at 1257 David Avenue which led to the discovery of the pipe problem.

Council Member Kearney felt the City should share some type of obligation for pipes installed by the City even if it did not own the easement. Mr. Griffin said that would be a huge cash matter which the City cannot currently fund. However, he said he would discuss the matter with the City Attorney for clarification. Mr. Kearney felt a position policy might be called for and Mr. Griffin said after speaking with the City Attorney, he would bring this back to Council.

Mayor Pro-Tem Rainey asked if there were any further questions. There were none.

Mayor Pro-Tem Rainey called for the consensus of Council. The consensus to bring this item forward to the next meeting was as follows: YES: Kearney, Coffey, Inscoe, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

Recreation Master Plan Update. (Reference: CM 14-05)

City Manager Griffin asked Recreation and Parks Director Alan Gill to introduce Mr. Will Brooks from the Kerr-Tar Council of Government (COG) and Mr. Randy Oxendine, president of the Recreation and Parks Commission. Mr. Gill said a Master Plan was found from the 1950's which seemingly was never followed up on and indicated he was excited about Council's willingness to support staff in developing a plan for recreation. He said Mr. Oxendine was

willing to allow Mr. Brooks the remaining time to review the plan process and direction. Mr. Gill then introduced Mr. Brooks who is a regional planner for the COG. Mr. Brooks said the objective is to develop a comprehensive plan to guide redevelopment and development through the year 2030. He said a survey was distributed in November 2013 and responses will be accepted until January 31, 2014. So far 159 responses have been received. After review of the responses, they will be compared with State data as part of the plan. Mr. Brooks went on to say there are four components to this plan: 1) Survey; 2) Demographics; 3) Recreation Board, and 4) best practices. There will be long-term goals, strategic in nature. A draft of the plan should be complete in May or June for consideration and feedback and Mr. Brooks hopes to have a draft for Council in June or July.

Council Member Daeke questioned the low number of responses. Mr. Brooks said he contacted Oxford, Person County and the City of Burlington who have all done similar surveys and felt the 159 is on-track. Mr. Daeke asked where the surveys were distributed. Mr. Gill said paper surveys were available at the Recreation Center, the Senior Center and the library. He said post cards were sent to the Recreation database and notices were sent home with elementary and middle school students. The school system has a method to contact high school students through email and this was also utilized. The survey was also on-line and a notice was placed in the *Daily Dispatch*. Mr. Brooks said if Council felt more should be done, they would be happy to do so but indicated it might delay the results of the survey.

Mr. Daeke then inquired about funding/grant cycles and if delaying the survey would be a problem. Mr. Gill indicated the survey is not structured around any particular cycles.

Council Member Kearney asked if the on-line survey could be completed on line or if it had to be printed to complete. He also asked if the plan will deal with community parks and partnering with other organizations such as the Boy Scouts and churches. Mr. Brooks said the on-line survey can be completed on line and indicated partnerships will be considered.

Lastly Mr. Brooks said there will be a public meeting at the Library on February 4 at 6:00 p.m. Several Council Members encouraged him to "get the word out" every way possible.

Mayor Pro-Tem Rainey thanked Mr. Brooks for this update.

Financial Report – 1st Six Months FY 2014. (CM 14-01)

City Manager Griffin asked Finance Director Kathy Brafford to give Council a summary of this report. Before going into the six month report, Ms. Brafford clarified a recent article in the *Daily Dispatch* which reported the City had "found" a million dollars. Ms. Brafford said actually the total Fund Balance grew by \$316,747 due to decreases in Restricted Funds (i.e., Stabilization by State Statute, Asset Forfeiture and the Powell Bill); a decrease in Assigned funds (i.e., subsequent year's expenditures) and an increase in Unassigned funds.

Ms. Brafford then reviewed the Sales Tax which comprises approximately 16% of the General Fund budget. She reminded Council that this revenue is volatile and is received two months after the month in which it is received by the State --- in other words, July sales tax is received

by the City in September. Sales tax receipts have slightly exceeded budget expectations for the last two years.

Ms. Brafford then reviewed the property tax status. Property taxes are the largest single revenue for the General Fund and comprise 37% of the current year revenues in the General Fund. Conservative budgeting has helped realign revenue expectations with reality. Ms. Brafford stated the FY13 receipts were higher than budgeted due to Maria Parham Medical Center paying taxes for the first time since becoming a public, non-profit hospital.

Council Member Kearney asked if 77% of taxes are paid, does that mean 23% are delinquent. Ms. Brafford responded most taxes are paid between January and March. Council Member Inscoe added most businesses paid their taxes during the last week of the tax year.

Ms. Brafford plans to include Administrative Transfers with future reports and asked Council to let her know if there is anything else it would like to have included.

Council Member Kearney asked Ms. Brafford to keep Council apprised of anything that she feels needs to be highlighted. He then asked about privilege licenses receipts. Mr. Griffin said notices go out in May and receipt is due in June.

Mr. Griffin added the graphs included in the report have been helpful in showing what to expect in day-to-day work and they will continue to be a part of this report.

Mayor Pro-Tem Rainey commented that making tax payments correlate with motor vehicle tax payments seems to be producing good results.

With no further discussion Mayor Pro-Tem Rainey asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Coffey moved for adjournment. Motion seconded by Council Member Daye and unanimously approved. The meeting adjourned at 8:03 p.m.

D. Michael Rainey
Mayor Pro Tem.

ATTEST:

Esther J. McCrackin, City Clerk

City Council Action Form

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



Agenda Item: _____

Council Meeting: 24 February 2014

10 February 2014

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

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

RE: CAF: 14-25

Consideration of Approval of Ordinance 14-13, Rezoning Seven (7) Tracts Located Off Wilbur Street From I2 (Industrial Non--Park Zoning District) to B4 (Neighborhood Commercial Zoning District).

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- **KSO 3:** Revise and align land use and sign ordinance

Recommendation:

- Approval of Ordinance 14-13, Rezoning Seven (7) Tracts Located Off Wilbur Street From I2 (Industrial Non--Park Zoning District) TO B4 (Neighborhood Commercial Zoning District).

Executive Summary:

This is a rezoning request by the property owner to rezone 1.17 acres from I2 to B4. The lots to be rezoned include Vance County PINs:

0083 02002 (partially rezoned previously)
0083 02003
0083 01008
0083 01007

0083 01006
0083 01005
0083 01004

The property, which is located off Wilbur, is adjacent to other B4 zoned tracts of land and was formerly used for industrial purposes. Originally, this property included nine lots under the same ownership. The front two lots were rezoned in 2002 and 0.43 acres of an adjacent lot was rezoned in January 6, 2013. The proposed rezoning will include the remainder of the commonly owned lots.

The B4 zoning district provides commercial opportunities that are beneficial to the neighborhood. This rezoning will completely rezone the corner off the southbound exit ramp of US#1 and NC 39 Hwy (E. Andrews Ave.) from Industrial to Commercial. The property provides commercial use opportunities along a major thoroughfare at the entrance of the City. This rezoning is in harmony with the Henderson Land Use Plan.

The Planning Board unanimously approved this recommendation during its February 3, 2014 regular meeting.

Enclosures:

1. Ordinance 14-13
2. Planning Board Minutes
3. Aerial Map

ORDINANCE 14-13

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

AN ORDINANCE REZONING SEVEN (7) TRACTS LOCATED OFF WILBUR STREET FROM I2 (INDUSTRIAL NON-PARK ZONING DISTRICT) TO B4 (NEIGHBORHOOD COMMERCIAL ZONING DISTRICT).

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

Section 1: That the official zoning map of the City of Henderson (incorporated by reference in City Code) is hereby amended by rezoning seven (7) tracts located off Wilbur Street (being Vance County Tax Map, Block, & Lot) from I2 to B4. The properties to be rezoned are listed as follows:

0083 02002-(remaining part which has not been rezoned)	008301006
0083 02003	0083 01005
0083 01008	0083 01004
0083 01007	

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

The foregoing Ordinance 14-13, 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 14-13*, An Ordinance Rezoning 7 tracts located off Wilbur Street from I2 to B4 Zoning District, adopted by the Henderson, City Council in Regular Session on ** ** 20** (*See Minute Book 4*, p. **). This Ordinance is recorded in *Ordinance Book # 8*, pp. **.

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

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



City of Henderson

Planning and Community Development Department

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

Phone: (252) 430-5723

FAX: (252) 492-7935

RECOMMENDATIONS FROM THE February 3, 2014 PLANNING BOARD MEETING

Recommendation to rezone properties from I2 (Industrial) to B4 (Neighborhood Commercial) Zoning District located off Wilbur Street, (PIN # 0083 02002, 0083 02003, 0083 01008, 0083 01007, 0083 01006, 0083 01005, & 0083 01004)

The above recommendation went before the Planning Board on February 3, 2014. The item was introduced by Zoning Administrator Sherry Moss. Moss reviewed items of the agenda packet. The public hearing was opened. No one was present to speak in opposition of the public hearing. Ruth Brummitt, owner, was present to speak on behalf of the public hearing. Brummitt addressed the board that the front part of H & J was rezoned in 2002 from I2 to B4. Then on January 6, 2014, Eastern Pride requested to rezone 0.43 acres. On February 3, 2014, Brummitt requested the rest of Wilbur Street, which is 1.17 acres to be rezoned. Brummitt wanted to be consistent and take it across the street, which is also Wilbur; Hight Warehouse. This consists of two warehouses with a loading dock and backs out to Wright Avenue. Brummitt stated this is another additional 2.38 acres. Brummitt felt rezoning would make the land more marketable and the zoning would be consistent. Brummitt added there's another warehouse on the north side of Wilbur behind her, she believes is already B4.

Donald Matthews was present to speak in favor of the public hearing. Matthews stated that he owns several properties down Andrews Avenue. Matthews felt like the zoning request would help them and make the property more marketable. Matthews added that side of town is going to more retail rather than industrial. There were no oppositions. The public hearing was closed.

Motioned by Board Member Jimmie Ayscue to approve the recommendation to rezone property from I2 to B4; Second by Board Member Ricky Easter, following a unanimous vote of 6-0;

AYES: D. Rainey, H. Bullock, A. Henderson, J. Ayscue, C. Douglas, and R. Easter; **NOES:** None; **ABSENT:** M. Anduze and P. Walters



City Council Action Form

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



Agenda Item: _____

Council Meeting: 24 February 2014

10 February 2014

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

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

RE: CAF: 14-30

Consideration of Approval of Ordinance 14-18, Amending the Zoning Ordinance Section 405.3 and City Code Section 10-33.3 Relative to Signs in Street Right of Ways and in Public Places

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- **KSO 3:** Revise and align land use and sign ordinance

Recommendation:

- Approval of Ordinance 14-18, Amending the Zoning Ordinance Section 405.3 and City Code Section 10-33.3 relative to signs in street right of ways and in public places

Executive Summary:

This ordinance amendment is relative to placing any signs unlawfully within the street right of way or in public places. This amendment is a Staff recommendation to the Planning Board. There consistently is a problem with off premises advertisement signs being placed in the street right of ways and in public places. Sign sweeps are performed on a regular basis by the Public Works and the Planning Department where many of such violating signs are collected and disposed.

This ordinance provides a \$50 civil penalty that shall not be deemed waived by the removal of the sign once it is placed inappropriately. This amendment covers language in the City Code that instructs on how the civil penalty will be charged. It also defines in the Zoning Ordinance that no sign shall be placed in the street right of way or public places unless permission is granted by a zoning permit.

The Planning Board at its regular meeting on February 3, 2014 unanimously approved this recommendation.

Enclosures:

1. Ordinance 14- 18
2. Planning Board Minutes

CAF 14-30: 24 February 2014 Council Meeting: Public Hearing

Page 1 of 4

ORDINANCE 14-18

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

AN ORDINANCE RELATIVE TO SIGNS IN STREETS RIGHTS OF WAY AND IN PUBLIC PLACES

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

Section 1. That a new section be added to the City Code designated as Section 10-33.3 and reading as follows:

“Sec. 10-33.3. Signs Within Rights of Way and in Public Places.

No person or entity shall place any sign within a street right of way or in a public place or on public property except in compliance with the provisions of this City Code and in compliance with Section 405.3 of the City’s Zoning Code. Any sign placed in violation of said Codes may be removed and the persons or entities responsible for placing said sign in the street’s right of way or in public places or on public property can be charged with a civil penalty of \$50.00 per sign (which civil penalty shall not be deemed waived by the removal of the sign once it is placed in the inappropriate place).”

Section 2. That a new subparagraph be added to the Zoning Code designated as Section 405.3 and reading as follows:

“405.3. No person or entity shall place any sign within a street right of way or in a public place or on public property except in compliance with the provisions of the City Code unless a zoning permit is granted for the same.”

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

The foregoing Ordinance 14-18, 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. **.*



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 February 3, 2014 PLANNING BOARD MEETING

Recommendation to rezone properties from I2 (Industrial) to B4 (Neighborhood Commercial) Zoning District located off Wilbur Street, (PIN # 0083 02002, 0083 02003, 0083 01008, 0083 01007, 0083 01006, 0083 01005, & 0083 01004)

The above recommendation went before the Planning Board on February 3, 2014. The item was introduced by Zoning Administrator Sherry Moss. Moss reviewed items of the agenda packet. The public hearing was opened. No one was present to speak in opposition of the public hearing. Ruth Brummitt, owner, was present to speak on behalf of the public hearing. Brummitt addressed the board that the front part of H & J was rezoned in 2002 from I2 to B4. Then on January 6, 2014, Eastern Pride requested to rezone 0.43 acres. On February 3, 2014, Brummitt requested the rest of Wilbur Street, which is 1.17 acres to be rezoned. Brummitt wanted to be consistent and take it across the street, which is also Wilbur; Hight Warehouse. This consists of two warehouses with a loading dock and backs out to Wright Avenue. Brummitt stated this is another additional 2.38 acres. Brummitt felt rezoning would make the land more marketable and the zoning would be consistent. Brummitt added there's another warehouse on the north side of Wilbur behind her, she believes is already B4.

Donald Matthews was present to speak in favor of the public hearing. Matthews stated that he owns several properties down Andrews Avenue. Matthews felt like the zoning request would help them and make the property more marketable. Matthews added that side of town is going to more retail rather than industrial. There were no oppositions. The public hearing was closed.

Motioned by Board Member Jimmie Ayscue to approve the recommendation to rezone property from I2 to B4; Second by Board Member Ricky Easter, following a unanimous vote of 6-0;

AYES: D. Rainey, H. Bullock, A. Henderson, J. Ayscue, C. Douglas, and R. Easter; **NOES:** None; **ABSENT:** M. Anduze and P. Walters

Recommendation to approve an Ordinance Relative to Signs in Streets Rights of Way and in Public Places

The above recommendation went before the Planning Board on February 3, 2014. The item was introduced by Zoning Administrator Sherry Moss. Moss reviewed the draft of the ordinance. The public hearing was opened. No one was present to speak in opposition of the public hearing. Moss addressed the numerous signs that are being located in the streets rights-of-way and added that staff had picked up over 100 signs regard a tax service located in Raleigh. The purpose of the ordinance is to prevent these signs from locating in the streets right of way. No one was present to speak for or against this public hearing. The public hearing was closed.

Motioned by Board Member Charles Douglas to approve the ordinance; Second by Vice Chairman Horace Bullock, following a unanimous vote of 6-0;

AYES: D. Rainey, H. Bullock, A. Henderson, J. Ayscue, C. Douglas, and R. Easter; **NOES:** None; **ABSENT:** M. Anduze and P. Walters

City Council Action Form

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



Agenda Item: _____

Council Meeting: 24 Feb 14 Regular Meeting

29 January 2014

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

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

RE: CAF: 14-24

Consideration of Approval of Ordinance 14-06, FY 13-14 Budget Amendment # 25 Transferring Water Reservation Fees Received From Granville County From the Water Fund to the Rate Stabilization Capital Reserve Fund

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

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

Recommendation:

- Approval of Ordinance 14-06, FY 13-14 Budget Amendment #25 Transferring Water Reservation Fees Received From Granville County From the Water Fund to the Rate Stabilization Capital Reserve Fund

Executive Summary

The Utilities Sales Agreement between the City and Granville County, dated 29 December 2011, provided for a water allocation reservation fee of \$9,000,000 which is being financed over a period of ten years at 1.25% interest. The note receivable for these fees resides in the Water Fund. It is recommended that the funds received in FY 2013 and those to be received in FY 2014 be transferred to Fund 79: Rate Stabilization Capital Reserve Fund.

Enclosures:

1. Ordinance 14-06

O R D I N A N C E 14-06

FY 2013 – 2014 BUDGET AMENDMENT #25 AMENDING THE RATE STABILIZATION FUND AND WATER FUND BUDGETS TO INCLUDE A TRANSFER OF WATER RESERVATION FEES

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

WHEREAS, on 26 March 2012, the Council voted to establish, maintain and grow a capital reserve rate stabilization fund to be used to offset debt service to be incurred by the City of Henderson for various utility projects, and to finance any water related expenses anticipated as a result of water sales agreements; *and*

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating and capital reserve 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:

			Ordinance 14-06			
			FY 13-14 Budget Amendment #25			
FUNDS: 79: RATE STABILIZATION FUND and 30: WATER FUND						
PROJECT: Reserve for Water Plant Expansion and debt service						
Project Budget Created on 13 May 13						
79: RATE STABILIZATION FUND			Approved 1-Jul-13	Current Budget	Amendment	Revised
	Trans fr: 30 Water Fund	79-641-461030	\$ -	\$ -	\$ 951,139	\$ 951,139
	Trans fr: 30 Water Fund	79-641-461030	\$ -	\$ -	\$ 951,139	\$ 951,139
	Water Reservation Fee - GC	79-641-535750	\$ 951,139	\$ 951,139	\$ (951,139)	\$ -
Total			\$ 951,139	\$ 951,139	\$ 951,139	\$ 951,139
						\$ 1,902,278
79: RATE STABILIZATION FUND			Approved 1-Jul-13	Current Budget	Amendment	Revised
	Rate Stabilization	79-641-535750	\$ 951,139	\$ 951,139	\$ 951,139	\$ 1,902,278
Total			\$ 951,139	\$ 951,139	\$ 951,139	\$ 1,902,278
Variance					\$ -	
30: WATER FUND			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
	Fund Balance Appropriated	30-300-491000	\$ -	\$ -	\$ 951,139	\$ 951,139
	Water Reservation Fee - GC	30-300-433418	\$ -	\$ -	\$ 951,139	\$ 951,139
Total			\$ -	\$ -	\$ 1,902,278	\$ 1,902,278
						\$ 1,902,278
30: WATER FUND EXPENDITURES			Approved 1-Jul-13	Current Budget	Amendment	Revised
Department	Line Item	Code				
	Trans to: 79 Rate Stabilization	30-660-561079	\$ -	\$ -	\$ 1,902,278	\$ 1,902,278
Total			\$ -	\$ -	\$ 1,902,278	\$ 1,902,278
Variance					\$ -	
Reference:			Notes:			
24 Feb 14: CAF 14-24; Ord 14-06; FY 14 BA#25			To transfer water reservation fee received from Granville County in FY 2013 and to budget for the transfer of the water reservation fee expected to be received in March 2014 from the Water Fund to the Rate Stabilization Fund. The auditors prefer that we budget the receipt of the rate stabilization funds initially in the Water Fund - because that is where the Note Receivable from Granville County is recorded.			

The foregoing Ordinance 14-06, 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 **th day of _____ 2014: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

*Reference: Minute Book 42 p. ***; CAF 14-24*

**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—06 adopted by the Henderson, City Council in Regular Session on ** _____ 2014 (*Minute Book ** p.***). This Ordinance is recorded in Ordinance Book 8, p. ***.

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

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

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

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

City Council Action Form

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



Agenda Item: _____

Council Meeting: 24 Feb 14 Short Reg. Meeting

20 February 2014

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

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

RE: CAF: 14-26

Consideration of Approval of 1) Ordinance 14-14, FY14 Budget Amendment #26 for the 2-Inch Watermain & Services Replacement Project Increasing the Budget from \$1,726,000 to \$1,898,571; and 2) Change Order #1 Updating Project Construction Cost from \$1,568,267 to the Approved \$1,732,940 for the Contractor, HG Reynolds, Inc; and 3) Resolution 14-19, Authorizing Additional Areas for Watermain and Services Replacement to the 2" Watermains and Services Replacement Project Subject to Approval from DWSRF and Availability of Remaining Funds.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

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

Recommendation:

Approval of:

- **1)** Ordinance 14-14, FY 14 Budget Amendment # 26 for the 2-Inch Watermain & Services Replacement Project to increase the budget totals from \$1,726,000 to \$1,898,571; and
- **2)** Change Order #1 updating project construction cost from \$1,568,267 to the approved \$1,732,940 for the contractor, HG Reynolds, Inc.; and
- **3)** Resolution 14-19, Authorizing additional areas for watermain and services replacement to be added to the 2" water mains and services replacement project subject to approval from DWSRF and availability of remaining funds.

Executive Summary

BACKGROUND

On 17 July 2012, The City of Henderson received notification that a DWSRF loan had been approved for the replacement of approximately 13,000 linear feet of existing 2" or smaller water mains with larger mains and new services in the amount of \$1,726,000. On 13 August 2012, the City Council approved Resolution 12-62 accepting the loan which is for 20 years at 0% interest.

The project was formally advertised with two bids received. H.G. Reynolds Company, Inc. of Henderson, NC was the apparent low bidder at \$1,732,940. The construction estimate for the project as prepared by McGill Associates was \$1,366,000. A request was submitted to DWSRF for an increase in funding by 10% for the project.

BUDGET AMENDMENT

On 9 September 2013, the City Council approved the project, via Resolution 13-28, in the original amount of \$1,726,000 with an option to increase the total project fee to \$1,898,600 contingent on getting DWSRF funding approval. The approval was received in November 26, 2013 for the total amount of \$1,898,571 and attached to this CAF, however, the budget amendment was not completed at that time. Staff is recommending approval of the budget amendment to include the final approved funding amount shown on the November 26, 2013 letter from DWSRF.

CHANGE ORDER #1:

Similar to the budget ordinance, the current contract with HG Reynolds, Inc. needs to be updated to the approved budget amount. Change Order #1 includes updating the current construction from \$1,568,267 to the approved \$1,732,940. This is to reflect the actual contract amount for the project as stated above and in CAF 13-65/Resolution 13-28 and as approved by DWSRF in the attached letter of approval, dated November 26, 2013.

ADDITIONAL PROJECT AREAS:

The project is approximately 75% complete with watermain replacement and have not begun the service only replacement portion. The total project cost to date is \$572,034.80, which is 33% of the total project cost. The service replacement portion of the project is approximately 24% of the project cost. The project is currently running 30% less than originally anticipated due contingency items not used within the project, such as select borrow. Approximately 30% of the waterline portion of the project comes to approximately \$400,000. To ensure that the funding is used to the utmost, the City Staff proposes to add additional streets that have 2" or smaller watermain that can be replaced as well as an additional street for both watermain and services replacement. The following streets with the estimated costs are proposed as follows:

Zollicoffer Avenue:	1,860 LF	\$149,000
Cedarwood Drive:	1,175 LF	\$94,000
Crestwood Drive:	1,400 LF	\$112,000
Lynn Avenue:	380 LF	\$30,400
	14 meters	\$22,100
Total:		\$407,500

The prices shown above are estimates and will be modified once final design is completed. The project areas need to be approved by DWSRF and DENR to meet the original statement of need, which is replacing and decommissioning 2" and smaller lines throughout the City. In addition, the final design will need to be approved by DENR and incorporated into the main project. The streets listed above will eliminate areas with numerous watermain repairs, which will help with reduced patching, etc.

The City Staff has currently started preliminary designs for the above streets in anticipation of replacing the watermain. It is the staff's recommendation that the additional streets be added to the project contingent on DENR and DWSRF approval and the project base contract price to the contractor be updated.

Enclosures:

1. Resolution 14-19
2. Ordinance 14-14
3. Part B Approval Letter from DENR for Project WIF-1694 – November 26, 2013
4. CAF 13-65
5. Resolution 12-62

RESOLUTION 14-19

AUTHORIZING ADDITIONAL AREAS FOR WATERMAIN AND SERVICES REPLACEMENT TO BE ADDED TO THE 2" WATER MAINS AND SERVICES REPLACEMENT PROJECT SUBJECT TO APPROVAL FROM DWSRF AND AVAILABILITY OF REMAINING FUNDS

WHEREAS, the Henderson City Council (Council) identified eight Key Strategic Objectives (KSO) at its 2014 Strategic Planning Retreat; *and*

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

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

WHEREAS, the City received an offer and accepted the loan for a water system project (project number WIF-1694) and in the amount of \$1,726,000 per Resolution 12-62; *and*

WHEREAS the City Council approved to accept an additional loan amount to increase the overall project cost from \$1,726,000 to \$1,898,571; *and*

WHEREAS, DWSRF has approved the additional loan amount totaling \$1,898,571 for the 2-Inch Watermain & Services Project; *and*

WHEREAS, the current contractor, H.G. Reynolds Inc., is steadily working on the project with the potential for substantial savings to the project; *and*

WHEREAS, the City wants to utilize 100% of the loan amount or close thereof; *and*

WHEREAS, the City staff has reviewed additional areas that meet the original project scope for watermain and service replacements that includes Zollicoffer Avenue, Crestwood Drive, Cedarwood Drive and Lynn Avenue.

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

1. Approves adding the streets Zollicoffer Avenue, Crestwood Drive, Cedarwood Drive and Lynn Avenue to the 2-Inch Watermain & Services Replacement Project, subject to DWSRF approval and availability of remaining project funds, *and*
2. Approves to proceed with the design work for the above listed streets, including

obtaining permits and other approvals, through DENR and DWSRF.

3. The Mayor is authorized to sign all agreements and documents necessary to effect said Agreement.

The foregoing Resolution 14-19 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: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

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

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the foregoing is a true and exact copy of *Resolution 14-19*, adopted by the Henderson, City Council in Regular Session on * 2014 (*See Minute Book 42*, p. **). This Resolution is recorded in *Resolution Book # 3*, pp. **.

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

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

ORDINANCE 14-14

AN AMENDMENT TO THE FY 2013-2014 BUDGET BUDGET AMENDMENT #26 AMENDING THE 2" WATER LINE REPLACEMENT PROJECT

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 Water Fund, said fund referred to as 43: CIP Water Fund; *and*

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

			Ordinance 14-14			
FUND: 43: CIP Water Fund			FY 13-14 Budget Amendment #26			
43: CIP WATER FUND REVENUES			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	9-Jan-12	Budget	Amendment	Revised
850: 2" Line Replace	State Revolving Loan	43-850-458100	\$ -	\$ 1,726,000	\$ 172,571	\$ 1,898,571
850: 2" Line Replace	Trans from: 30 Water Fund	43-850-369030	\$ 39,000	\$ 39,000	\$ -	\$ 39,000
			\$ -	\$ -	\$ -	\$ -
Total			\$ 39,000	\$ 1,765,000	\$ 172,571	\$ 1,937,571
						\$ 1,937,571
43: CIP WATER FUND EXPENDITURES			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	9-Jan-12	Budget	Amendment	Revised
850: 2" Line Replace	Legal/Admin	43-850-510200	\$ -	\$ 5,800	\$ -	\$ 5,800
850: 2" Line Replace	Engineering Design	43-850-510301	\$ 32,000	\$ 36,000	\$ -	\$ 36,000
850: 2" Line Replace	Construction	43-850-510400	\$ -	\$ 1,568,900	\$ 164,040	\$ 1,732,940
850: 2" Line Replace	Construction/Admin	43-850-510800	\$ -	\$ -	\$ -	\$ -
850: 2" Line Replace	SRF Admin/Closing Fee	43-850-504514	\$ -	\$ 34,600	\$ 3,371	\$ 37,971
850: 2" Line Replace	Contingency	43-850-999010	\$ 5,000	\$ 78,500	\$ 5,160	\$ 83,660
850: 2" Line Replace	Permit Fees	43-850-461001	\$ 2,000	\$ 2,200	\$ -	\$ 2,200
850: 2" Line Replace	Trans to: 30 Water Fund	43-850-561030	\$ -	\$ 39,000	\$ -	\$ 39,000
Total			\$ 39,000	\$ 1,765,000	\$ 172,571	\$ 1,937,571
						\$ 1,937,571
Variance					\$ -	
Reference:			Notes:			
CAF 11-118; Res 11-88; 26 Sept 11 Meeting			Council approved application for \$3M in funding for various water & sewer projects, with one being the replacement of various 2" water mains located in various locations throughout the City with larger mains as well as replacing service lines and meters that were connected to existing 2" or smaller mains.			
1 Dec 11; Letter from NCDENR			City advised NCDENR is considering application section for 2" water line replacement which, if funds are awarded, will result in a \$1.726M project.			
CAF: 12-91; Ordinance 12-50; BA#7; 13 Aug 12 Meeting			On 17 July 2012, the City received notification that a DWSRF loan in the amount of \$1.726M had been approved for the replacement of 2" water lines with 6" water lines. This serves to amend the original project budget; transferring the \$39,000 which was originally budgeted to cover preliminary engineering costs, back to the Water Fund, as those costs are included within the scope of the \$1.726M budget.			
CAF: 13-65; Ordinance 13-36; BA#11; 9 Sept 13 Meeting			To re-align project budget based on actual expenditures and final construction costs, which involves using \$54,900 of contingency funds.			
CAF: 14-26; Ordinance 14-14; BA#26; 24 February 14 Meeting			To update project budget based on notification from NCDENR dated November 26, 2013 that the DWSRF loan amount and corresponding project budget have been increased from the initial approved amount of \$1,726,000 to \$1,898,571 to allow for the replacement of an additional 13,000 linear feet of existing 2" or smaller water mains with larger mains.			

The foregoing Ordinance 14-14, upon motion of Council Member ** and second by Council Member ***, and having been submitted to a roll call vote and received the following votes and was *** on this the 24 day of February 2014: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Reference: Minute Book 42 p. ***; CAF 14-26

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 13-36 adopted by the Henderson, City Council in Regular Session on _____ 2014 (*Minute Book 42 p.***). This Ordinance is recorded in *Ordinance Book 8, p. ****.

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

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

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

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



North Carolina Department of Environment and Natural Resources

Division of Water Infrastructure

Pat McCrory
Governor

Kim H. Colson, P.E.
Acting Director

John E. Skvarla, III
Secretary

November 26, 2013

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

Re: **Part B Approval**
CFDA Number: 66.468
Grant ID Number: FS-984338.13
Project Number: H-LRX-F-11-1694
PWS ID: 0291010
Applicant: City of Henderson
Vance County

Dear Mayor O'Geary:

The Division of Water Infrastructure (DWI) has reviewed and accepted your *Offer and Acceptance of Loan and/or Grant for Water Supply System Project, Part B - Supplemental Project Information* (Part B), signed on **November 19, 2013**. The approved project budget is as follows:

Item	Part B Total Cost Amount ¹	DENR-Eligible Amount
Construction Contract 1: H.G. Reynolds	\$ 1,732,940	\$ 1,732,940
Future Contracts	\$ - 0 -	\$ - 0 -
Equipment & Materials	\$ - 0 -	\$ - 0 -
Total Construction Contracts	\$ 1,732,940	\$ 1,732,940
Contingency	\$ 83,660	\$ 83,660
Engineering Design	\$ 36,000	\$ 36,000
Permitting	\$ - 0 -	\$ - 0 -
Land Surveying Costs	\$ 2,200	\$ 2,200
Easement Preparation	\$ - 0 -	\$ - 0 -
Closing Fee (if applicable)	\$ 37,971	\$ 37,971
Construction Administration / Observation	\$ - 0 -	\$ - 0 -
Grant and/or Loan Administration	\$ - 0 -	\$ - 0 -
Legal Costs	\$ 5,800	\$ 5,800
Other (specify)	\$ - 0 -	\$ - 0 -
Total Costs	\$ 1,898,571	\$ 1,898,571

¹ The Part B Total Cost Amount may reflect costs that are not eligible for reimbursement.

1633 Mail Service Center, Raleigh, North Carolina 27699-1633
Location: 512 N. Salisbury St. Raleigh, North Carolina 27604
Phone: 919-707-9160 \ FAX: 919-715-6229

An Equal Opportunity \ Affirmative Action Employer

One
North Carolina
Naturally

To receive reimbursement for project expenses, follow the procedures outlined below. Submit one copy of the payment request package to one of the following addresses:

Mail Address	Physical Address (e.g., Parcels, FedEx, UPS)
Financial Services Unit Division of Water Infrastructure 1633 Mail Service Center Raleigh, North Carolina 27699-1633	Financial Services Unit Division of Water Infrastructure 512 N. Salisbury Street/Suite 1304 Raleigh, NC 27604-1170 (919) 707-9160

Each package should contain the following items, as applicable:

1. A *Reimbursement Request Form* signed by the authorized representative. You can download the form on the following website: <http://portal.ncdenr.org/web/wq/lfs/fap/apps>.
2. Invoices or other supporting documents for all work done and purchases made, such as the following:
 - a. For eligible construction costs:
 - i. Latest contractor's estimate for the amount of work completed and the cost of materials delivered and stored on the site, showing the **Time Period** covered. **Time Period** means showing both a **Start Date** and an **End Date**;
 - ii. Certification by the Applicant's consulting engineer that the estimate is correct;
 - iii. Executed change orders (if not previously furnished) for any change order work for which payment is requested;
 - iv. Signed contractor's Sales Tax Form covering the **Time Period** above.
 - b. For technical services: Invoices showing the dates over which the work was performed and describing the types of service and bases for payment, so as to be identified with the provisions of the contract.
 - c. For legal, fiscal and administrative services:
 - i. Invoices showing the dates over which the work was performed and describing the types of service and basis for payment.
 - ii. Contracts for such services not furnished previously; and
 - d. For land acquisition:
 - i. An appraisal by a state-certified appraiser to establish the fair market value, and
 - ii. A bill of sale, purchase agreement or similar instrument showing the agreed sale price for the land.
 - e. Documentation of cost for force-account work, including how time and costs devoted to this project were tracked. An authorized official must sign a record that includes the following details:
 - i. Name(s) of the employee(s),
 - ii. Hours worked on project,
 - iii. Rate(s) of pay (including fringe benefits), and
 - iv. Total dollars in reimbursement requested.
 - f. The 2% administrative fee based on the attached invoice. The DWI recommends you request reimbursement for the administrative fee with the first reimbursement request. The administrative fee is due prior to the second reimbursement request.

Note the following additional requirements:

1. The DWI cannot reimburse expenses until the applicant has delivered the executed promissory note to LGC and sent a copy to the DWI.
2. In accordance with N.C.G.S. 159-13.2, the applicant must approve funds for the project in the annual budget or by a Capital Project Ordinance.
3. The State cuts checks only once per week. Please limit requests for reimbursement to one per month.

James O'Geary
City of Henderson
November 26, 2013
Page 3 of 3

4. The DWI cannot reimburse for items that are not in the approved budget:
 - a. The DWI will not approve payment for invoices above the approved budget amounts without a revised Part B or a DWI-approved change order to a DWI-approved contract.
 - b. For unit-price contracts, the DWI will not approve payment for quantities above the bid estimate without a DWI-approved change order.
 - c. The DWI will not reimburse force-account work without prior approval from the DWI.
5. The DWI will not reimburse more than 95 percent of project costs until all items on the Project Closeout Checklist have been satisfied, including the following:
 - a. The DWI inspector must issue a final-inspection report signifying the project is complete and all concerns have been satisfied.
 - b. The applicant must submit Engineer's and Owner's certifications.

Submit two copies of all change orders: One copy to me and another to the Division of Water Resources, Public Water Supply Section Raleigh Regional Office Supervisor (Michael Douglas). Note significant change orders (anything other than changes in unit quantities) generally require a revision to the approved engineering plans and specifications.

Please call me at (919) 707-9054 should you have additional questions, or need other information.

Sincerely,



Amanjit Paintal
Project Engineer
Funding Unit
Technical Services Branch

Enclosure: DWSRF 2% Administrative Fee Invoice

cc: Linda Ward
Reimbursement Request Accountant
Matthew Rushing, DWSRF Reporting
Michael Douglas, Raleigh Regional Office
Project File (yellow Part B folder / **B-AL**)

S:\PWSS\PWS\SRF\Projects\Henderson, City of\WIF-1694\Part B\B_AL_1694.docx

Departmental Fee Invoice

November 26, 2013

Item: NCDENR Departmental Administrative Fee for Funded Project

Unit of LG: City of Henderson

PWSID: 0291010

Project No.: WIF-1694

Amount Due: Thirty-seven thousand nine hundred seventy-one dollars.

Authorization	Funding (Part B) Amount	Fee Rate	Fee Amount
High Unit-Cost (HUC) Grant	\$ - 0 -	2.0%	\$ - 0 -
State Revolving Loan (SRL)	\$ - 0 -	2.0%	\$ - 0 -
DWSRF Repayable Loan	\$1,898,571	2.0%	\$ 37,971
DWSRF Principal-Forgiveness Loan	\$ 0	2.0%	\$ - 0 -
DWSRF Disadvantaged-Community Loan	\$ - 0 -	0.0%	\$ - 0 -

Pay this amount \$ 37,971

Due When: With second or final reimbursement request (whichever occurs first)

Make Payable to: "DENR – Division of Water Infrastructure"

Please reference your project number, WIF- 1694, when remitting

Mail to: Fiscal Services Unit
Division of Water Infrastructure
1633 Mail Service Center
Raleigh, North Carolina 27699-1633

NOTE: All fees are non-refundable.



NORTH CAROLINA DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES

5 September 2013

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

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

RE: CAF: 13-65

Consideration of Approval of 1) Resolution 13-28, Authorizing Bid Award for 2" Water Mains and Services Replacement to H.G. Reynolds Company, Inc.; and 2) Ordinance 13-36, FY 14 Budget Amendment # 11 Revising the Budget for Above Mentioned Project.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

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

Recommendation:

- Approval of: 1) Resolution 13-28, Authorizing Bid Award for 2" Water Mains and Services Replacement to H.G. Reynolds Company, Inc.; and
- 2) Ordinance 13-38, FY 14 Budget Amendment # 11 Revising the Budget for Above Mentioned Project.

Executive Summary

On 26 September 2011, Council, via Resolution 11-88, approved the application for a loan/grant to the NCDENR for various projects with one being the replacement of a various 2" water mains located in various locations throughout the City with larger mains as well as replacing service lines and meters that were connected to existing 2" or smaller mains to existing larger mains.

On 17 July 2012, The City of Henderson received notification that a DWSRF loan has been approved for the replacement of approximately 13,000 linear feet of existing 2" or smaller water mains with larger mains and new services in the amount of \$1,726,000. The larger mains will not only help with the overall water pressure to the individual homeowners, but will help in pressure equalization within the system, will help with water quality as the water mains, in most cases, will be looped, and will help with a reduction in overall maintenance costs.

On August 9, 2012, the City Council approved the acceptance of the loan in the amount of \$1,726,000 by Resolution 12-62. This is a 20 year loan at 0% interest.

The project was formally advertised with two bids received. H.G. Reynolds Company, Inc. of Henderson, NC was the apparent low bidder at \$1,732,940. Enclosure 4 shows the overall bid tabs for this project.

The construction estimate for the project as prepared by McGill Associates was \$1,366,000. The City has two choices for this project with Option A being the main option and Option B as the contingency.

Option A:

Due to the cost savings of performing the engineering design in house, performing construction administration by current City staff, and reducing the total contingency of the project to 5% in lieu of 10% (as allowed by State), a total of \$202,900 can be shifted to construction. This increases the construction budget to \$1,568,900. We reduced the work on the following streets: Parker Lane, Lincoln Street and Lehman Street (service changeovers to larger mains only) and Meadow Lane. Through that reduction and the increase in the project budget, the total construction contract comes to \$1,568,267. In addition, should the final 5% contingency be left toward the end of the project, it is believed that all the streets except for Meadow Lane could be accomplished and added back to the contract. See Table 1 for the project totals. The contingency funds will not be utilized without the approval of the City Council.

Table 1

Line Item	Original Budget (by McGill & Assoc.)	Revised Budget (After Bids)
Permit Fees	\$2,000	\$2,200
SRF Admin/Closing Fee	\$34,600	\$34,600
Legal/Admin	\$16,000	\$5,800
Engineering	\$96,000	\$36,000
Construction Admin.	\$78,000	\$0
Contingency	\$133,400 (10%)	\$78,500 (5%)
Construction	\$1,366,000	\$1,568,900
Totals	\$1,726,000	\$1,726,000

Option B:

The State will allow the City to have an additional 10% increase in funds without having to go back through the approval process. This option is contingent on the State receiving funds from the Federal government, which will not be processed until November. The total amount that can be added is \$172,600, which will change the budget to that shown in Table 2 below.

Table 2

Line Item	Option A	Option B – Additional 10% (\$172,600)
Permit Fees	\$2,200	\$2,200
SRF Admin/Closing Fee	\$34,600	\$38,000
Legal/Admin	\$5,800	\$5,800
Engineering	\$36,000	\$36,000
Construction Admin.	\$0	\$0
Contingency	\$78,500 (5%)	\$83,660 (4.8%)
Construction	\$1,568,900	\$1,732,940
Totals	\$1,726,000	\$1,898,600

Option B will allow for the entire project to be completed. The additional funds will increase the total amount to be repaid to \$1,898,600 over 20 years and under the same terms (at 0% interest rate). This will increase the payment amount from \$86,300 to \$94,930, an \$8,630 increase per year. The City staff recommends that the project contract amount be modified to allow the entire project to be completed when the funds become available.

Enclosures:

6. Resolution 13-28
7. Ordinance 13-36
8. Resolution 11-88
9. Resolution 12-62
10. Overall Bid Tab

RESOLUTION 13-28

AUTHORIZING BID AWARD TO H.G. REYNOLDS COMPANY, INC. FOR 2” WATER MAINS AND SERVICES REPLACEMENT PROJECT

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

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

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

WHEREAS, the City received an offer and accepted the loan for a water system project (project number WIF-1694) and in the amount of \$1,726,000 per Resolution 12-62; *and*

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

WHEREAS, the project was formally advertised and only two bids were received on the re-bid for this project, with the low bidder being H.G. Reynolds Company, Inc. of Henderson, NC; *and*

WHEREAS the bids came in over the original estimate in the amount of \$1,732,940 and overall project scope was adjusted to ensure the project was within the approved monetary budget with the final total project cost of \$1,568,267 per Option A; *and*

WHEREAS when the funds become available to the City, increase the contract amount with the contractor to the full bid amount of \$1,732,940 per Option B and Change order to the Option A contract; *and*

WHEREAS the City Staff recommends a bid award to H.G. Reynolds Company, Inc. subject to approval of the Division of Water Resources, Loans and Grants Section to award and execute the contract.

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

4. That it does hereby approve the awarding of the 2-Inch Watermain and Service Replacement Project Option “A” to H.G. Reynolds Company, Inc. in the amount of \$1,568,267 said Agreement being more fully articulated in **Attachment A** to this Resolution; *and*

5. That it does hereby approve Option “B” to increase of the contract amount from \$1,568,267 to \$1,732,940 if and when the additional funds are released by the NC Division of Water Resources for this project; *and*
6. That the Mayor is authorized to sign all agreements and documents necessary to effect said Agreement relative to Option “A” and Option “B”.

The foregoing Resolution 13-28 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: . ABSTAIN: . ABSENT: .

James D. O’Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

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

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the foregoing is a true and exact copy of *Resolution **, adopted by the Henderson, City Council in Regular Session on * 2013 (See *Minute Book 42, p. **.*). This Resolution is recorded in *Resolution Book # 3, pp. **.*

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

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

CONTRACT

THIS CONTRACT made and entered into this _____ day of _____, in the year 2013 by and between the City of Henderson, North Carolina, party of the first part, hereinafter called the Owner, and HG Reynolds Company, Inc. of Henderson, NC _____, party of the second part, hereinafter called the Contractor.

WITNESSETH

THAT, WHEREAS, a Contract for:

2" Watermain Replacement Project

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: \$ 1,5568,267 (Option A)

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 240 Consecutive Calendar Days, of the date specified in the Notice to Proceed.

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

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

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

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

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

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

It is further mutually agreed between the parties hereto that if, at any time after the execution of this Agreement and the performance and payment bonds (or other approved security) 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.

LIQUIDATED DAMAGES

The parties recognize that Owner will suffer financial loss if the work is not substantially completed within the Contract time. They also recognize the delays, expense, and difficulty to both parties involved in proving or contesting the amounts of those losses. Instead of requiring proof of those amounts, it is agreed that Contractor shall be liable for and shall pay Owner the following amounts under Owner's Damages, and Other Charges, all as liquidated damages, and not as a penalty.

	<u>City's Damages</u>	<u>Other Charges</u>	<u>Total Liquidated Damages</u>
Final Completion of all work	\$500/day		\$500/day

Liquidated damages will be assessed for the above listed amount(s) for each and every day the work remains incomplete after the completion date.

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_____

FURTHER AGREEMENTS

_____ Option B – Increase contract to \$1,732,940 if additional funds received from State.

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:

H.G. REYNOLDS COMPANY, INC.

Witness

BY

Kenneth L. Long, III, Vice President

(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

PERFORMANCE BOND

This Bond is executed on _____, 20____

The name of the PRINCIPAL is _____(1)

a _____(2)

The name of SURETY is _____

The CITY OF HENDERSON is the CONTRACTING BODY.

The amount of the Bond is _____ Dollars (\$_____)

KNOWN BY ALL MEN BY THESE PRESENTS, that we, the Principal and Surety above named, are held and firmly bound unto the above named CONTRACTING BODY, hereinafter called the Contracting Body, in the penal sum of the amount stated above in lawful money of the United States, for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas, the Principal entered into a certain contract with the Contracting Body, dated the ____ day of _____, 20__ a copy of which is hereto attached and made a part hereof for the construction of:

2" WATERMAIN REPLACEMENT PROJECT

NOW THEREFORE, if the Principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said Contract during the original terms of said Contract and any extensions thereof that may be granted by the Contracting Body, with or without notice to the Surety, and during the life of any guaranty required under the Contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of said Contract that may thereafter be made, notice of which modifications to the Surety being hereby waived, then, this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above bounded parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body

ATTEST:

Principal Secretary
(SEAL)

Principal

By: _____(3)

Witness as to Principal

Address

Address

Surety

By: _____

Address

Phone Number

ATTEST:

NC Resident Agent
(SEAL)

Witness as to Surety

Address

Note: Date of Bond must not be prior to date of Contract!

(1) Correct name of Contractor

(2) A Corporation, a Partnership or an Individual, as the case may be

(3) If Contractor is a Partnership, all partners should execute Bond.

PAYMENT BOND

This Bond is executed on _____, 20_____

The name of the PRINCIPAL is _____(1)

a _____(2)

The name of SURETY is _____

The CITY OF HENDERSON is the CONTRACTING BODY.

The amount of the Bond is _____

Dollars (\$_____)

KNOWN BY ALL MEN BY THESE PRESENTS, that we, the Principal and Surety above named, are held and firmly bound unto the above named CONTRACTING BODY, hereinafter called the Contracting Body, in the penal sum of the amount stated above in lawful money of the United States, for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas, the Principal entered into a certain contract with the Contracting Body, dated the _____ day of _____, 20____ a copy of which is hereto attached and made a part hereof for the construction of:

2" WATERMAIN REPLACEMENT PROJECT

NOW THEREFORE, if the Principal shall promptly make payment to all persons supplying labor and material in the prosecution of the work provided for in said Contract, and any and all duly authorized modifications of said Contract that may hereafter be made, notice of which modifications to the Surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above bounded parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body

ATTEST:

Principal Secretary
(SEAL)

Principal

By: _____(3)

Witness as to Principal

Address

Address

Surety

By: _____

Address

Phone Number

ATTEST:

NC Resident Agent
(SEAL)

Witness as to Surety

Address

Note: Date of Bond must not be prior to date of Contract!

(1) Correct name of Contractor

(2) A Corporation, a Partnership or an Individual, as the case may be

(3) If Contractor is a Partnership, all partners should execute Bond.

POWER OF ATTORNEY

(Attach)

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 Bond, and insurance documents and I have approved the same as being legal and in proper form.

This _____ day of _____, 20_____.

John H. Zollicoffer, Jr., City Attorney

ORDINANCE 13-36

AN AMENDMENT TO THE FY 2013-2014 BUDGET BUDGET AMENDMENT #11 AMENDING THE 2" WATER LINE REPLACEMENT PROJECT FUND

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 Water Fund, said fund referred to as 43: CIP Water Fund; *and*

WHEREAS, it is necessary to amend the various revenue and expense accounts of the annual operating and capital improvements budgets from time-to-time, 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: 43: CIP Water Fund			Ordinance 13-36 FY 13-14 Budget Amendment #11			
43: CIP WATER FUND REVENUES			Approved 9-Jan-12	Current Budget	Amendment	Revised
Department	Line Item	Code				
850: 2" Line Replace	State Revolving Loan	43-850-458100	\$ -	\$ 1,726,000	\$ -	\$ 1,726,000
850: 2" Line Replace	Trans from: 30 Water Fund	43-850-369030	\$ 39,000	\$ 39,000	\$ -	\$ 39,000
			\$ -	\$ -	\$ -	\$ -
Total			\$ 39,000	\$ 1,765,000	\$ -	\$ 1,765,000
						\$ 1,765,000
43: CIP WATER FUND EXPENDITURES			Approved 9-Jan-12	Current Budget	Amendment	Revised
Department	Line Item	Code				
850: 2" Line Replace	Legal/Admin	43-850-510200	\$ -	\$ 16,000	\$ (10,200)	\$ 5,800
850: 2" Line Replace	Engineering Design	43-850-510301	\$ 32,000	\$ 96,000	\$ (60,000)	\$ 36,000
850: 2" Line Replace	Construction	43-850-510400	\$ -	\$ 1,366,000	\$ 202,900	\$ 1,568,900
850: 2" Line Replace	Construction/Admin	43-850-510800	\$ -	\$ 78,000	\$ (78,000)	\$ -
850: 2" Line Replace	SRF Admin/Closing Fee	43-850-504514	\$ -	\$ 34,600	\$ -	\$ 34,600
850: 2" Line Replace	Contingency	43-850-999010	\$ 5,000	\$ 133,400	\$ (54,900)	\$ 78,500
850: 2" Line Replace	Permit Fees	43-850-461001	\$ 2,000	\$ 2,000	\$ 200	\$ 2,200
850: 2" Line Replace	Trans to: 30 Water Fund	43-850-561030	\$ -	\$ 39,000	\$ -	\$ 39,000
Total			\$ 39,000	\$ 1,765,000	\$ -	\$ 1,765,000
						\$ 1,765,000
Variance					\$ -	
Reference:			Notes:			
CAF 11-118; Res 11-88; 26 Sept 11 Meeting			Council approved application for \$3M in funding for various water & sewer projects, with one being the replacement of various 2" water mains located in various locations throughout the City with larger mains as well as replacing service lines and meters that were connected to existing 2" or smaller mains.			
1 Dec 11; Letter from NCDENR			City advised NCDENR is considering application section for 2" water line replacement which, if funds are awarded, will result in a \$1.726M project.			
CAF: 12-91; Ordinance 12-50; BA#7; 13 Aug 12 Meeting			On 17 July 2012, the City received notification that a DWSRF loan in the amount of \$1.726M had been approved for the replacement of 2" water lines with 6" water lines. This serves to amend the original project budget; transferring the \$39,000 which was originally budgeted to cover preliminary engineering costs, back to the Water Fund, as those costs are included within the scope of the \$1.726M budget.			
CAF: 13-65; Ordinance 13-36; BA#11; 9 Sept 13 Meeting			To re-align project budget based on actual expenditures and final construction costs, which involves using \$54,900 of contingency funds.			

The foregoing Ordinance 13-36, 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 September 2013: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Reference: Minute Book 42 p. ***; CAF 13-65

STATE OF NORTH CAROLINA
CITY OF HENDERSON

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 13-36 adopted by the Henderson, City Council in Regular Session on 9 September 2013 (*Minute Book 42 p.***). This Ordinance is recorded in *Ordinance Book 8*, p. ***.

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

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

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

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

RESOLUTION 12-62

ACCEPTANCE OF A LOAN FROM THE NC DRINKING WATER STATE REVOLVING FUND FOR 2" WATER MAINS AND SERVICES REPLACEMENT PROJECT

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

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

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

WHEREAS, the City received an offer of acceptance of a loan for a water system project (project number WIF-1694); *and*

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

WHEREAS, the amount of the loan is \$1,726,000 for twenty years with a 0.00% interest rate; *and;*

WHEREAS, the new water mains will help with water pressure and water quality for the customers and with maintenance and repair reduction in various locations throughout the City.

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

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

on completion of construction thereof.

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

The foregoing Resolution 12-62 introduced by Council Member Peace-Jenkins and seconded by Council Member Coffey on this the 13th day of August 2012, and having been submitted to a roll call vote, was APPROVED by the following votes: YES: Peace-Jenkins, Daeke, Brown, Daye, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Kearney and Rainey.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

(Reference: Minute Book 42, p. 548)



North Carolina Department of Environment and Natural Resources

Division of Water Resources

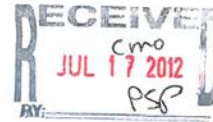
Beverly Eaves Perdue
Governor

Thomas A. Reeder
Director

Dee Freeman
Secretary

July 13, 2012

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



Re: Public Water Supply Loan Application
Part A Offer and Acceptance
Project Number: WIF-1694
PWSID: 0291010
Applicant: City of Henderson
Vance County

Dear Mayor O'Geary:

Enclosed is the *Offer and Acceptance of Loan and/or Grant for Water Supply System Project, Part A* (Part A). This letter describes the steps needed to implement the Part A and subsequent steps needed to proceed to bid and award of contract.

Please note that the departmental administrative fee amount shown in the Part A is based on the funding amounts applied for in the application. An invoice based on any revisions to the funding amounts will be sent with the Part B approval letter.

Next Steps:

1. Review the enclosed Part A, sign and return to Public Water Supply Section (PWS) within the next 30 days.

Please review the terms, conditions and assurances contained in the Part A and the attached *Procedures* document. If you wish to accept the offer, **sign and date Section III - Acceptance**, by the date indicated on page 2 of the Part A. After signing and dating the Part A, **return one signed and dated original** to me at the following address:

Public Water Supply Section
Division of Water Resources
Department of Environment and Natural Resources
1634 Mail Service Center
Raleigh, NC 27699-1634

and keep the other signed and dated original for your own files.

Please submit the enclosed "Remit Information Form" if you want the Department of Environment and Natural Resources (DENR) to mail checks to other than the "Legal Name and Address" of the Applicant listed in the Part A, or if there is any information that you wish to appear on your check (e.g., to assist your staff in properly posting payments into your accounts).

If you are interested in receiving payments electronically, please visit the Office of State Controller's Vendor Electronic Payment Web site at <http://www.ncosc.net/vendorepayform/>.

Public Water Supply Section – Jessica C. Godreau, Chief
1634 Mail Service Center, Raleigh, North Carolina 27699-1634
Phone: 919-707-9100 \ FAX: 919-715-4374 \ Lab Form FAX: 919-715-6637 \ Internet: ncdrinkingwater.state.nc.us
An Equal Opportunity \ Affirmative Action Employer

One
North Carolina
Naturally

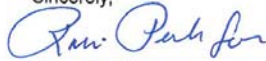
James O'Geary
City of Henderson
July 13, 2012
Page 2

2. Prepare your bid documents and submit to the PWS Section for review as soon as possible.
 - **Document compliance with all the requirements of NCGS 143-128.2** including the resolution establishing the verifiable percentage goal and implementing a minority business participation outreach plan. The PWS Section strongly encourages you to schedule a pre-solicitation meeting with the PWS Section as soon as possible to review DBE and other bidding requirements in detail to improve the likelihood of a successful bid.
 - **Include the State and Federal Special Conditions Packages in the bid specifications.** These packages can be found at: http://www.ncwater.org/pws/srf/Pages/DBE_Page.htm.
 - **Submit your bid package for review by the PWS Section prior to going to bid.** A bid package that does not contain all required assurances and conditions will make the bid documents ineligible and require rebidding. Delays from rebidding could compromise your ability to be under contract in time to retain the funding commitment.
3. After PWS Section approval of bid documents, bid the contract for a minimum of 30 days. Determine the apparent low bidder, and submit Disadvantaged Business Enterprises (DBE) documentation to PWS.
 - **Submit completed DBE forms** (found in the Special Conditions Packages) and all related DBE documentation to obtain approval for your DBE efforts. This documentation must demonstrate that you, the contractor, and any subcontractors made 'good faith efforts' in all bid solicitations.
 - **Obtain the PWS Section's written approval of the DBE documentation prior to awarding contracts.** Any contracts awarded without the PWS Section's written approval may be ineligible for reimbursement.
4. Award the contract(s) and begin construction. Report this step to the PWS Section.
5. Complete the Part B, and transmit it to the PWS Section for Local Government Commission (LGC) issuance of loan agreement.

After receiving your completed Part A in Step 1, PWS will forward to you the *Offer and Acceptance of Loan or Grant for Water Supply System Project, Part B - Supplemental Project Information* (Part B). You can also download the Part B from the "Forms" page of the PWS Web site, at the following URL: <http://www.ncwater.org/pws/srf/Pages/other-forms.htm>. PWS must review and approve the completed Part B, and forward the Part B to the LGC for issuance of a loan agreement prior to the state reimbursing you for any eligible costs incurred.

If you have any questions regarding this matter, please do not hesitate to contact me at (919) 707-9054.

Sincerely,



Amanjit Paintal
Project Engineer
Revolving Loan and Grant Program

ASP/RDP

Enclosures: Part A (two originals)
Remit Information Form
Procedures

cc: Joel Whitford, McGill Associates, P.A., Consulting Engineer
Project File (red correspondence folder)

City Council Action Form

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



Agenda Item: _____

Council Meeting: 24 Feb 2014 Short Regular

19 November 2013

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

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

RE: CAF: 14-32

Consideration of Approval of Resolution 14-18, A RESOLUTION HONORING CHARLES PEETE "CHARLIE" ROSE AS NORTH CAROLINIAN OF THE YEAR BY THE NORTH CAROLINA PRESS ASSOCIATION

Ladies and Gentlemen:

Recommendation:

- Approval of Resolution 14-18, A Resolution Honoring Charles Peete "Charlie" Rose As *North Carolinian of the Year by the North Carolina Press Association.*

Executive Summary:

As Mr. Rose is a well-known personality who grew up in Henderson, it is only fitting the Council recognizes his accomplishments along with his recognition by the North Carolina Press Association as the 2013 *North Carolinian of the Year*. This resolution will be recorded in the official minutes for the annals of time.

Enclosure:

1. Resolution 14-18

City Council Action Form

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



Agenda Item: _____

Council Meeting: 24 Feb 14 Regular Meeting

28 January 2014

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

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

RE: CAF: 14-17

Consideration of Approval of Resolution 14-11, Awarding Contract for David Avenue Stormsewer Replacement Project in the Amount of \$31,422 to M. T. Murphy, Inc.

Ladies and Gentlemen:

Council Goals Addressed By This Item:

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

Recommendation:

- Approval of Resolution 14-11, Awarding Contract for David Avenue Stormsewer Replacement Project in the Amount of \$31,422 to M. T. Murphy, Inc.

Executive Summary

The David Avenue project was submitted for design and replacement due to failure of the existing pipe as discovered by City personnel in early 2013. The failure has caused sediment loss under an existing driveway, causing a substantial hazard to the home owner at 1257 David Ave. as well as potential property damage to the home if left unrepaired. The drainage pipe is located within an existing drainage easement (Db. 466, Pg.636) and runs between the properties of 1257 and 1265 David Ave. (from front to back) and discharges to an existing stream at the rear of the property where the existing easement ends. The project consists of replacing the existing failed pipe for approximately 160 feet, addition of a new junction box to connect the remaining portion of the storm sewer line to the newly installed pipe, remove existing concrete driveway, compact soils and replacing existing concrete driveway as needed.

The project was let out as an informal bid with 5 contractors submitting bids (see bid tabulation). The apparent low bidder is M.T. Murphy, Inc. based out of Raleigh, NC. The base bid at the time of bid opening was \$34,734. Upon further discussions with the contractor and modifications made to the materials being used for the project, the contractor submitted a modified price at \$31,422, a savings of \$3,312.

There are existing funds of \$20,000 in line item 10-570-503307 for storm drain improvements; however, there is not enough funding to cover the total project cost. Since there is not enough funding to complete a major resurfacing project it is proposed to transfer \$13,000 from the Street resurfacing line item (10-570-503308) to cover the remaining funds needed for the project. This would leave \$37,000 for the remainder of this fiscal year for spot resurfacing of existing streets.

Based on the above information, the City staff recommends awarding the contract for this project to M.T. Murphy, Inc. in the amount of \$31,422 for the Street resurfacing line item to Storm Drain improvements. If approved by Council, the Finance Director will prepare the necessary budget transfer to move funds from street resurfacing to storm drain improvements.

Enclosures:

1. Resolution 14-11

RESOLUTION 14-11

AWARDING CONTRACT FOR DAVID AVENUE STORM SEWER REPLACEMENT PROJECT TO M.T. MURPHY, INC. IN THE AMOUNT OF \$31,422

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

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

WHEREAS, the City staff has found significant problems with the existing storm sewer pipe along David Avenue; *and*

WHEREAS, there is an existing storm sewer easement recorded in Deed Book 466 Page 636; *and*

WHEREAS, informal bids have been solicited for the performance of this work in accordance with North Carolina General Statutes [G.S. 143-131] Informal Bidding Procedure; *and*

WHEREAS, five bids were received for the project, with M.T. Murphy, Inc. being the lowest, responsible bidder; *and*

WHEREAS, partial funding is available for storm drain improvements with the remaining funds to be transferred from Street resurfacing.

NOW THEREFORE BE IT RESOLVED, BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE awarding of the David Avenue Stormsewer Replacement Project to M.T. Murphy, Inc. in the total contract amount of \$31,422, being more fully articulated in **Attachment A** to this Resolution; *and*

BE IT FURTHER RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY AUTHORIZE the Mayor and/or City Manager to sign all agreements and documents necessary to effect said agreement.

The foregoing Resolution 14-11 introduced by Council Member ** and seconded by Council Member ** on this the ____ day of _____ 2014, and having been submitted to a roll call vote, was *** by the following votes: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

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

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the foregoing is a true and exact copy of *Resolution 14-11* adopted by the Henderson, City Council in Regular Session on _____ 2014 (*See Minute Book 43, p. ***). This Resolution is recorded in *Resolution Book # 3*, pp. **.

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

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

Contract
David Avenue Stormsewer Replacement Project
Project No.: COH 13-001

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 M.T. Murphy, Inc. of Raleigh, NC, party of the second part, hereinafter called the Contractor.

WITNESSETH

THAT, WHEREAS, a Contract for:

David Avenue Stormsewer Replacement Project

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: \$ 31,422.00

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 30 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

November 7, 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 _____

E-VERIFY

E-Verify is the federal E-Verify program operated by the United States Department of Homeland Security and other Federal and State agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to Federal Law in accordance with North Carolina General Statute 64-25 et seq. As a condition for any consideration (whether payment or services) from the City rendered under this contract, Contractors (contracting with the City of Henderson) shall comply with the requirements of Article II of Chapter 64 of the General Statutes. Further, if Contractor provides the services to the City utilizing a subcontractor, Contractor shall require the subcontractor to comply with the requirements of Article II of Chapter 64 of the General Statutes as well. Contractor shall verify, by affidavit, compliance with the terms of this section upon request by the City.

FURTHER AGREEMENTS

Modify the proposal with the use of Reinforced Concrete Pipe in lieu of Corrugated
Plastic Pipe. Attached is the letter that has the price for the use of the RCP for the project.

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:

M.T. MURPHY, INC. (SEAL)

Witness

BY

Mitchell T. Murphy, President
(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

PERFORMANCE BOND

This Bond is executed on _____, 20____

The name of the PRINCIPAL is _____ (1)

a _____ (2)

The name of SURETY is _____

The CITY OF HENDERSON is the CONTRACTING BODY.

The amount of the Bond is _____

Dollars (\$ _____)

KNOWN BY ALL MEN BY THESE PRESENTS, that we, the Principal and Surety above named, are held and firmly bound unto the above named CONTRACTING BODY, hereinafter called the Contracting Body, in the penal sum of the amount stated above in lawful money of the United States, for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas, the Principal entered into a certain contract with the Contracting Body, dated the ____ day of _____, 20__ a copy of which is hereto attached and made a part hereof for the construction of:

DAVID AVENUE STORMSEWER REPLACEMENT PROJECT

NOW THEREFORE, if the Principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said Contract during the original terms of said Contract and any extensions thereof that may be granted by the Contracting Body, with or without notice to the Surety, and during the life of any guaranty required under the Contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of said Contract that may thereafter be made, notice of which modifications to the Surety being hereby waived, then, this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above bounded parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body

City of Henderson

November 7, 2013

ATTEST:

Principal Secretary
(SEAL)

Principal

By: _____(3)

Witness as to Principal

Address

Address

Surety

By: _____

Address

Phone Number

ATTEST:

NC Resident Agent
(SEAL)

Witness as to Surety

Address

Note: Date of Bond must not be prior to date of Contract!

- (1) Correct name of Contractor
- (2) A Corporation, a Partnership or an Individual, as the case may be
- (3) If Contractor is a Partnership, all partners should execute Bond.

PAYMENT BOND

This Bond is executed on _____, 20_____

The name of the PRINCIPAL is _____(1)

a _____(2)

The name of SURETY is _____

The CITY OF HENDERSON is the CONTRACTING BODY.

The amount of the Bond is _____
Dollars (\$_____)

KNOWN BY ALL MEN BY THESE PRESENTS, that we, the Principal and Surety above named, are held and firmly bound unto the above named CONTRACTING BODY, hereinafter called the Contracting Body, in the penal sum of the amount stated above in lawful money of the United States, for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas, the Principal entered into a certain contract with the Contracting Body, dated the _____ day of _____, 20____ a copy of which is hereto attached and made a part hereof for the construction of:

DAVID AVENUE STORMSEWER REPLACEMENT PROJECT

NOW THEREFORE, if the Principal shall promptly make payment to all persons supplying labor and material in the prosecution of the work provided for in said Contract, and any and all duly authorized modifications of said Contract that may hereafter be made, notice of which modifications to the Surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above bounded parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body

City of Henderson

November 7, 2013

ATTEST:

Principal Secretary
(SEAL)

Principal

By: _____(3)

Witness as to Principal

Address

Address

Surety

By: _____

Address

Phone Number

ATTEST:

NC Resident Agent
(SEAL)

Witness as to Surety

Address

Note: Date of Bond must not be prior to date of Contract!

- (1) Correct name of Contractor
- (2) A Corporation, a Partnership or an Individual, as the case may be
- (3) If Contractor is a Partnership, all partners should execute Bond.

POWER OF ATTORNEY

(Attach)

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

Attn: Peter Sokalski, P.E.
City of Henderson Engineering
P.O. Box 1434
Henderson, NC 27536

December 11, 2013
Re: David Avenue

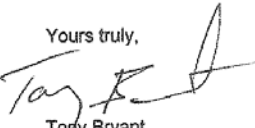
Dear Peter,

We submit the following prices to use 36" RCP class III with six inches of bedding stone in lieu of the 36" HDPE on the David Avenue Storm Replacement Project.

DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL
STORM REPLACEMENT				
- TIE TO EXIST JUNCTION BOX	1	LS	\$ 2,500.00	\$ 2,500.00
- 36" RCP WITH 6" BEDDING	160	LF	\$ 118.40	\$ 18,944.00
- ANCHORS & STRAPS		EA	\$ 400.00	-
- 5' X 3' JUNCTION BOX	1	EA	\$ 4,070.00	\$ 4,070.00
- REM & REPLACE D/W	60	SY	\$ 35.00	\$ 2,100.00
- REM & REPLACE ROOF DRAINS	20	LF	\$ 12.90	\$ 258.00
- REM & REPLACE CREPE MYRTLE	1	EA	\$ 150.00	\$ 150.00
- SELECT BORROW	50	CY	\$ 15.00	\$ 750.00
- TRAFFIC CONTROL	1	LS	\$ 150.00	\$ 150.00
- SEED & MULCH	0.25	AC	\$ 2,000.00	\$ 500.00
- EROSION LINING	250	SY	\$ 4.00	\$ 1,000.00
- REMOVE TRASH & DIRT	1	LS	\$ 1,000.00	\$ 1,000.00
				\$ 31,422.00

Please let me know if you have any questions or would like to discuss this option in more detail.

Yours truly,


Tony Bryant

City Council Action Form

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



Agenda Item: _____

Council Meeting: 24 Feb14 Short Reg. Meeting

6 February 2014

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

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

RE: CAF 14-27

Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of January 2014.

Ladies and Gentlemen:

Recommendation:

- Approval of tax releases and refunds from Vance County for the month of January 2014.

Executive Summary

The Vance County Tax office submitted the following tax releases and refunds to the Finance Department for the month of January 2014. These releases and refunds are found to be in order and are being recommended for approval.

January 2014 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property Releases			
Ascencio, Maurico	Correct Ownership	2013	\$ 38.90
Burnette Financial	Correct Value	2013	\$ 791.99
Carolina Independent	Correct Value (add building)	2013	\$ (9,300.00)
E & B Partnership	Correct Value	2013	\$ 168.37
Granille Co. Habitat for Humanity	Charitable LW/MD	2013	\$ 288.50
Hauter, Naegi	Correct Ownership	2013	\$ (465.01)
Morado, Noberto	Pers. Prop. Billed in Error	2013	\$ 36.87
Pitol, Augustina	Pers. Prop. Billed in Error	2013	\$ 35.02
Rodriguez, Bonifacio	Pers. Prop. Billed in Error	2013	\$ 45.54
Salazar, Jose	Pers. Prop. Billed in Error	2013	\$ 50.60
State Employees Credit Union	Correct Ownership	2013	\$ 465.01
Total Releases/R & P Property			\$ (7,844.21)

January 2014 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property Refunds			
None			\$ -
Total Refunds/ R & P Property			\$ -
			\$ -
Total Refunds & Releases RP			\$ (7,844.21)
Registered Vehicle			
Refunds			
Nguyen, Vu Ngoc	Pro-Rate	2012	\$ 18.05
Vaulttrust	Pro-Rate	2012	\$ 62.83
Guilmette, Marie Claire	Pro-Rate	2013	\$ 4.53
Watkins, William David	Pro-Rate	2013	\$ 3.89
Total Refunds			\$ 89.30
Registered Vehicle			
Releases			
Hartsell, April Reynolds	Discharged Bankruptcy	2009	\$ 191.35
Hedgepeth, Crystal Weaver	Pro-Rate	2012	\$ 6.29
Manson, Bennett Moore	Pro-Rate	2012	\$ 1.26
Santes, Edi Huerte	Pro-Rate	2012	\$ 3.10
Henderson, Arthur, Jr.	Pro-Rate	2013	\$ 9.90
Nguyen, Minh Quoc	Pro-Rate	2013	\$ 23.48
Terry, Ada Cook	Correct Situs	2013	\$ 100.85
Whitaker, Callie Lynn	Pro-Rate	2013	\$ 2.25
Total Reg Veh Releases			\$ 338.48
Total Reg Veh Releases			
& Refunds			\$ 427.78
Total All Release & Refunds			\$ (7,416.43)

Meetings and Events Calendar

<i>Date</i>	<i>Time</i>	<i>Event</i>	<i>Location</i>
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
Apr 7 th	3:30 PM	<i>Henderson Planning Board</i>	City Council Chambers
Apr 8 th	3:00 PM	<i>Henderson Community Appearance Commission</i>	City Council Chambers
Apr 10 th	12:00 PM	<i>Henderson-Vance Park & Recreations Commission</i>	Aycock Recreation Center
Apr 14 th	9:30 AM	<i>KLRW Advisory Board Meeting</i>	City Hall Large Conference Room
Apr 14 th	6:00 PM	<i>City Council Regular Meeting</i>	City Council Chambers
Apr 17 th	7:00 PM	<i>Human Relations Commission</i>	City Council Chambers
<i>Apr 18th</i>	<i>City Hall Closed</i>	<i>GOOD FRIDAY</i> 	<i>City Hall Closed</i>
Apr 28 th	6:00 PM	<i>City Council Meeting Work Session to Follow</i>	City Council Chambers
May 5 th	3:30 PM	<i>Henderson Planning Board</i>	City Council Chambers
May 6 th	3:30 PM	<i>Henderson Zoning Board of Adjustment</i>	City Council Chambers

Last Updated 2/21/2014

HENDERSON-VANCE COUNTY 911

NUMBER OF CALLS REPORT BY COMPLAINT (ALL UNITS)

TOTAL

4,786

TIME PERIOD:12/21/2013 09:00:00 Through 01/20/2014 23:59:59

DEPARTMENT	COMMENT	TOTAL	COUNTY	CITY	STATE	OTHER
DATA WITH NO DEPARTMENT		137				137
AFTON VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	7	7			
AMERICAN RED CROSS	Other Dispatch	0				0
BEARPOND VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	42	42			
BERTIE AMBUANCE SERVICE	City & County Dispatch-actual	13	13			
COKEBURY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	23	23			
CSX RAILROAD	Other Dispatch	0				0
DREWRY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	20	20			
EMBARQ	Other Dispatch	0				0
EPSOM VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	21	21			
HENDERSON FIRE DEPARTMENT-STA 1	City Dispatch	306		306		
HENDERSON FIRE DEPARTMENT-STA 2	City Dispatch	137		137		
HENDERSON POLICE DEPARTMENT	City Dispatch	2,096		2,096		
HENDERSON STREET DEPT	City Dispatch	7		7		
HENDERSON WATER DEPARTMENT	City Dispatch	33		33		
HICKSBORO VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	23	23			
KITRELL VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	22	22			
NORTH CAROLINA DEPT OF PARKS	State Dispatch	0			0	
NORTH CAROLINA DEPT OF TRANSPORTATION	State Dispatch	14			14	
NORTH CAROLINA DIVISION OF MOTOR VEHICLES	State Dispatch	0			0	
NORTH CAROLINA FORESTRY SERVICE	State Dispatch	9			9	
NORTH CAROLINA MAGISTRATE OFFICE	State Dispatch	0			0	
NORTH CAROLINA MEDICAL EXAMINER	State Dispatch	1			1	
NORTH CAROLINA PROBATION & PAROLE	State Dispatch	0			0	
NORTH CAROLINA STATE HIGHWAY PATROL	State Dispatch	46			46	
NORTH CAROLINA UNDERWATER RECOVERY	Other Dispatch	0			0	
NORTH CAROLINA WILDLIFE	State Dispatch	1			1	
PROGRESS ENERGY	Other Dispatch	8				8
PUBLIC SERVICE GAS	Other Dispatch	1				1
RIDGEWAY VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	4	4			
TOWNSVILLE VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	23	23			
VANCE COUNTY AMBULANCE SERVICE (EMS)	City & County Dispatch-actual	549				
VANCE COUNTY ANIMAL CONTROL	County Dispatch	51	51			
VANCE CO DEPT OF SOCIAL SERVICES	County Dispatch	1	1			
VANCE COUNTY EMERGENCY MANAGEMENT	City & County Dispatch	2	2			
VANCE COUNTY FIRE DEPARTMENT	County Dispatch/FIRE	127	127			
VANCE COUNTY RESCUE SQUAD	County Dispatch	44	44			
VANCE COUNTY SHERIFF DEPARTMENT	County Dispatch	1,938	1,938			
WAKE ELECTRIC COOPERATIVE	Other Dispatch	0				0
WATKINS VOLUNTEER FIRE DEPARTMENT	County VFD Dispatch	21	21			
TOTALS		5,727	2,382	2,579	71	146

Signature:

Carey D. Thompson

Prepared by: Carey D. Thompson, 911 Database Coordinator

Signature:

Brian K. Short

Reviewed by Brian K. Short, Director

01/27/2014

HENDERSON-VANCE CO 911

Number Of Calls Report by Department (All Units)

First Date: 12/21/2013

Jurisdiction: HEN-VAN

Last Date: 01/20/2014

	<i>Department</i>	<i>Number</i>
1	Data with no Department.	137
2	data error, blank in Department	6
3	AFTO	7
4	BERT	13
5	BVFD	42
6	CVFD	23
7	DOT	14
8	DSS	1
9	DVFD	20
10	EM	2
11	EMS	549
12	EVFD	21
13	FOR	9
14	GAS	1
15	HFD1	306
16	HFD2	137
17	HPD	2096
18	HVFD	23
19	KVFD	22
20	ME	1
21	PE	8
22	RIDG	4
23	SHP	46
24	STRE	7
25	TVFD	23
26	VCAC	51
27	VCFD	127
28	VCR	44
29	VCSO	1938
30	WATE	33
31	WILD	1
32	WVFD	21

Total: 4786

A call with multiple Departments assigned will be counted in the group total for each of these Departments, therefore such calls will be counted more than once. For this reason, the total number of calls may not equal the sum of the group totals

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 12/21/2013

Last Date: 01/20/2014

<i>Complaint</i>		<i>Number</i>
911HU	911 HANG UP CALL	70
ABAND	ABANDONED OR JUNKED CARS	2
ABDOM-EMD	ABDOMINAL PAIN OR PROBLEMS	16
ABNV	ABANDONED VEHICLE	1
ACC-PD	ACCIDENT PROPERTY DAMAGE	111
ACC-PI	ACCIDENT PERSONAL INJURY	27
AIR PLANE CR	AIRPLANE CRASH	1
ALARM	ALARM RESIDENCE OR BUSINESS	277
ALARMFALSE	ALARM FALSE	117
ALARMMED	ALARM MEDICAL	9
ALLERG-EMD	ALLERGIC REACTION / ENVENOMATIC	6
ANIMAL-EMD	ANIMAL BITE / ATTACK	1
ANIM	ANIMAL COMPLAINT/VISCIOUS ANIMAL	50
ARMED SUSP	ARMED SUSPECT (MAN WITH A GUN)	3
ASAG	ASSIST OTHER AGENCY	19
ASMO	ASSIST MOTORIST	70
ASSAULTIP-EMD	ASSAULT OR SEXUAL ASSAULT - IN PI	2
ASSAULT-EMD	ASSAULT OR SEXUAL ASSAULT	46
BACKPAIN-EMD	BACK PAIN (NON-TRAUMATIC)	9
BE MV	BREAKING AND ENTERING TO A MOTOC	11
BON	BONDING	2
BREATH-EMD	BREATHING PROBLEMS	89
BURG-IP	BURGULARY/B&E IN PROGRESS	4
BURGLARY	BURGLARY	71
BURNS-EMD	BURNS (SCALDS) OR EXPLOSIONS (E)	1
CAR	CARELESS AND RECKLESS DRIVER	30
CARDIAC-EMD	CARDIAC/RESPIRATORY ARREST OR I	7
CHASE	CHASE	3
CHESTPAI-EMD	CHEST PAIN	59
CHOKING-EMD	CHOKING	1
CIVDIS	CIVIL DISPUTE	72
COMTHR	COMMUNICATING THREATS	11
CONVULS-EMD	CONVULSIONS / SEIZURES	20
DIABETIC-EMD	DIABETIC PROBLEMS	7
DIRTRF	DIRECTING TRAFFIC/TRAFFIC CONTR	5
DISO	DISORDERLY PERSON	60
DOMESTIP/W	DOMESTICE DISPUTE - IN PROGRESS	7
DOM-PROB	DOMESTIC PROBLEM	83
DROWNING-EMD	DROWNING (NEAR DRWONING) / DIVI	1
DRUGALC	DRUG OR ALCOHOL COMPLAINT	30
DRUNKDRIV	DRUNK DRIVER	5
DVO	DOMESTIC VIOLENCE ORDER	5
EMERG TRANS	EMERGENCY TRANSPORT	1
ESCO	ESCORT	181
EVICION	EVICION CARRIED OUT	22
FALLS-EMD	FALLS (SUBJECT FALLEN)	57
FIGHT	FIGHT	16
FIRE AL	FIRE ALARM	34
FIRE BRU	BRUSH/GRASS FIRE	15
FIRE ELEC	ELECTRICAL FIRE	8
FIRE SMOKE	SMOKE REPORT	7
FIRE STRUC	STRUCTURE FIRE	18

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 12/21/2013

Last Date: 01/20/2014

<i>Complaint</i>		<i>Number</i>
FIRE TRANS	TRANSFORMER FIRE	1
FIRE VEHI	VEHICLE FIRE	4
FRAUD	FRAUD/FORGERY	18
FUELSPIILL	FUEL SPILL	1
GASLEA	GAS LEAK	4
HARR	HARRASSMENT/THREATS	27
HEADACHE-EMD	HEADACHE	4
HEART-EMD	HEART PROBLEMS - AICD	4
HEMORR-EMD	HEMORRHAGE / LACERATION	21
HRPD	HIT & RUN PD	23
ILL-DUMP	ILLEGAL DUMPING	28
INDEXPO	INDECENT EXPOSURE	1
INSPECTION	FIRE INSPECTION	41
INTPERS	INTOXICATED PERSON	14
INVE	INVESTIGATE ----- AT	578
IPV	IMPROPERLY PARKED VEHICLE	12
JUV	JUVENILE PROBLEMS	21
LARCIP	LARCENY IN PROGRESS	1
LARC	LARCENY - ALREADY OCCURRED	99
LOIT	LOITERING COMPLAIN	5
LOST	LOST PROPERTY	2
LOUD	LOUD MUSIC	48
MEDICAL	MEDICAL	4
MEN	MENTAL SUBJECT	49
MISS	MISSING PERSON	4
OPEN	OPEN DOOR/WINDOW	5
OVERDOSE-EMD	OVERDOSE / POISONING (INGESTION)	3
PDAMG	PROPERTY DAMAGE ALREADY OCCUI	74
PDMGIP	PROPERTY DAMAGE IN PROGRESS	1
PREGNANT-EMD	PREGNANCY/CHILDBIRTH/MISCARRIA	6
PROW	PROWLER	19
RECFPI	RECOVERED/FOUND PROPERTY	7
ROBARM	ROBBERY ARMED	3
ROBSA	ROBERY STRONG ARM	2
RUN	RUNAWAY	1
SHOP	SHOPLIFTER	14
SHOTS	SHOTS FIRED	52
SICK-EMD	SICK PERSON	107
STABBING-EMD	STABBING / GUNSHOT / PENETRATING	8
STOLV	STOLEN VEHICLE	7
STROKE-EMD	STROKE (CVA)	12
SUBINCUS	SUBJECT IN CUSTODY	7
SUICIDE-EMD	SUICIDE / PSYCHIATRIC / ABNORMAL	3
SUMMONS	CIVIL / CRIMINAL SUMMONS	69
SUPSUB	SUSPICIOUS SUBJECT	63
SURR	SURRENDER	11
SUSVEH	SUSPICIOUS VEHICLE	86
TEST	TEST CALL	70
TRAFFIC STOP	VEHICLE STOP	425
TRAUMA-EMD	TRAUMATIC INJURY (SPECIFY IN NARI	7
TREEDWN	TREE DOWN	15
TRES	TRESPASSING SUSPECT	61

HENDERSON-VANCE CO 911

Number Of Calls Report by Complaint

Jurisdiction: HEN-VAN

First Date: 12/21/2013

Last Date: 01/20/2014

<i>Complaint</i>		<i>Number</i>
UNAUTHVEH	UNAUTHORIZED USE VEHICLE	7
UNCONC-EMD	UNCONCIOUS / FAINTING OR NEAR	25
UNKNOWN-EMD	UNKNOWN PROBLEM (MAN DOWN)	1
WARRANT	WARRANT	771
WATER	WATER RELATED PROBLEM	35
WRIT	WRIT OF EXECUTION	13
XRAY	COURTHOUSE X RAY DUTY	2
<i>Report Total:</i>		4786



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: 2/11/14

FIRE SUPPRESSION AND RESCUE ACTIVITY REPORT FOR: January 2014

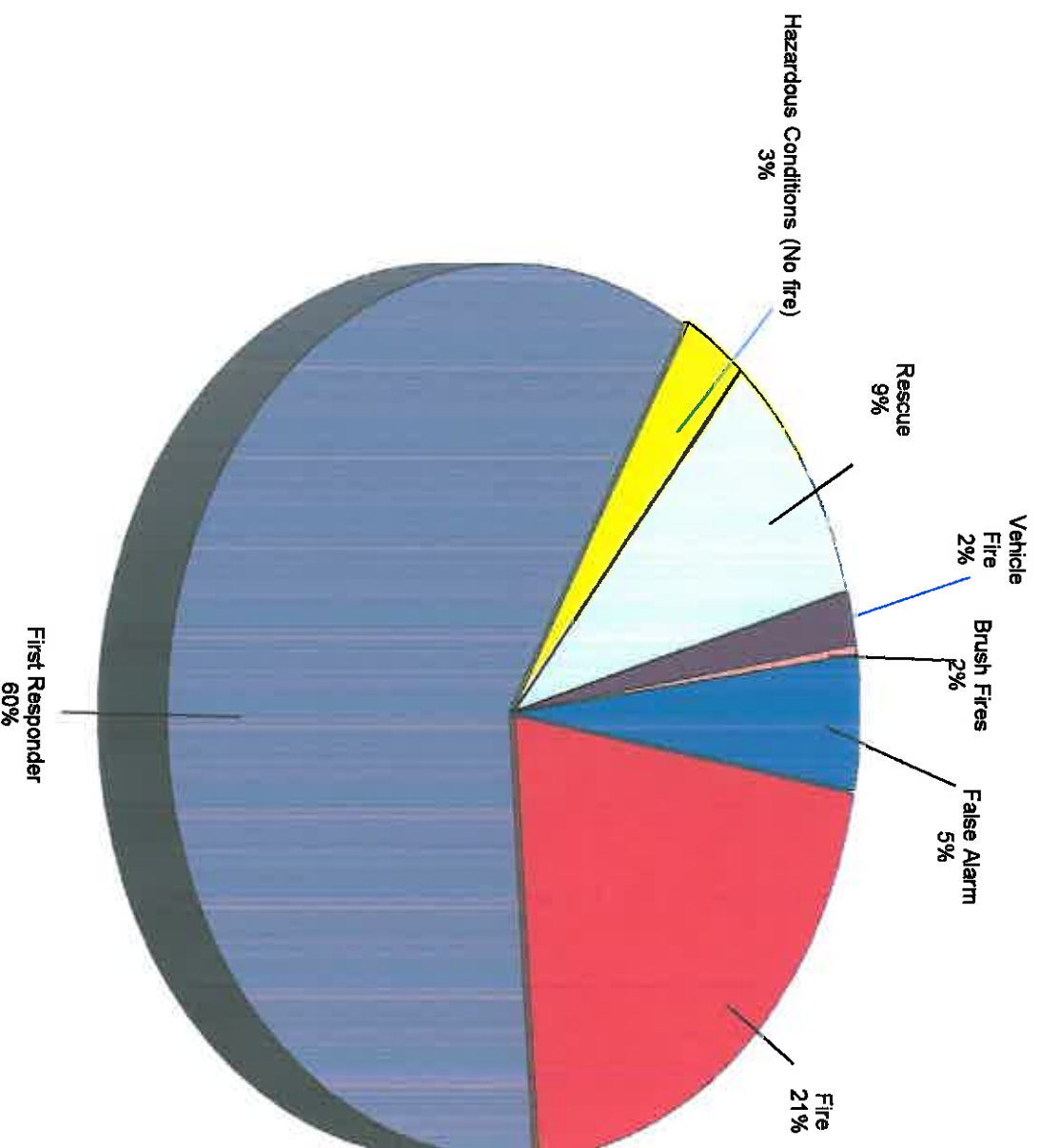
TYPE OF CALL	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
PRIVATE DWELLINGS (1 or 2 Family), Including Mobile Homes	29	0	29
APARTMENTS (3 or More Families)	3	0	3
HOTELS AND MOTELS	0	0	0
ALL OTHER RESIDENTIAL (Dormitories, Boarding Houses, Tents, etc.)	1	0	1
PUBLIC ASSEMBLY (Church, Restaurant, Clubs, etc.)	0	0	0
SCHOOLS AND COLLEGES	0	0	0
HEALTH CARE AND PENAL INSTITUTIONS (Hospitals, Nursing Homes, Prisons, etc.)	1	0	1
STORES AND OFFICES	4	0	4
INDUSTRY, UTILITY, DEFENSE, LABORATORIES, MANUFACTURING	7	0	7
STORAGE IN STRUCTURES (Barns, Vehicle storage Garages, General Storage, etc.)	0	0	0
OTHER STRUCTURES (Outbuildings, Bridges, etc.)	0	0	0
WORKING STRUCTURE FIRE	3	0	3
FIRES IN HIGHWAY VEHICLES (Autos, Trucks, Buses, etc.)	1	0	1
FIRES IN OTHER VEHICLES (Planes, Trains, Ships, Construction or Farm Vehicles)	0	0	0
FIRE OUTSIDE OF STRUCTURES WITH VALUE INVOLVED, BUT NOT VEHICLES (Outside Storage, Crops, Timber, etc.)	0	0	0

FIRES IN BRUSH, GRASS, WILD LAND (Excluding Crops and Timber) With No Value Involved	2	0	2
FIRES IN RUBBISH, INCLUDING DUMPSTERS (Outside structures), With No Value Involved	4	0	4
ALL OTHER FIRES	5	0	5
RESCUE	29	0	29
FIRST RESPONDER	184	0	184
FALSE ALARM RESPONSES (Malicious or Unintentional False Calls, Malfunctions, Bomb Scares)	15	0	15
MUTUAL AID OR ASSISTANCE RESPONSES	7	0	7
HAZARDOUS MATERIALS RESPONSES (Spills, Leaks, etc.)	1	0	1
OTHER HAZARDOUS RESPONSES (Arcing wires, Bomb Removal, Power Line Down, etc.)	8	0	8
ALL OTHER RESPONSES (Smoke Scares, Lock-Outs, Animal Rescues, etc.)	5	0	5
TOTALS	309	0	309

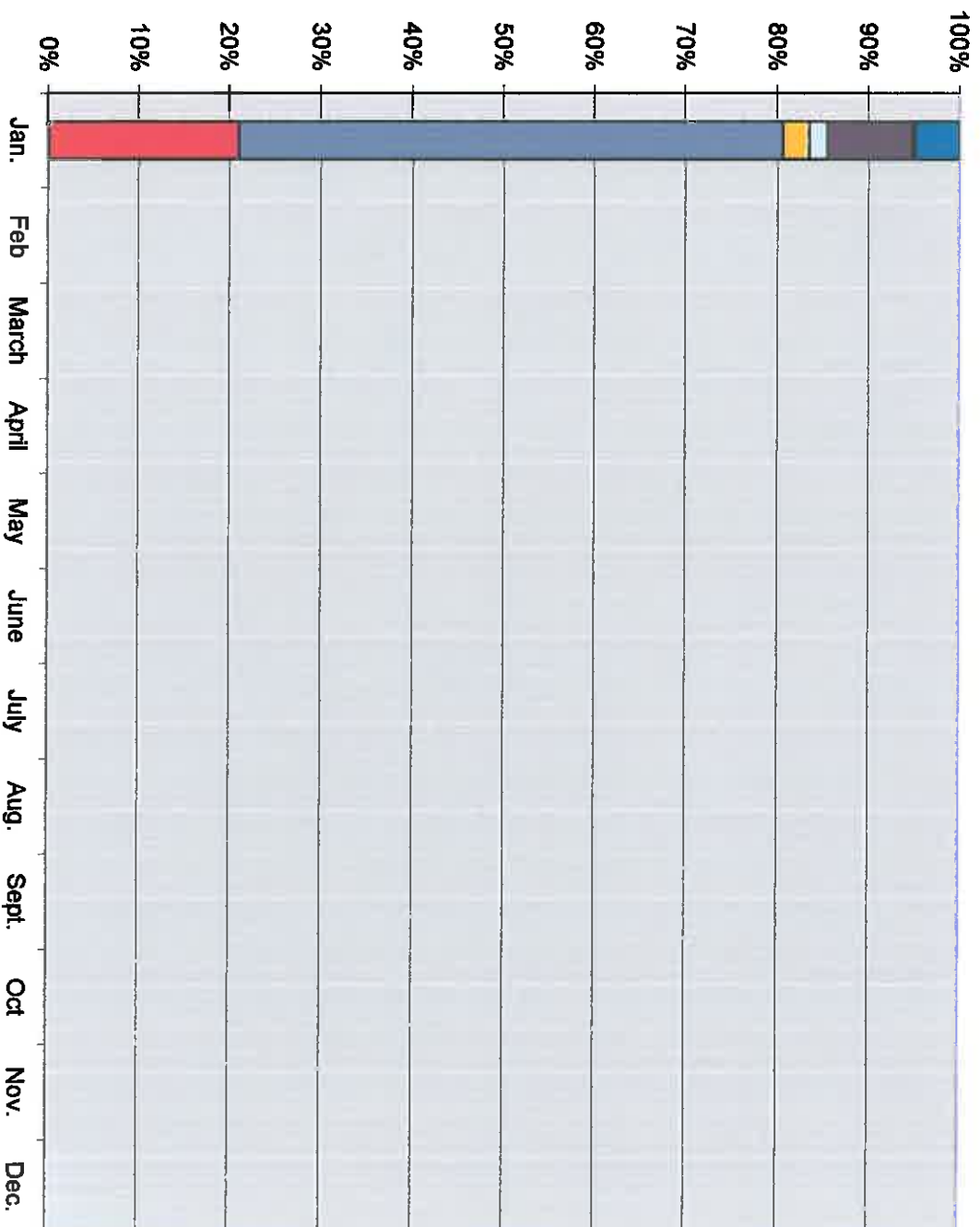
	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
Total Fire Incidents With Property and/or Contents Loss	6	0	6
Total of Property and Contents Value Saved	\$ 151,379.00	\$ -	\$ 151,379.00

	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	0

Incident Summary For January



YEAR TO DATE SUMMARY BY MONTH FOR 2014



Officer Alarm & Patrol Calls
Off Vehicle Purs
Arrests
Detain Fees
Officer's Certificate (No Fee)
Officer's Response
Officer

INSPECTION ACTIVITIES REPORT FOR:**January, 2014**

INSPECTIONS	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
ASSEMBLY	6		
BUSINESS	20		
EDUCATIONAL	0		
HAZARDOUS	0		
INDUSTRIAL	0		
INSTITUTIONAL	3		
MERCANTILE	5		
RESIDENTIAL	6		
STORAGE	1		
DAY CARE	0		
HOME CARE	0		
FOSTER CARE	0		
VACANT	0		
TOTALS	41	0	0

	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
CODE VIOLATIONS	40		
FOLLOW UP INSPECTIONS	4		

FIRE PREVENTION ACTIVITY REPORT FOR YEAR OF: 2014

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	TOTALS
Service Calls to Residents	10												10
Home Inspections / Door Hanger Follow Ups	2												2
Smoke Alarms Installed	5												5
Batteries Installed in Smoke Alarms	5												5
Fire Extinguisher Classes	2												2
School / Daycare Presentations	0												0
Community / Civic Group Presentations	1												1
Station Tours	2												2
Total Participants in Fire & Life Safety Programs	500												500
Community / Business Displays	0												0
Child Safety Seat Clinics	0												0
Child Safety Seats Inspected	1												1
Child Safety Seats Distributed	0												0
Shift Coverage Hours	8												8

MONTHLY CITATION REPORT FOR THE MONTH OF: JANUARY 2014

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					0
Maria Parham Hospital					0
Market Place					0
Northside Plaza					0
Oak St					0
Rose's Norlina Rd					0
Staples					0
Vance County Courthouse					0
Vance Medical Arts Bldg					0
Vance Square					0
Village Square					0
Wal Mart					0
Walgreens					0
TOTALS	0	0	0	0	0

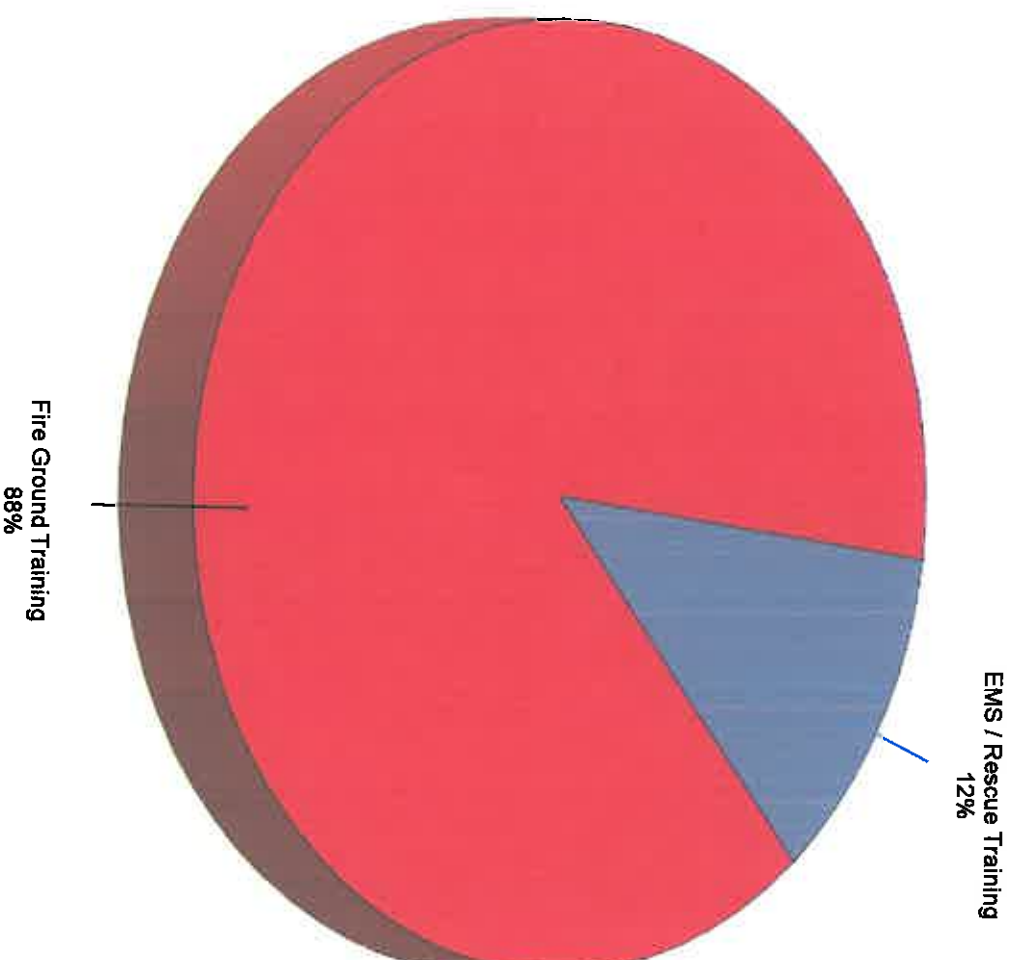
Henderson Fire Department

TRAINING DIVISION PRODUCTIVITY - 2014

Types of Courses Taught	Course	Man-Hours
Fire / Rescue	90	483
EMS	12	124
Special Training	-	-
Totals	101.5	607.0

2013	Course	Man-Hours
JAN	101.5	607.0
FEB		
MAR		
APR		
MAY		
JUN		
JUL		
AUG		
SEP		
OCT		
NOV		
DEC		
Y-T-D	101.5	607.0

Training Hours by Category - January 2014



Fire Department Regulatory Compliance

The Fire Department has met all regulatory compliance items for the month of January 2014



AGENDA

Henderson City Council Work Session
Monday, 24 February 2014 Immediately Following Regular Session
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, Sr.
Councilmember Sara M. Coffey
Councilmember Michael C. Inscoe
Councilmember D. Michael Rainey

Councilmember Brenda G. 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. ADJUSTMENTS TO AND/OR APPROVAL OF THE AGENDA**
- IV. REGULAR WORK SESSION**

- a) Update on Various Projects. (CM 14-06) [See Notebook Tab 11]*
- b) Consideration of Approval of Ordinance 14-15, 1) Amending the Annual Fee Schedule for Additional Roll-Out Carts for Household Garbage as Well as Additional Weekly Trash Pick Ups; and 2) Establishing a Fee for Loose Leaf Pick Up After the Established Deadline. (CAF 14-28) [See Notebook Tab 12]*
 - Ordinance 14-15

- c) Consideration of Approval of Resolution 14-02, Authorizing the Submission of an Application for the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Infrastructure for a CDBG Infrastructure Project. (CAF 14-10)
[See Notebook Tab 13]

- Resolution 14-02

V. ADJOURNMENT

City Council Memo

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



Agenda Item: _____

Council Meeting: 24 Feb 14 Short Reg. Meeting

11 February 2014

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

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

RE: CM: 14-06

Subject: Update on Various Projects

Ladies and Gentlemen

This memo is to provide a brief update on the following projects.

1. **Chavasse Avenue Widening Project** – There remains one major easement to be obtained located on property which is known as Mistletoe Villa. City Engineer Peter Sokalski met with the property owners just after Christmas and discussed needed easements, buffers, etc. There are concerns relative to compensation for the loss of property; therefore, an appraisal is going to be needed. A project budget is being requested to handle the cost of the appraisal and possible legal fees.
2. **Beckford Drive Widening Project** – The property owner was sent a letter outlining the offer for the proposed easement based on the appraisal. This was sent on 27 December 2013 and to date the City has received no response from the property owner. The contract with Poyner and Spruill has been executed to provide services to initiate the condemnation.
3. **Possible New Project** – City staff is working with NCDOT in reviewing plans for major rehabilitation work on I-85 from just west of Andrews Avenue to the Virginia line. The bridge at Andrews Avenue will be replaced as well as others. There is an existing 8" water line that swings on the bridge that will possibly have to be relocated and/or taken out of service. The staff is currently reviewing whether or not this main can be abandoned on both sides of the bridge since there are tie-ins on either side of the bridge to existing mains which provide ample pressure and flow to provide sufficient fire flows. In the event the main has to be relocated and placed under I-85, there could be potential costs for the City to replace this main. Depending on final design of the bridge replacement, the cost could be minimal if the main does not have to be relocated. The NCDOT project is scheduled to be let in January of 2015.

Enclosure:

1. Project Schedule

MAJOR PROJECT UPDATE REPORT												
Last Updated: 2/17/2013-ff												
CIP #	NAME	FUNDED		DESIGN		RIGHT OF WAY ACQUIS.	PERMITS	BIDDING		CONSTRUCTION		COMMENTS
		Yes/No	Dollar Amount	*Engineering Contract Approval	Design			Type	Contract App.	Start Date	Duration	
	REGIONAL:									2/1/2013		
46-938	Warren County POS Meter Relocation	YES	\$ 100,100	YES	IP	YES	YES	INF	YES			
46-939	High Service Pump Replacement	YES	\$ 1,129,000	YES	IP	NA	YES	FOR	YES	Mid January		Long lead time c
46-937	Interbasin Transfer of Water	YES	\$ 833,100	YES	IP	NA	NO	N/A				Ongoing
46-935	20 MGD Expansion	NO	\$ 1,217,564	NO		NA	YES					Bid-2015
	WATER:											
43-850	2" Water Line Replacement Project	YES	\$ 1,726,000	IH	IP	NA	IP	FOR	YES	12/1/2013		construction under
43-851	Water Meter Purchase	YES	\$ 294,000	IH	IP	NA	NA	INF	YES	8/1/2013	12 Months	Ongoing
	Julia Ave Phase II CDBG	YES	(County)	IH	IP	NA	IP	FOR	YES			Complete
	Beckford US158											Engineering Design
43-852	Water Main Construction	YES	\$ 47,500	YES	IP	NA	IP	FOR				Based on inform information received currently funded
	GENERAL/POWELL BILL:											
												Appraisal comple
94-942	Beckford Drive Widening	YES	\$ 1,031,250	YES	IP	IP	COMPLETE					working with Legal
42-575	Hillside Avenue	YES	\$ 62,848	IH	COMPLETE	COMPLETE	NA		YES	COMPLETE		to complete acuisi
42-575	Birch Circle Storm Repair	YES	\$ 46,266	NA/IH	NA	NA	NA	INF.	YES	COMPLETE		1 R/W Remainir
42-575	Cameron Drive Storm Repair	YES	\$ 11,263	NA	NA	NA	NA	NA (IH)				Complete
												Spring
N/A	Chavasse Avenue Widening	YES	\$ 700,000	STATE	STATE	CITY/IP	STATE	STATE	STATE			One R/W remain must obtain appra for easement bel taken
	SEWER:											
												100 % complete-or project
44-851	Sanitary Sewer Rehabilitation Project	YES	\$ 1,131,628	YES	COMPLETE	NA	YES	FOR	YES	11/15/2012	180 Days	To be closed ou
44-847	HWR Facility Renovation Project	YES	\$ 17,017,300	YES	COMPLETE	IP	YES	FOR	IP	3/13/2013	18-24 Months	ome work behind sc
44-857	Sandy Creek Pump Station Project	YES	\$ 1,836,000	IP	IP	N/A	IP	FOR	yes			Contract awarded council to Turne Murphy
44-842	Newton Road Pump Station Project	YES	\$ 47,900	YES	COMPLETE	IP	YES	FOR				Construction Nd
44-854	Elmwood Cemetery Outfall	YES	\$ 19,300.00	PER Completed	IP			FOR				Funded
												Under Design
	IP=IN PROCESS											
	IH=IN HOUSE											
	FOR=FORMAL BIDDING											
	INF=INFORMAL BIDDING											
	*=DESIGNATES ENGINEERING CONTRACT OR CONSTRUCTION CONTRACT APPROVAL BY CITY COUNCIL											
	**=WORK WAS PERFORMED BY BORING CONTRACTOR AND CITY FORCES TO PROVIDE ADEQUATE WATER PRESSURE AND DELIVERY											

City Council Action Form

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



Agenda Item: _____

Council Meeting: 24 Feb 14 Work Session

6 February 2014

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

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

RE: CAF: 14-28

Consideration of Approval of Ordinance 14-15, 1) Amending the Annual Fee Schedule for Additional Roll-Out Carts for Household Garbage as Well as Additional Weekly Trash Pick Ups; and 2) Establishing a Fee for Loose Leaf Pick Up After the Established Deadline

Ladies and Gentlemen:

Council Goals Addressed By This Item:

- **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 14-15, **1) Amending the Annual Fee Schedule for Additional Roll-Out Carts for Household Garbage and Additional Weekly Pick Ups; and 2) Establishing a Fee for Loose Leaf Pick Up After the Established Deadline**

Executive Summary

The FY 14 budget was adopted on 24 June 2013 along with the Schedule of Fees. Upon review of the Schedule of Fees it was discovered that the fee for additional carts as well as the fee for additional weekly trash pick-ups were not adjusted in accordance with the increase as allowed for in the consumer price index in the contract with Waste Industries. Currently there are approximately 200 additional rollout carts billed to City of Henderson customers. The fee adjustments are indicated below:

Sanitation

Sanitation Charge – Monthly

1 Pickup per week per dwelling (includes one 96 gallon roll-out).....	\$29.00
Additional 96 gallon roll-out container	\$3.87 <u>\$ 4.22</u>
2 Pickups per week per business.....	\$52.00 <u>\$56.73</u>
3 Pickups per week per business.....	\$78.00 <u>\$85.10</u>
4 Pickups per week per business.....	\$104.00 <u>\$113.46</u>
5 Pickups per week per business.....	\$130.00 <u>\$141.83</u>
*Loose Leaf Pick Up after deadline date Minimum-----	<u>\$75.00</u>

In addition, staff is recommending a fee for loose leaf pick up after the established deadline*. The City's current sanitation regulations call for leaves to be bagged or placed in containers between mid-January and mid-October. Staff is recommending an adjustment to the schedule of fees to allow a minimum fee of \$75 for pick up outside of the scheduled dates for loose leaf pickup. This will allow fairness with customers who comply with bagging or placing the leaves in containers for pickup and those who rake large piles of leaves that are too large for bags or containers requiring the use of the City's leaf vacuum equipment and truck.

Enclosures:

1. Ordinance 14-15

ORDINANCE 14-15

AMENDING THE ANNUAL FEE SCHEDULE FOR ADDITIONAL ROLL-OUT CARTS AS WELL AS ADDITIONAL WEEKLY TRASH PICK-UPS AND ESTABLISHING A FEE FOR LOOSE LEAF PICK UP AFTER THE ESTABLISHED DEADLINE

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

WHEREAS, after reviewing the sanitation rates indicated in the Schedule of Fees it was discovered the additional cart fee and the extra weekly trash pick-up fees have not been adjusted in accordance with the CPI increase received by Waste Industries per their contract; *and*

WHEREAS, there are approximately 200 additional carts for which Waste Industries charges the City; *and*

WHEREAS, the Staff is also recommending a fee for loose leaf pickup after the established deadline for those services; *and*

WHEREAS, the addition of this fee will establish fairness in providing this service for customers who choose not to bag or place the leaves in containers after the deadline.

NOW THEREFORE BE IT ORDAINED by the City Council of The City of Henderson, that it does hereby approve the amended Fee Schedule for FY 13-14 to reflect the correct additional cart and additional weekly trash pick-up fees prescribed by the contract with Waste Industries as well as an addition of a fee of \$75 for loose leaf pickup outside of the regularly scheduled pickup dates. The revised rates for FY 13-14 are as follows:

Sanitation Charge – Monthly	
1 Pickup per week per dwelling (includes one 96 gallon roll-out).....	\$29.00
Additional 96 gallon roll-out container	\$ 4.22
2 Pickups per week per business.....	\$56.73
3 Pickups per week per business.....	\$85.10
4 Pickups per week per business.....	\$113.46
5 Pickups per week per business.....	\$141.83
*Loose Leaf Pick Up after deadline date Minimum-----	..\$75.00

BE IT FURTHER ORDAINED by the City Council of the City of Henderson that all fees inconsistent with the above are hereby repealed.

The foregoing Ordinance 14-15, 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. ***; CAF 14-28*

**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 14-15 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

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: 24 Feb 14 Short Reg. Meeting

18 February 2014

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

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

RE: CAF: 14-10

Consideration of Approval of Resolution 14-02, Authorizing the Submission of an Application for the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Infrastructure for a CDBG Infrastructure Project

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

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

Recommendation:

- Approval of Resolution 14-02, Authorizing the Submission of an Application to the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Infrastructure for CDBG Infrastructure Project.

Executive Summary:

The city received notice that Infrastructure funding is being made available to address critical water and wastewater infrastructure needs in North Carolina. The Division of Water Infrastructure was delegated the authority by the state legislature to administer the water and wastewater infrastructure. The attached document gives further information regarding the guidelines for the application.

Potential projects that the city staff recommends being considered for this application are:

1. Newton Dairy (Chicken Farm) Road Gravity Sewer Extension Project- Project eliminates the need for the pump station, which is approximately 43 years old and in need of replacement. A good portion of the engineering work has been performed.
2. Birch and Bobbitt Street sewer extensions: These streets are located in northeast Henderson and this project is needed due to a failing septic system. This project has been considered before, but has met some resistance with some of the property owners. (Outside City)
3. Railroad Street water main extension: This area is experiencing low water main pressure due to a 2" or smaller water main that is in excess of 30 years old. (Outside of City limits, but connected to City water system).
4. Thomas Lane water main extension: The existing water main is 2" or smaller and in need of replacement due to low water pressure and sometimes poor water quality. (Outside City).

The grant application requires that two Public Hearings be held prior to submission of the grant application to solicit input from the public. The first Public Hearing is generic relative to the CDBG opportunities and the second one would be more specific to the project details.

Enclosure:

1. Resolution 14-02
2. CDBG Application Guidelines

RESOLUTION 14-02

AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (NCDENR) DIVISION OF WATER INFRASTRUCTURE FOR A CDBG INFRASTRUCTURE PROJECT GRANT

WHEREAS, the Henderson City Council (Council) conducted its Annual Planning Retreat in February 2014 and during said Retreat identified eight Key Strategic Objectives (KSO) and Goals; *and*

WHEREAS, this Resolution addresses **KSO 5: To Provide Reliable, Dependable and Environmentally Compliant Infrastructure Systems**; *and*

WHEREAS, the City of Henderson seeks approval to submit a 2014 CDBG Infrastructure Grant Application; *and*

WHEREAS, there is no grant match required for these funds and is not considered in the scoring calculation; *and*

WHEREAS, this grant is for various water and sewer projects, which have been identified as in dire need of replacement or extensions thereof; *and*

WHEREAS, this grant will provide resources to areas that have severe public health needs due to failed septic systems and/or less than adequate existing water and/or sewer mains; *and*

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY authorize the submission of a grant application to the NCDENR Division of Water Infrastructure for a CDBG Infrastructure project.

The foregoing Resolution 14-02, 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 ***** 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 14-10*

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – 2014 INFRASTRUCTURE ALLOCATION TO DENR

- The NC Department of Environment & Natural Resources (NCDENR) Division of Water Infrastructure (DWI) was delegated the authority by the state legislature to administer the water and wastewater "infrastructure" (see below) portion of the grant monies received from the US HUD CDBG program in July 2013.
- This portion of the US Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program funding was allocated to address critical water and wastewater infrastructure needs in North Carolina.

Who is eligible?

- Only Tier 1 and Tier 2 counties and the municipalities therein are eligible for this funding; however, it is unclear at this time whether the provision that prohibits local governments in Tier 3 counties applies to CDBG infrastructure funding that is to be administered by NCDENR.

Who is NOT eligible?

- 23 entitlement cities receive funding directly from HUD: Asheville, Burlington, Cary, Chapeau Hill, Charlotte, Concord, Durham, Fayetteville, Gastonia, Goldsboro, Greensboro, Greenville, Hickory, High Point, Jacksonville, Kannapolis, Lenoir, Morganton, Raleigh, Rocky Mount, Salisbury, Wilmington, and Winston-Salem.
- Urban counties of Wake, Mecklenburg, and Cumberland and all municipalities in these three counties except for the Town of Holly Springs in Wake County and the Town of Linden in Cumberland County.

How Much?

The CDBG funding allocation to DENR for 2013 for infrastructure project is \$26,323,245.

- No minimum dollar amount is required.
- Each JLG may only have three ongoing CDBG-infrastructure contracts at any time totaling a maximum of \$5 million over three years.
- In addition, NCDENR retains the right to prohibit ULGs from new funding if any existing contracts are not in compliance.

Critical Milestones:

- January 2014 - stakeholder outreach effort, public comment period and public hearing
- Mid February 2014 - Notice of Funding Availability (NOFA)
- April 1, 2014 - first cycle application due date
- May 12, 2014 - first awards (issuance of Notice of Intent to Fund letters) anticipated by June.
- June - Mandatory Environmental Review and Project Implementation training workshops for grantees
- A second cycle may be offered depending on funding availability with awards by September 2014.

Criteria:

- 1) **Benefit to Low and Moderate Income Persons**
 - The project must benefit an area having at least 51% low and moderate income persons (LMI).
 - Additional consideration will be given to projects that provide service to areas of greatest financial need as identified by percent LMI greater than 51%, water and sewer bill as a percentage of median household income, and the poverty rate.
- 2) **Severity of Water/Wastewater needs and Community Impact**

CDBG infrastructure funding will be used to address critical water and wastewater needs. NCDENR identifies these critical needs as:

 - Improvements to water or wastewater systems under a moratorium or special order of consent (SOC)
 - Projects in Priority Groundwater Contamination Areas

- Projects in areas with significant water loss, identified as having >20 percent water loss based on 2012 Local Water Supply Plans
 - Projects in areas with significant inflow and/or infiltration to wastewater lines, resulting in surcharges to the surface and/or spills into waterways.
 - Projects supplying water to areas with inadequate supply such as (1) those with dry wells, (2) those utilizing a spring or unapproved well, and (3) that have no public water supply onsite.
 - Projects benefiting areas with no acceptable wastewater disposal by providing wastewater disposal to areas such as (1) pit privies, (2) black water straight piping, and/or failing septic systems, and (3) that have no public sewer disposal on site.
 - Projects designed to address communities in drought
 - Water and sewer infrastructure for affordable housing projects
- 3) **System Management** (applicants that demonstrate the ability to **operate** in a more sustainable manner). Three components:
- Operating Ratio – A better operating ratio ensures that the UGLG's system is operating in a financially viable manner.
 - Capital Improvement Plan (CIP) – UGLGs use a CIP to plan their capital budget.
 - Asset Management Plan

Other Program Goals and Considerations:

- Geographical distribution across North Carolina.
- Readiness of projects as a potential criterion was considered, however the communities with the most financial need may not be in the position to complete early steps such as the preliminary engineering work or the environmental review until funding is awarded. All grantees will need to commit to a specified schedule to insure success.
- Commitment of the UGLG to the project as evidenced by matching funds or other activities (e.g., citizen participation) is important, but because the communities with the most need may not have the ability to provide matching funds or to find other resources, matching funds will not be part of the scoring calculation.