



AGENDA

Henderson City Council Regular Meeting

Monday 12 May 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)* 28 April 2014 Short Regular Meeting *[See Notebook Tab 1]*
- b)* 28 April 2014 Work Session

VII. 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

VIII. OLD BUSINESS

- a)* Consideration of Approval of 1) Keeping the Offer to Purchase the Old SNB Building on the Table; 2) Resolution 14-41, Approving a Procedure for Purchasing City Owned Property and Approving an Offer to Purchase City Owned Property Agreement; and 3) Remanding Offer to Purchase Back to Land Planning & Development Committee for Further Discussion. (CAF 14-64) *[See Notebook Tab 2]*

- Resolution 14-41

IX. NEW BUSINESS

- a)* Consideration of Approval of Resolution 14-39, Authorizing an Application for U.S. Department of Justice's 2014-2015 BJA Justice Assistance Grant Program. (CAF 14-61) *[See Notebook Tab 3]*

- Resolution 14-39

- b)* Consideration of Approval of Resolution 14-38, Award of FY14 Audit Contract Between the City of Henderson and William L. Stark and Company to Conduct the Annual Audit for Fiscal Year 2013-2014. (CAF 14-58) *[See Notebook Tab 4]*

- Resolution 14-38

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.

c) Consideration of Approval of Resolution 14-16, Authorizing Execution of Agreement with the North Carolina Department of Transportation (NCDOT) Relative to the Chavasse Avenue Widening Project (WBS Element: 38404). (CAF 14-29) [See Notebook Tab 5]

- Resolution 14-16

d) Consideration of Approval of Resolution 14-40, Allowing Vance County Relay for Life to Place a Banner Across the Charles Street Overpass. (CAF 14-63) [See Notebook Tab 6]

- Resolution 14-40

X. CONSENT AGENDA

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

a) Consideration of Approval of Ordinance 14-10, Demolition of 712 Champion Street. (CAF 14-40) [See Notebook Tab 7]

- Resolution 14-10

b) Consideration of Approval of Ordinance 14-12, Demolition of 407 Pettigrew Street (CAF 14-46) [See Notebook Tab 8]

- Resolution 14-12

c) Consideration of Approval of Ordinance 14-32, FY14 Budget Amendment #36, Amending the CIP Sewer Fund to Reflect Revised Approval of Project Bid Information on the Sandy Creek Pump Station Improvement Project Received from NCDENR on March 14, 2014. (CAF 14-60) [See Notebook Tab 9]

- Ordinance 14-32

d) Consideration of Approval of 1) Ordinance 14-30, FY 13-14 Budget Amendment #34; To Amend the CIP Sewer Fund; and 2) Ordinance 14-31, FY13-14 Budget Amendment #35: To Amend and Close Out the 2013 Governor's Crime Commission Mobile Data Terminal Grant. (CAF 14-59) [See Notebook Tab 10]

- Ordinance 14-30
- Ordinance 14-31

- e) Promissory Note for High Speed Pump at Kerr Lake Regional Water Plant – State Project #H-LRX-F-11-1692. (CM 14-17) [See Notebook Tab 11]

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 (No Report)
- b) City Manager
 - i. Financial Report – 1st Nine Months FY 2014 (CM 14-18) [See Notebook Tab 12]
- c) City Attorney (No Report)
- d) City Clerk (No Report)
 - i. Meeting and Events Calendar [See Notebook Tab 13]
 - ii. Fire Department April Report

Five Minute Recess

XIII. WORK SESSION

- a) Consideration of Approval of Resolution 14-42, Adopting and Implementation Plan of the 2014 Henderson Classification and Pay Study with Personnel Policy, May 2014. (CAF 14-65) [See Notebook Tab 14]
 - Resolution 14-10

XIV. ADJOURNMENT

⁴ Citizen Comment Guidelines

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- 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 Session

28 April 2014

PRESENT

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

ABSENT

Council Member George M. Daye.

STAFF PRESENT

Assistant City Manager Frank Frazier, City Attorney John H. Zollicoffer, Jr., City Clerk Esther J. McCrackin, Finance Director Kathy Brafford, Planning & Community Development Director Erris Dunston, and Code Compliance Director Corey Williams.

CALL TO ORDER

The 28 April 2014 Short Regular Session of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:01 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

OPENING COMMENTS

Mayor O'Geary said he was very glad to be back. He thanked Council, staff and citizens for all the cards, flowers and prayers during his recovery. The Mayor said it is always a pleasure to see so many present and especially the special groups in attendance this evening.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. With Council's permission *Consideration of Approval of 1) Resolution 14-35, Approving the 2014 Updated Capital*

Improvement Plan (CIP); 2) Resolution 14-36, Approving the Adoption of an Equal Opportunity Plan; and 3) Resolution 14-37, Approving the Adoption of the Prohibition of the Use of Excessive Force Plan as Required for 2014 CDBG Funding will be added to New Business. Council Member Inscoe moved to accept the Agenda as adjusted. Motion seconded by Council Member Rainey and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Peace-Jenkins moved the approval of the 14 April 2014 Regular Meeting minutes as presented. Motion seconded by Council Member Coffey and unanimously approved.

PRESENTATIONS AND RECOGNITIONS

Mayor O'Geary invited Council Member Daeke to introduce Boy Scout High Venture Group – Venture Crew 605. Mr. Daeke said it is always a pleasure to assist the Mayor. He then asked Mr. Wayne Woody, group leader, to give a short description of the event which occurred in 2012. Mr. Woody said once a month this group does a high adventure. Because of the weather the river at Hanging Rock State Park was closed so they decided to hike to some waterfalls. While hiking, the group in 2013 these four scouts were on a camping trip at Hanging Rock State Park. While hiking, the group came across an elderly lady who had lost her footing and fallen face first. Although she was with family which included a physician, they had no first aid kit and no water. The group offered assistance and stayed with the family until the Park Ranger arrived. Mr. Daeke said this action reflected the Boy Scout's oath to do my best for *God, Country and Others*. He then asked Jaylen Edwards, Brandon Lawrence, Kristen Lawrence and David Wells to join Mr. Woody and the Mayor presented each with a Certificate of Merit for which they are being recognized this evening. Mayor O'Geary said this action certainly speaks well of each of them and the group.

Council Member Rainey asked how the Venture Group differs from Boy Scouts. Mr. Woody said Boy Scouts is for ages 11-18 and the Venture Group is for both young men and women between the ages of 14 and 21. The Group operates under the same rules as the Boy Scouts and these participants give time to the Boy Scout/Girls Scout troops in the area.

Next, Mayor O'Geary welcomed the Leadership Vance Class of 2014 and asked Chamber President, John Barnes to introduce this year's class. Each member stood, introduce themselves and give their place of employment. Mayor O'Geary told the class that they will have an exciting day tomorrow as the group tours various units of the City throughout City Day.

Then the Mayor asked Planning Director Erris Dunston to come forward. Ms. Dunston recently completed eight (8) months training at Eastern Carolina University with Eastern Carolina University's (ECU) CD Initiative. She said maintaining a relationship with ECU will provide resources for capacity building and showed Council the plaque she received.

Mayor O'Geary congratulated Ms. Dunston on her new position and said she will be greatly missed. Ms. Dunston thanked the Mayor for his kind words and said she hopes she is leaving the position better than when she came nine (9) years ago. She added the staff are truly dedicated and work hard together to solve problems for the City and its citizens.

OLD BUSINESS

Outlining the Process for Approving and Implementing Governmental Sponsored Programs. (Reference: CAF 14-57; Resolution 14-34)

Assistant City Manager Frazier asked Planning Director Erris Dunston to summarize this item. Ms. Dunston said this outlines how to implement the existing ordinance on file. It allows Council to seek the Planning Board's assistance if needed in establishing the process for individual government sponsored programs.

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

Motion was made by Council Member Coffey to approve Resolution 14-34, *Outlining the Process for Approving and Implementing Governmental Sponsored Programs*. Motion seconded by Council Member Kearney and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, and Simmons NO: None. ABSTAIN: None. ABSENT: Daye. (See Resolution Book 4, p 15)

NEW BUSINESS

Intent to Sell the Old Savings and Loan Building Located at 213 S. Garnett Street. (Reference: CAF 14-54; Resolution 14-31)

Assistant City Manager Frazier said this is City owned property which was used at one time by the Historical Society but has been empty for some time. On 10 September 2012, Council declared the building surplus property and authorized the solicitation of proposals for the sale of said building. Mr. Frazier then asked Council Member Inscoe, as Chairperson of the Land Planning Committee if he would like to add anything. Mr. Inscoe said the Land Planning Committee did meet to consider the offer and he would like to table this item until the Land Planning Committee can again meet to discuss additional information which was received today.

Mayor O'Geary asked for the pleasure of Council.

Motion was made by Council Member Inscoe to **TABLE** Resolution 14-31, *Intent to Sell the Old Savings and Loan Building Located at 213 S. Garnett Street*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Kearney. NO: None. ABSTAIN: None. ABSENT: Daye.

Authorizing the Execution of Change Order #3 for the Henderson Water Reclamation Facility Project to Devere Construction Company, Inc. in the Amount of \$78,079.37 and Amending the CIP Sewer Fund (FY14 Budget Amendment #30) for Change Order #3 to the Water Reclamation Facility Renovation Project. (Reference: CAF 14-06, Resolution 14-17, Ordinance 14-26)

Assistant City Manager Frazier said normally Henderson Water Reclamation Facility Director Tom Spain would be here to explain this item; however, he is teaching a class in Raleigh today and was unable to be here this evening. Mr. Doug Chapman, from McGill Associates, is present and will review the changes. Mr. Chapman explained code changes required the addition of insulation in the Administration building, structural changes are required and adjustments to the sewer in the administration building are just a few of the changes. He also mentioned in January, February and March work was delayed a total of 13 days due to weather.

Council Member Inscoe asked how much is left in contingency funds. Mr. Chapman said about 1% of the 5% written into the contract has been used.

Council Member Kearney asked what percent of the project has been completed. Mr. Chapman said he could not give an exact figure but estimated about 40%.

City Attorney Zollicoffer, Jr. asked if the concrete problem has been resolved. Mr. Chapman replied the problem has been resolved and repairs are being completed. Council Member Inscoe asked if the credit for this problem has been included in the change order. Mr. Chapman said the credit will show as a separate receipt to the City and will not be included in any change order. He added the funds have not been received at this time.

Council Member Coffey asked for verification that the \$8,441.81 listed on CAF 14-06 is due to new code requirements. Mr. Chapman replied yes.

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

Motion was made by Council Member Rainey to approve Resolution 14-17, *Authorizing the Execution of Change Order #3 for the Henderson Water Reclamation Facility Project to Devere Construction Company, Inc. in the Amount of \$78,079.37 and Amending the CIP Sewer Fund (FY14 Budget Amendment #30) for Change Order #3 to the Water Reclamation Facility Renovation Project.* Motion seconded by Council Member Daeke and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: Daye. (See Resolution Book 3, p 299)

Approval of 1) Resolution 14-35, Approving the 2014 Updated Capital Improvement Plan (CIP); 2) Resolution 14-36, Approving the Adoption of an Equal Opportunity Plan; and 3) Resolution 14-37, Approving the Adoption of the Prohibition of the Use of Excessive Force Plan as Required for 2014 CDBG Funding.

Assistant City Manager Frazier thanked Council for allowing this as an addition to the agenda. He said approval of these items will strengthen the application process for the CDBG

Infrastructure grant which the City is attempting to obtain. The 2014 CIP has been updated and only needs official approval.

Mr. Frazier then asked Ms. Dunston to explain the Equal Opportunity Plan. Ms. Dunston said the plan was adopted previously as name specific. It has now been revised to fit any situation. Ms. Dunston also shared there is a self-evaluation of this plan every three (3) years.

Council Member Kearney asked what involvement the Human Resources Department has with this plan. Ms. Dunston explained none in the creation of the plan but they are involved in the self-evaluation portion in that they ensure proper postings occur, etc. Mr. Kearney asked if along with his periodic request for employment records if the report would also include updates on this plan.

Mr. Frazier explained the last segment of this action involves formally approving the Prohibition of Use of Excessive Force which has been fully approved and meets all statute requirements.

Because this item was received late in the day, City Attorney Zollicoffer, Jr., who had not had time to completely review this item, asked if the Plan included any provision for the use of restraints to protect the safety of others. Council Member Coffey asked about transporting psychiatric patients which related to the City Attorney's concern regarding restraints.

Council Member Coffey reminded staff of her request for information on the cost of time related supervising patients while being examined at a hospital. Mr. Frazier will speak with City Manager Griffin about this matter.

There was a brief discussion and it was determined changes to any City policy can be made at any time following proper procedure/statutes.

Motion was made by Council Member Daeke to approve 1) *Resolution 14-35, Approving the 2014 Updated Capital Improvement Plan (CIP)*; 2) *Resolution 14-36, Approving the Adoption of an Equal Opportunity Plan*; and 3) *Resolution 14-37, Approving the Adoption of the Prohibition of the Use of Excessive Force Plan as Required for 2014 CDBG Funding*. Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Simmons, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: Daye. (See Resolution Book 4, p 17, 19 and 21)

CONSENT AGENDA

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

Amending the General, Water, Sewer and Regional Water Funds (FY14 Budget Amendment #33) to Recode Debt Service Payments for the 2011 Revenue Bonds and Regional Water's Share of the Overhead Storage Debt Service. (Reference: CAF 14-52; Ordinance 14-29) To properly reconcile the audit records and financial statements, the General Fund and Sewer Fund portion of the bond payment are being "transferred" to the Water Fund and the "debt service payment" will be paid out of the Water Fund.

Additionally, the Regional Water's share of the Overhead Storage Debt (\$16,000) will be "transferred" from Regional Water to the Water Fund and the "debt service payment will be paid out of the Water Fund. (See Ordinance Book 9, p 121)

Tax Releases and Refunds from Vance County for the Month of March 2014. (Reference: CAF 14-48). This is a routine matter which has been reviewed and approved by the Finance Director and the releases and refunds are listed below.

March 2014 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Releases			
Butler, Anthony O	Taxes Lost to Foreclosure	2003	\$ 13.91
Butler, Anthony O	Taxes Lost to Foreclosure	2004	\$ 14.59
Butler, Anthony O	Taxes Lost to Foreclosure	2005	\$ 15.28
Butler, Anthony O	Taxes Lost to Foreclosure	2006	\$ 15.28
Butler, Anthony O	Taxes Lost to Foreclosure	2007	\$ 15.28
Hill, George L	Taxes Lost to Foreclosure	2007	\$ 42.28
Williamsboro Rentals	Taxes Lost to Foreclosure	2007	\$ 309.21
Butler, Anthony O	Taxes Lost to Foreclosure	2008	\$ 20.63
Hill, George L	Taxes Lost to Foreclosure	2008	\$ 57.01
Jones, Virginia H Heir	Taxes Lost to Foreclosure	2008	\$ 131.05
Leyland, Thomas R	Taxes Lost to Foreclosure	2008	\$ 188.77
Williamsboro Rentals	Taxes Lost to Foreclosure	2008	\$ 225.83

March 2014 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Butler, Anthony O	Taxes Lost to Foreclosure	2009	\$ 21.35
Hill, George L	Taxes Lost to Foreclosure	2009	\$ 59.03
James, Raymond N	Taxes Lost to Foreclosure	2009	\$ 33.33
Jones, Virginia H Heir	Taxes Lost to Foreclosure	2009	\$ 167.02
Leyland, Thomas R	Taxes Lost to Foreclosure	2009	\$ 195.45
Williamsboro Rentals	Taxes Lost to Foreclosure	2009	\$ 233.82
Butler, Anthony O	Taxes Lost to Foreclosure	2010	\$ 21.35
Hill, George L	Taxes Lost to Foreclosure	2010	\$ 59.03
James, Raymond N	Taxes Lost to Foreclosure	2010	\$ 93.60
Jones, Virginia H Heir	Taxes Lost to Foreclosure	2010	\$ 167.02
Leyland, Thomas R	Taxes Lost to Foreclosure	2010	\$ 195.45
Martinez, Andres	Pers. Prop.Billed in Error	2010	\$ 47.75
Williamsboro Rentals	Taxes Lost to Foreclosure	2010	\$ 233.82
Butler, Anthony O	Taxes Lost to Foreclosure	2011	\$ 21.34
Hill, George L	Taxes Lost to Foreclosure	2011	\$ 59.01
James, Raymond N	Taxes Lost to Foreclosure	2011	\$ 93.59
Jones, Virginia H Heir	Taxes Lost to Foreclosure	2011	\$ 167.07
Leyland, Thomas R	Taxes Lost to Foreclosure	2011	\$ 195.39
Williamsboro Rentals	Taxes Lost to Foreclosure	2011	\$ 233.85
Butler, Anthony O	Taxes Lost to Foreclosure	2012	\$ 21.34
Hill, George L	Taxes Lost to Foreclosure	2012	\$ 59.01
James, Raymond N	Taxes Lost to Foreclosure	2012	\$ 93.59
Jones, Virginia H Heir	Taxes Lost to Foreclosure	2012	\$ 167.07
Leyland, Thomas R	Taxes Lost to Foreclosure	2012	\$ 195.39
Williamsboro Rentals	Taxes Lost to Foreclosure	2012	\$ 233.85
Butler, Anthony O	Taxes Lost to Foreclosure	2013	\$ 22.62
Hill, George L	Taxes Lost to Foreclosure	2013	\$ 62.55
J & K Commercial LLP	Correct Ownership	2013	\$ 4,368.95
James, Raymond N	Taxes Lost to Foreclosure	2013	\$ 99.19
Jones, Virginia H Heir	Taxes Lost to Foreclosure	2013	\$ 177.07
Leyland, Thomas R	Taxes Lost to Foreclosure	2013	\$ 207.08
Rosemyr Corporation	Correct Ownership	2013	\$ (4,368.95)
Williamsboro Rentals	Taxes Lost to Foreclosure	2013	\$ 247.84
Total R&P Prop. Releases			\$ 4,933.99
Real & Personal Property			
Refunds			
Jackson, Noleen	Pers. Prop.Billed in Error	2013	\$ 50.60
Mojica, Dalila Valle	Pers. Prop.Billed in Error	2013	\$ 50.60
Total R&P Prop. Refunds			\$ 101.20
Total R&P Prop. Rel. & Refunds			\$ 5,035.19

March 2014 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Registered Vehicle Releases			
Stewart, Rodney Reggis	Pro-Rate	2012	\$ 11.97
Ayscue, Michael Kevin	Correct Situs	2013	\$ 42.55
Brooks, Tammy Ann	Pro-Rate	2013	\$ 3.96
Brown, Christie Latoya	Pro-Rate	2013	\$ 9.28
Bullock, Joyce Somerville	Transfer Out	2013	\$ 25.69
Evans, Mary Southerland	Pro-Rate	2013	\$ 4.51
Harris, Shelton Monroe	Billed in NCVTS	2013	\$ 41.95
Harris, Tefanie Sharon	Pro-Rate	2013	\$ 6.24
Henderson, Rufus	Billed in NCVTS	2013	\$ 37.40
Johnson, Frankie Donnell	Billed in NCVTS	2013	\$ 32.75
Jones, Davine Marie	Billed in NCVTS	2013	\$ 14.22
Lewis, Phyllis Wade	Transfer Out	2013	\$ 42.49
Neubauer, Timothy Scott	Pro-Rate	2013	\$ 1.76
Newton, Foy Pumpfry, Jr.	Pro-Rate	2013	\$ 0.32
Ragland, Isiah Thomas	Transfer Out	2013	\$ 111.44
Reyes, Gustavo Antonio Martinez	Pro-Rate	2013	\$ 33.57
Small, Peter	Correct Situs	2013	\$ 91.34
Stokes, Gearlean	Pro-Rate	2013	\$ 86.82
White, Dumoneak Ann	Billed in NCVTS	2013	\$ 26.24
Total Releases			\$ 624.50
Registered Vehicle Refunds			
Ayscue, Michael Kevin	Correct Situs	2012	\$ 13.69
Lehman, Doris Jean	Pro-Rate	2012	\$ 1.01
Vance Furniture Co. Inc.	Pro-Rate	2012	\$ 3.95
Bullock, Felicia Darlene	Pro-Rate	2013	\$ 1.81
Eubanks, Angela Wray	Pro-Rate	2013	\$ 2.56
Gibbs, Agnes Barbara	Pro-Rate	2013	\$ 9.24
Gill, Essecen Wykia	Pro-Rate	2013	\$ 16.03
Harris, Tefanie Sharon	Pro-Rate	2013	\$ 4.13
Hawkins, Robert Lee	Pro-Rate	2013	\$ 21.86
Jones, Brian Keith	Pro-Rate	2013	\$ 10.11
Singletary, Robert George	Pro-Rate	2013	\$ 1.55
Watkins, George Rose Jr.	Pro-Rate	7.66	\$ 12.65
Total Reg Veh Refunds			\$ 98.59
Total Reg Veh Releases			
& Refunds			\$ 723.09
Total All Releases & Refunds			\$ 5,758.28

Feb 2014 Tax Releases & Refunds Continued			
Name	Reason	Tax Year	Amount
Talley, William Thomas	Mass Abatement	2003	\$ 20.25
Taylor, James Jr.	Mass Abatement	2003	\$ 15.06
Terry, Gina Bozeman	Mass Abatement	2003	\$ 6.00
Terry, Marie	Mass Abatement	2003	\$ 16.53
The Everything Store	Mass Abatement	2003	\$ 30.98
The Pickett Fence	Mass Abatement	2003	\$ 208.92
Thomas, Allison Marvin	Mass Abatement	2003	\$ 17.63
Thompson, Kenneth Wayne	Mass Abatement	2003	\$ 65.69
Thompson, Michelle Renee	Mass Abatement	2003	\$ 20.55
Thorpe, Torre Lannard	Mass Abatement	2003	\$ 28.00
Time Warner Ent/Advance Newhc	Mass Abatement	2003	\$ 49.09
Tobias, Barnett Rahmel	Mass Abatement	2003	\$ 56.97
Tomas, Francisco Romero	Mass Abatement	2003	\$ 43.79
Toma, Sanchez Fidel	Mass Abatement	2003	\$ 24.03
Torres, Martin	Mass Abatement	2003	\$ 35.07
Torres, Othon Rodriquez	Mass Abatement	2003	\$ 112.97
Treadwell, Michael Thompson	Mass Abatement	2003	\$ 20.25
Treadwell, Robert Tee	Mass Abatement	2003	\$ 28.67
Trent,, Dellis Lee	Mass Abatement	2003	\$ 35.93
Valley National Fin. Svc Co.	Mass Abatement	2003	\$ 126.51
Vargas, Candido Alor	Mass Abatement	2003	\$ 25.13
Vaughn, Dorothy	Mass Abatement	2003	\$ 56.48
Vaughn, James Carroll	Mass Abatement	2003	\$ 33.79
Velaquez-Elias Miguel Angel	Mass Abatement	2003	\$ 53.91
Watson, Joyce Conway	Mass Abatement	2003	\$ 114.98
Waverly, James Nathaniel	Mass Abatement	2003	\$ 57.21
Whaley, Mary Lillian	Mass Abatement	2003	\$ 27.02
White, Cavin Danyeil	Mass Abatement	2003	\$ 58.31
Whitely, Lila Boger	Mass Abatement	2003	\$ 22.26
Whitely, Pamela Ann Hargrove	Mass Abatement	2003	\$ 18.05
Williams, Alexis J	Mass Abatement	2003	\$ 86.62
Williams, Alonzo Junius	Mass Abatement	2003	\$ 18.24
Williams, Ethelyn Brandon	Mass Abatement	2003	\$ 29.15
Williams, Kevin Travis	Mass Abatement	2003	\$ 18.93
Williams, Ryan O'Neal	Mass Abatement	2003	\$ 20.49
Williams, Willie Neal	Mass Abatement	2003	\$ 40.93
Wilson, Del Freta Jone	Mass Abatement	2003	\$ 24.03
Wilson, Mary Canney	Mass Abatement	2003	\$ 16.59
Wimbush, Sidney Donnel	Mass Abatement	2003	\$ 35.38
Wright, Eliot Ingersol	Mass Abatement	2003	\$ 82.47
Yarboro, Herbert James	Mass Abatement	2003	\$ 13.17
Yarborough, Barbara Brown	Mass Abatement	2003	\$ 110.64
Zanches, Hector Hernandez	Mass Abatement	2003	\$ 30.86

Promissory Note for Sandy Creek Pump Station Project – State Project CS370410-07. (Reference CM 14-13) This loan was accepted by Council on 22 April 2013 and serves as a matter of record and status. (See Attachment A)

Final Maturity Schedule for Radio Read Water Meters Promissory Note – State Project H-LRX-F-08-1693. (Reference CM 14-15) This loan was accepted on 13 August 2012 and serves as a matter of record and status. (See Attachment B)

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

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

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised one citizen wished to address City Council.

Ms. S. Faucette, 225 Willowood Drive. Ms. Faucette is a 7th grade STEM instructor who wished to make Council aware of the work students are doing in the STEM program. She showed a model of what the students see as their future regarding parks and read a statement from the students which she was asked to share in written form with the City Clerk.

Mayor O’Geary thanked Ms. Faucette for sharing this information.

Council Member Simmons encouraged Ms. Faucette and her students to continue with their excellent work.

REPORTS

- a) Mayor/Mayor Pro-Tem – Mayor O’Geary said he has thoroughly enjoyed being back. Mayor Pro-Tem Rainey said he appreciated the honor of filling in for the Mayor and was also glad the mayor is back.
- b) City Manager – Assistant City Manager referred Council to the memo regarding Locklear, Locklear and Jacobs. Council Member Coffey asked if Mr. Griffin planned to follow up with this firm before the budget discussions begin or after the budget is complete. Mr. Frazier said he would ask the City Manager when he returned.
- c) City Attorney - Attorney Zollicoffer reiterated everyone’s pleasure in having the Mayor back.

d) City Clerk – Ms. McCrackin reminded Council of

- i. The Leadership Vance City Day Tuesday, April 29 at Aycock Recreation Center
- ii. National Day of Prayer Breakfast May 1
- iii. National Police Week May 11-14, 2014
- iv. St. Baldrick's Event May 31, 2014

With no further discussion Mayor O'Geary asked if Council was prepared to adjourn and go into the Work Session.

Council Member Coffey moved to adjourn. Motion seconded by Council Member Rainey and was unanimously approved. The meeting adjourned 6:50 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk

4/11/14

City of Henderson

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

Amount:	\$848,437	LGC Approval Date:	March 5, 2013
Term (Years):	20	Approval Amount:	\$1,800,000
Interest Rate:	0.00%	Loan Amount:	\$1,696,874
Est. Date of Completion:	February 25, 2015	Principal Forgiveness:	\$848,437
State Project Number:	CS370410-07	Certified Completion Date:	

Fiscal Year	Outstanding Balance	Interest Rate		May 1 Principal Payment	Total Payment
05/01/16	\$ 848,437.00	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/17	\$ 806,015.15	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/18	\$ 763,593.30	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/19	\$ 721,171.45	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/20	\$ 678,749.60	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/21	\$ 636,327.75	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/22	\$ 593,905.90	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/23	\$ 551,484.05	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/24	\$ 509,062.20	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/25	\$ 466,640.35	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/26	\$ 424,218.50	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/27	\$ 381,796.65	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/28	\$ 339,374.80	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/29	\$ 296,952.95	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/30	\$ 254,531.10	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/31	\$ 212,109.25	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/32	\$ 169,687.40	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/33	\$ 127,265.55	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/34	\$ 84,843.70	0.000%		\$ 42,421.85	\$ 42,421.85
05/01/35	\$ 42,421.85	0.000%		\$ 42,421.85	\$ 42,421.85
				\$ 848,437.00	\$ 848,437.00

Attachment B
Radio Read Water Meters

4/14/14

City of Henderson

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

Amount:	\$293,928	LGC Approval Date:	June 5, 2012
Term (Years):	20	Approval Amount:	\$294,000
Interest Rate:	0.00%	Loan Amount:	\$293,928
Est. Date of Completion:	June 30, 2014	Certified Completion Date:	March 14, 2014
State Project Number:	H-LRX-F-11-1693		

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

City Council Minutes--*DRAFT*

Work Session

28 April 2014

PRESENT

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

ABSENT

Council Member George M. Daye

STAFF PRESENT

Assistant City Manager Frank Frazier, City Clerk Esther McCrackin, Finance Director Kathy Brafford, and Code Compliance Director Cory Williams.

CALL TO ORDER

The 28 April 2014 Work Session of the Henderson City Council was called to order by Mayor O'Geary at 6:50 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

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

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. It was the consensus of Council to accept the agenda as presented.

WORK SESSION ITEMS

Authorizing Execution of Agreement with the North Carolina Department of Transportation (NCDOT) Relative to the Chavasse Avenue Widening Project (WBS Element: 38404). *(CAF 14-29; Resolution 14-16)*

Assistant City Manager Frazier explained \$700,000 in funding for this project was obtained in 2007. In 2010 there was discussion, public hearings, etc. regarding the High Speed Rail project which caused a delay with the State due to its plans to close the Chavasse Avenue crossing onto

William Street. At one point, the City was told this project would not proceed. In 2012 the City was notified the funding was still available and the project could proceed. Because of the delay, new easements need to be obtained and the concern is the NCDOT is now asking the City to execute a municipal agreement to complete the project. Mr. Frazier expressed two concerns: a) there appears a funding shortfall of approximately \$50,000 and b) the cost of resurfacing the road. Mr. Frazier stressed this is an important project and if Council moves forward with this, once bids are taken, Council will be able to review the funding gap before proceeding further.

Council Member Daeke wondered about just doing the street portion and asked the cost of sidewalks. Mr. Frazier estimated the sidewalk costs to be \$10,000 to \$15,000. He added a water main would need to be relocated at an approximate cost of \$7,000 to \$8,000.

Council Member Kearney said the street is already there and asked if the sidewalks could be installed for less than \$50,000. Mr. Frazier responded yes.

Council Member Inscoe asked about the right-of-way. Mr. Frazier said a meeting was held with the one holdout and they have asked for an appraisal which the City will proceed to have prepared. Mr. Inscoe said a \$50,000 shortfall with a project of \$700,000 seems to be a good return. He also suggested that the City contact Mr. Jim Crawford who serves on the DOT Board to see if any relief could be given.

Council Member Rainey asked what portion of the street is owned by the City. Mr. Frazier responded only the property where the water tower is located.

Mayor O'Geary asked if there were any further questions. There were none.

Mayor O'Geary called for the consensus of Council. NO: Council Members Kearney and Coffey. Council Member Inscoe said as long as it does not exceed \$50,000 and Council Members Rainey, Peace-Jenkins, Daeke and Simmons agreed.

The City Manager will contact Mr. James Crawford to request relief.

Demolition of 712 Champion Street. *(Reference: CAF 14-40, Ordinance 14-10)*

Assistant City Manager Frazier asked Code Compliance Director Cory Williams to provide the details of this action. Mr. Williams said this property is owned by the heirs of Isaiah Hargrove and property taxes are past due from 2012 and 13 totaling \$669.54. Proper enforcement procedures have been followed in accordance with City Code Section 21A and NCGS 160A-429,443 and 445. It is recommended that Council approved proceeding with this Ordinance of Demolition.

Mayor O'Geary called for the consensus of Council to bring this item forward to the next Council meeting with the following result: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke and Simmons. NO: None. ABSTAIN: None. ABSENT: Daye.

Demolition of 407 Pettigrew Street. (Reference: CAF 14-46, Ordinance 14-12)

Assistant City Manager Frazier asked Code Compliance Director Corey Williams to review this item. Mr. Williams said the property is owned by Hattie M. Richardson or her heirs and meets the requirement of Section 21A of the City Code and NCGS 160-A-429,443 and 445. Property taxes owed amount to \$2,451.80 (2009 through 2013). Mr. Williams shared this property is in the beginning stages of foreclosure. He and the City Manager have been watching this process and feel the structure needs to be demolished but the City may soon be part owner of the property.

Council Member Kearney asked for an approximate cost for demolishing both buildings. Mr. Williams said it would be done with the FY15 budget monies and he hoped no more than \$10,000.

Council Member Daeke asked about the lot size. Assistant City Manager said less than 1/3 acre.

Council Member Inscoe asked if the County would cover half the cost for mowing if it goes into foreclosure. There was no response.

Mayor O'Geary called for the consensus of Council to bring this item forward to the next Council meeting with the following result: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, and Simmons. NO: None. ABSTAIN: None. ABSENT: Daye.

Intergovernmental Committee Request from County

Assistant City Manager Frazier said a request from the County to re-establish the Intergovernmental Committee has been received and the purpose of this discussion is to formulate a policy decision.

Council Member Kearney began the discussion saying he had asked for this discussion when the Mayor could be part of the conversation. He felt inclined to soften the City's position by adding a Council Member to the Liaison team of the Mayor, City Manager and one Council Member. His recommendation, if Council agrees, would be Council Member Peace-Jenkins. He chose Ms. Peace-Jenkins for her listening skills. Mr. Kearney said he has heard horror stories about how things did not work before a Liaison was created and said he was willing to change his direction if this does not work.

Council Member Coffey said she does not like the idea of going back to an Intergovernmental Committee. She said it has nothing to do with the current commissioners but just feels the Liaison system works best overall.

Council Member Inscoe updated Council on the status of the Recreation and Parks situation saying he met with the County Commissioner Brown who deferred to the County Intergovernmental Committee. Mr. Inscoe and City Manager Griffin met with the County committee and he said the proposal was fully received with little or few questions. Depending

on the final decision during the County Commissioner's meeting, they plan to move ahead with due diligence regarding the operations portion of the Recreation and Parks department. As far as the Liaison system, Mr. Inscoe said no final decisions are made until brought before the entire Council and County Commissioners. He felt the liaison is a fair and equitable relationship and pointed out how well the system worked with Granville County in completing the Water agreement in less than thirty days. Ultimately, he would like to keep the Liaison system, no matter who is selected to represent the City.

Council Member Rainey said there are always new ideas with each election. The Liaison system works now and has a good track record. He said if Council elects to go with Council Member Kearney's suggestion he's fine with adding Council Member Peace-Jenkins to the committee. Over all he would like the County and City to work well together and go in the same direction. He said it is not a competition --- both entities should work toward common goals.

Council Member Peace-Jenkins appreciated being seen as a good listener. She said the Liaison system works well but the County has reached out to the City and making a change could be seen as an effort to work well together.

Council Member Daeke felt everyone has made good points. As the oldest member of Council he sees the more people involved on a committee the slower the process. He reminded Council of how well the Liaison system worked with the Library changes and said the Council represents the citizens of Henderson and felt the Council should do what is best for the City. He would prefer no change from the current system.

Council Member Simmons felt as the "new kid on the block" that she would depend on her peers. She added she would like to see both the County and City move forward together.

Mayor O'Geary added what is good for the City will be good for the County.

Mayor O'Geary then asked for a consensus. Mr. Kearney said he was comfortable with the liaison; Ms. Coffey said he would like to keep the liaison; Mr. Inscoe said he was satisfied with the liaison; Mr. Rainey agreed with Mr. Inscoe; Ms. Peace-Jenkins said yes, she was willing to continue the liaison and added changes could be made; Mr. Daeke said he was happy with the liaison and with Mr. Inscoe continuing as the City Liaison; Mr. Daye agreed and Ms. Simmons said would depend on her counterparts. So, overall, there was consensus to keep a City Liaison to work with the County.

Council Member Daeke said he has full faith in Council Member Inscoe and added he would like to have Mr. Inscoe continue as the Council Liaison. Mr. Daeke thanked Mr. Inscoe for his hard work and accomplishments as Liaison.

With no further discussion, Mayor O'Geary said he greatly appreciated and would never forget all the flowers, cards and prayers he received during his illness.

Council Member Coffey shared dinner with the Public Services Department on Friday and said the City has some awesome employees.

Council Member Simmons gave kudos to the Street Department for its assistance with clean up following an Earth Day give away of 37,000 pounds of sweet potatoes.

Mayor O'Geary asked if there was any further discussion or if Council was prepared to adjourn.

ADJOURNMENT

Council Member Daeke moved for adjournment. Motion seconded by Council Member Coffey and unanimously approved. The meeting adjourned at 7:30 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin, City Clerk

City Council Action Form

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



Agenda Item: _____

Council Meeting: 12 May 14 Regular Meeting

7 May 2014

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

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

RE: CAF: 14-64

Consideration of Approval of:

- **Keeping the Offer to Purchase the Old SNB Building on the Table;**
- **Resolution 14-41, Approving a Procedure for Purchasing City Owned Property and Approving an Offer to Purchase City Owned Property Agreement; and**
- **Remanding Offer to Purchase Back to Land Planning & Development Committee for Further Discussion.**

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- KSO 8: Provide Financial Resourcing

Recommendation:

- Approval of Keeping the Offer to Purchase the OLD SNB Building on the Table;
- Approving Resolution 14-41, Approving a Procedure for Purchasing City Owned Property and Approving an Offer to Purchase City Owned Property Agreement; *and*
- Approval of Remanding Offer to Purchase Back to the Land Planning & Development Committee for Further Consideration.

Executive Summary

On 23 April 2014, the Land Planning & Development Committee met to consider an offer to purchase the old SNB Bank Building (Savings and Loan Bank Building) by Prestigious Housing, Inc. This offer was presented to Council on 28 April 2014. However, additional information was received just prior to the meeting and Council Member Inscoe asked that this item be tabled until the Land Planning & Development Committee could meet to consider the additional information; specifically back taxes.

On 7 May 2014, the Land Planning & Development Committee met with City Attorney John Zollicoffer, Jr. who proposed the attached procedure to purchase city owned property, along with an Offer to Purchase Agreement. The Agreement specifically includes conditions regarding taxes being

paid in full on all other properties owned by the potential buyer which was the issue in question. The Committee discussed the procedure and a motion was unanimously approved to bring the procedure before Council for approval. The motion also included keeping the Prestigious Housing, Inc. bid on the table to be reconsidered by the Land Planning Committee after this meeting and for the Committee to bring its recommendation back to Council at the 9 June 2014 meeting regarding the bid.

Enclosures:

1. Resolution 14-41
2. 7 May 2014 Land Planning & Development Committee Meeting Minutes

RESOLUTION 14-41

A RESOLUTION APPROVING A PROCEDURE FOR PURCHASING CITY OWNED PROPERTY AND APPROVING AN OFFER TO PURCHASE CITY OWNED PROPERTY AGREEMENT

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

WHEREAS, one of the Key Strategic Objectives are addressed by this request as follows: *KSO 8: To Provide Financial Resourcing; and*

WHEREAS, the Land Planning & Development Committee met on 7 May 2014 to consider approval of a *Procedure to Purchase City Owned Property* and an *Offer to Purchase City Owned Property Agreement; and*

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE the Procedures for Purchasing City Owned Property being more fully articulated in **Attachment A** to this Resolution; *and*

BE IT FURTHER RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE the *Offer to Purchase Agreement* as more fully articulated in **Attachment B** to this Resolution.

The foregoing Resolution, introduced by Council Member ***** and seconded by Council Member ***** on this the 12th day of May 2014 and having been submitted to a roll call vote, was approved by the following votes:: YES: NO: ABSTAIN: ABSENT:

James D. O'Geary, Mayor

ATTEST:

Esther McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

PROCEDURE FOR PURCHASING CITY OWNED PROPERTY

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

1. You should acquire a copy of the tax map for the property in question and a copy of the deed to the City and bring it to the City Clerk indicating your interest in purchasing the lot.
2. All departments may be notified of your interest in order to determine if there is any need for the property by the City that would prevent it from being sold. This may take about three weeks.
3. Prior to submitting an offer, you may wish to obtain a title examination and a title opinion for the property to be conveyed. You may wish to consider retaining an attorney to assist you with this process. The property will be conveyed by a non warranty deed, which in most instances will be drafted by the City Attorney. If you choose to have your private attorney draft a non warranty deed at your own expense, you must provide a copy to the City Attorney for review prior to closing.
4. Your written offer to purchase and the greater of \$750 or 5% of the bid amount deposit must be submitted to the City Clerk. The name of the actual purchaser shall be disclosed on the offer to purchase.
5. Upon occasion the City may require that an appraisal and/or survey be done prior to forwarding your offer on to the full City Council. The cost of the appraisal and a survey, if required, must be paid by you.
6. IF the City Council approves of selling the property, a resolution detailing your offer and authorizing the advertisement of your bid for upset bids will be adopted. The upset bid period is ten days. The City reserves the right to reject all bids, including yours, after the final bids have been advertised.
7. Your offer will be advertised for upset bids pursuant to N.C.G.S. § 160A-269. The cost of the advertisement will be paid by you, in addition to your bid amount if you are the final successful bidder.
8. In the event of an upset bid, the property will be advertised again for upset bids, and you will have an opportunity to bid again.
9. After there are no upset bids within ten (10) days from the date it was last published, the final bid/offer will be presented to the City Council for final acceptance or rejection, if your bid is rejected, your deposit will be refunded to you. If your offer is accepted, the property will be deeded to you within 10 business days of receipt of the balance of the purchase price. The deed will be a Non Warranty Deed. You will have 30 days from the date the City Council accepts your final bid amount to pay in full the final purchase price. All payments shall be made in certified funds or wire transfer.
10. If your offer is accepted, but you do not pay the balance of the purchase price within the 30 days of the final acceptance by the City Council, your bid deposit shall be deemed forfeited, and the City may entertain other offers for the purchase of the property and hold the defaulting bidder for any difference not realized on the subsequent sale.

NORTH CAROLINA
COUNTY OF VANCE

OFFER TO PURCHASE
CITY OWNED PROPERTY

_____, (hereafter referred to as "Buyer"), hereby offers to purchase from the City of Henderson (hereafter referred to as the "City"), in accordance with the following terms and conditions, all that tract, lot or parcel of land together with any improvements located thereon, in Vance City, North Carolina, being known as and more particularly described as follows:

Vance City Register of Deeds Book _____, Page _____
Street Address: _____.

1. **The Purchase Price Offer:** The purchase price offered is \$ _____, plus the cost of publication as required by NCGS 160A-269, and shall be paid as follows:
 - (a) \$ _____, (the greater of \$750 or 5% of the proposed purchase price) in cash, cashier's check or certified funds as a deposit, with the delivery of this offer, to be held by the City Clerk until the sale is closed at which time it will be credited to Buyer, or this agreement is otherwise terminated as herein provided.
 - (b) \$ _____, plus the cost of publication, the balance of the purchase price, in cash, cashier's check or certified funds upon delivery of the Deed and the closing of this transaction.
2. **Conditions.**
 - (a) In the event the City Council proposes to consider selling the property, this offer is conditioned upon there being no proper upset bid submitted within a ten (10) day period after notice of Buyer's offer has been published in a local newspaper in accordance with N.C.G.S. § 106A-269, and final acceptance or rejection of the highest bid by the City Council following the upset bid period.
 - (b) If the sale is finally approved, title will be delivered at closing by **Non-Warranty Deed**. Title to the property hereinabove described is subject to all exceptions, including liens, encumbrances, ad valorem taxes, assessments, zoning regulations, restrictive covenants, access, utility and or conservation easements, rights of others in possession, and all other matters of record.
 - (c) Other Conditions: The buyer represents that all Ad Valorem Property Taxes owed by the buyer, or any business entity the buyer or the buyer's shareholders or members have an ownership interest in have been paid in full. The City Council reserves the right to reject all bids, including yours, in its final resolution
3. **Closing.** Each party hereby agrees to execute any and all documents or papers that may be necessary in connections with the transfer of title. Final settlement shall be made on or before 30

days following any resolution approving the final bid at a place designated by City with the Non Warranty Deed made out in the name(s) of _____.

4. **Possession.** Buyer takes the property subject to all then existing leases and rights of others in possession, if any, or other matters or exceptions to title.
5. **Deposit.** In the event this offer is not accepted, or in the event that any of the conditions hereby are not satisfied, or in the event of a breach of this contract by City, then the deposit shall be returned to the Buyer, and such return shall be the extent of Buyer's remedies. In the event that Buyer withdraws this offer and fails to proceed with the execution of this agreement according to its terms for any reason, the Buyer will forfeit the deposit held by the City in Section 1 of this agreement. Said forfeiture shall not affect any other remedies available to City for such breach.
6. **New Loan.** Buyer shall be responsible for all charges made to Buyer with respect to any new loan obtained by Buyer, and City shall have no obligation to pay any discount fee or other charge in connection therewith unless specifically set forth in this contract.
7. **Closing Expenses.** Buyer shall pay for the first required legal advertisement for upset bids. At closing, Buyer shall pay for the preparation and recording of a deed, and for preparation and recording of all instruments required for any loan needed by Buyer from third parties. In addition, Buyer may have prepared, at Buyer's option and sole expense, any appraisal or survey of the property, any title examination and title opinion, and any termite inspection Buyer may desire. The property shall be made available at reasonable times for Buyer to perform or to have performed the above-mentioned items.
8. **Assignments.** This offer may not be assigned without the written consent of all parties, but if the same is assigned by agreement, then the same shall be binding on the assignee and his/her heirs.
9. **Termination of Offer.** This offer shall be terminated if not acted upon by the City Council within ninety (90) days of the date of this offer or upon being upset by a proper bid in accordance with N.C.G.S. § 160A-269. City reserves the right to reject any offer (including this one) at any time before closing.
10. **Condition of Improvements and Premises:** City makes no warranties or guarantees regarding the condition of the improvements on the property. Buyer takes the premises in "AS IS" condition without warranty from the City. Buyer stipulates that Buyer has had full opportunity to inspect the premises and Buyer stipulates that Buyer is accepting the improvements in "as is-where is" condition. After closing to Buyer, Buyer shall hold City harmless for any claims, suits, damages or causes of action resulting from an occurring on the property as a result of the condition of any of the improvements.
11. **Environmental:** City makes no representation of the presence or disposal, except as in accordance with applicable law, within the buildings or on the Property of hazardous or toxic waste or substances, which are defined as, including, but not limited to, those substances, materials and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR Part 172.101) or by the Environmental Protection Agency as hazardous substances (40 CFR Part 302.4) and amendments thereto, or such substances, materials and wastes, which are or become regulated under any applicable local, state or federal law, and also including, without limitation, any material, waste or substance which is (i) petroleum, (ii) asbestos, (iii) polychlorinated biphenyls, (iv) designated as a Hazardous Substance pursuant to

Section 311 of the Clean Water Act of 1977 (33 U.S.C. §1321) or listed pursuant to Section 307 of the Clean Water Act of 1977 (33 U.S.C. § 1317), (v) defined as a hazardous waste pursuant to Section 1004 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §6903) or (vi) defined as a hazardous substance pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §9601). Unless otherwise noted, City has no actual knowledge of any contamination of the Property from such substances as may have been disposed of or stored on neighboring tracts. Buyer shall be responsible for all environmental issues that may arise after the consummation of this contract, and further agrees to indemnify the City for all expenses arising out of any attempts by others to enforce any requirements of remediation or clean upon this City. This duty shall survive the closing.

12. **Parties:** This contract shall be binding and shall inure to the benefit of the parties and their heirs, successors and assigns. As used herein, words in the singular shall include the plural.
13. **Terminology.** As used herein, words in the singular include the plural and the masculine includes the feminine and neuter genders, as appropriate.
14. **Entire Agreement.** Buyer hereby acknowledges that Buyer has inspected the above-described property, that no representation or inducements have been made other than those expressed herein, and that this contract contains the entire agreement between all parties hereto. All charges, additions, or deletions hereby must be in writing and signed by all parties.
15. **Counterparts.** This offer may be executed in two counterparts with an executed counterpart being retained by each party hereto.
16. **Governing Law & Forum.** This Agreement shall be deemed to have been made in the State of North Carolina, and its validity, construction and effect shall be governed by the laws of the State of North Carolina. The parties hereto agree that any action brought by either party to enforce or interpret the terms of this Agreement shall be filed in the Superior Court of Vance City, State of North Carolina (which shall be the "exclusive jurisdiction").

Date of Offer: _____ 201__.

Buyer

Buyer

Acknowledgment of Receipt of Deposit:

I, _____, City Clerk or her designee, hereby acknowledge receipt of the deposit in the amount of \$_____ as set forth herein in accordance with the terms hereof.

Date: _____

Title: _____

Minutes
Land Planning Committee
7 May 2014

Members Present:

Mayor O'Geary, Council Members Inscoe, Rainey and Simmons.

Others Present:

City Manager Ray Griffin, City Attorney Zollicoffer, Jr. and City Clerk Esther McCrackin
Sara Mansur – *The Daily Dispatch*

Call to Order

Chairman Inscoe called the meeting to order at 11:30 a.m. Mr. Inscoe reminded the members the purpose of this meeting was to further discuss the tabled resolution regarding the offer to purchase the old SNB building by Prestigious Homes, Inc. He then turned the meeting over to the City Attorney.

Attorney Zollicoffer said he reviewed the County procedure and has drafted a *Procedure for Purchasing City Owned Property* along with an *Offer to Purchase City Owned Property* Agreement. He explained section 2C of the agreement allows the City to refuse bids from those that owe taxes on any property within the City.

City Manager Griffin said after discussing this with the City Attorney, prior to this meeting,

1. That the Committee recommendation to Council approval of table the procedure and agreement drafted by the City Attorney; *and*
2. That the bid by Prestigious Homes, Inc. be tabled until Council makes a decision; *and*
3. Following the 12 May Council meeting, the Land Planning Committee will reconvene and consider the approved policy and make a recommendation regarding the Prestigious Homes, Inc. bid on the old SNB building to Council at its June meeting.

Motion was made by Mr. Rainey to bring to Council for consideration the Procedure for Purchasing City Owned Property, along with the Offer to Purchase City Owned Property agreement and to table the bid to purchase the old SNB building by Prestigious Homes, Inc. until after the 12 May 2014 Council meeting. Ms. Simmons seconded the motion and it was unanimously approved.

The Land Planning & Development Committee will schedule a meeting following the 12 May date and before the June Council meeting to reconsider action on the bid to purchase by Prestigious Homes, Inc.

Other Business

Mr. Inscoe asked for a discussion regarding cost sharing between the city/county regarding demolition costs and maintenance costs. City Manager Griffin said Code Compliance Director Corey Williams has been asked to compile a list of costs associated with joint properties so the City can invoice the County.

City Attorney Zollicoffer, Jr. said he received notification last week that the sale of the East Avenue property fell through and the County returned the deed to Attorney Zollicoffer.

Adjournment

With no further discussion, Motion was made by Mr. Rainey to adjourn. Motion was seconded by Ms. Simmons and the meeting adjourned at 11:50 a.m.

Respectfully submitted,
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: 12 May 14 Reg. Meeting

5 May 2014

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

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

RE: **CAF: 14-61**

Consideration of Approval of Resolution 14-39 Authorizing an Application for US Department of Justice's 2014-2015 BJA Justice Assistance Grant Program.

Ladies and Gentlemen:

Council Retreats Goals addressed by this item:

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

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

Recommendation:

- Approval of Resolution 14-39 Authorizing an Application for US Department of Justice's 2014-2015 BJA Justice Assistance Grant Program.

Executive Summary

Chief of Police Marcus Barrow has requested the Council's review and approval of an application to the US Department of Justice's BJA Justice Assistance Grant Program for 2014 to fund the purchase of at least three (3) new In-Car Mobile Camera Audio/Video Recorders to replace three (3) old units being replaced in the upcoming fiscal year under the department's Capital Improvement Plan (CIP) schedule.

The grant, which does not require a cash grant match, must be divided with the Vance County Sheriff's Office as a "disparate jurisdiction" per Department of Justice guidelines. The full amount allocated by the Department of Justice is \$16,935. We propose to divide this allocation with the Sheriff's Office in the same manner as past US Department of Justice BJA JAG Grants

with 60% being allocated to the City of Henderson and 40% allocated to Vance County. Under this dispersion the City of Henderson would receive \$10,161 and Vance County \$6,774.

The US Department of Justice requires that agencies receiving funds to be divided with a disparate jurisdiction must complete a Memorandum of Understanding. A copy of this Memorandum of Understanding between the City of Henderson and Vance County is included and will be forwarded to the Vance County Board of Commissioners for their action, if approved.

The grant application must be reviewed by the City Council at least thirty (30) days prior to the grant application being submitted to the US Department of Justice and a time for public comment must be provided. The grant application is due for electronic submission to the US Department of Justice on or before 10 June 2014. The anticipated notification date if the grant is accepted is 1 July 2014. The grant terms would be the same as the Federal Budget Year for 2014-2015: October 1, 2014 to September 30, 2015.

Enclosures:

1. Resolution 14-39
2. City of Henderson "Internal Process to Decide Whether Grant Application is Appropriate".

RESOLUTION 14-39

A RESOLUTON AUTHORIZING THE APPLICATION FOR GRANT FUNDING FROM THE US DEPARTMENT OF JUSTICE BJA JUSTICE ASSISTANCE GRANT PROGRAM FOR 2014

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

WHEREAS, the Henderson Police Department is the law enforcement agency with the responsibility for law enforcement within the City of Henderson *and*

WHEREAS, the Henderson Police Department seeks to use sworn officers to address crime and disorder problems within the City more effectively and safely; *and*

WHEREAS, the Henderson Police Department has successfully applied for and received grant funding for Law Enforcement purposes from the US Department of Justice BJA Justice Assistance Grant Program (BJA JAG) in the past, *and*

WHEREAS, the US Department of Justice BJA Justice Assistance Grants Program has announced that funding applications be submitted to their program for consideration for funding in the 2014-2015 Federal Fiscal Year, *and*

WHEREAS, the City of Henderson and Vance County have entered into and executed Memorandums of Understanding with regards to funding from the US Department of Justice BJA Justice Assistance Grants in the past, *and*

WHEREAS, the City of Henderson and Vance County have agreed to disperse the funds from US Department of Justice BJA Justice Assistance Grant Programs in the past with 60% of the funding being dispersed to the City of Henderson and 40% to Vance County as a disparate jurisdiction, *and*

WHEREAS, the City of Henderson has been allocated by the US Department of Justice BJA Justice Assistance Grants Program as eligible to apply for \$16,935 in funding.

NOW THEREFORE BE IT RESOLVED by the Henderson City Council that it does hereby authorize the Chief of Police of the Henderson Police Department to submit this application for grant funding in the amount of \$16,935, being more fully articulated in **Attachment A** to this Resolution, and authorizes the City Manager to approve said Application and the Memorandum of Understanding with Vance County on behalf of the City (See **Attachment B** to this Resolution).

The foregoing Resolution 14-39, upon motion of Council Member ***** and second by Council Member ***** , and having been submitted to a roll call vote received the following votes and was ***** on this the ___th day of ___, 2014: YES: NO. ABSTAIN: . ABSENT:

.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved as to Legal Form:

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

GMS Application Number 2014-H1538-NC-DJ FY 14 Edward Byrne Memorial Justice Assistance Grant Program Narrative – Attachment 1

Description of the proposed program activities for the four (4) year period and analysis of need:

The Henderson Police Department and the Vance County Sheriff's Office are applying jointly for the allocated funding of \$16,935 under the BJA Justice Assistance Grant Program for 2014. By joint agreement of the local governing bodies of the two agencies (The City of Henderson City Council and the Vance County Board of Commissioners, respectively,) the Henderson Police Department will receive \$10,161 in funding and \$6,774 in funding will be forwarded to the Vance County Sheriff's office. This agreement has been formalized in a Memorandum of Understanding (MOU), a copy of which is included with this application as a PDF file via the Grants Management System.

The Henderson Police Department is requesting to use its portion of allocated funds to fund the purchase of at least three (3) new In-Car Mobile Camera Audio/Video Recording systems. These cameras are used by the department to record the activities and vehicle stops of Henderson Police Officers in marked Police Patrol vehicles. The recording of officer's activities is important to provide evidence in criminal cases, defend against improper or false claims filed against officers, and provide video and audio for training purposes, allowing documentation of officers' activities under the Community Revitalization Initiative program.

The Community Revitalization Initiative (CRI) consists of a comprehensive plan of dealing with the high crime rates indicated in the application through specific training, analysis, and investigation strategies for law enforcement. It is also a comprehensive collaboration between law enforcement, the affected communities (through citizen's groups) and rental

property managers, private businesses, utility providers, local media and other governmental agencies to help promote both prevention and intervention efforts. The City of Henderson's per capita Part 1 crime rates are among the highest in NC and higher than many comparatively sized departments in the US.

The Vance County Sheriff's Office is requesting to use its portion of allocated funds to purchase needed equipment for sworn deputies for which budgeted funds are not available. Funds will be used to purchase updated Mobile Data Terminals, accompanying equipment and communication cards in Sheriff's Deputy vehicles.

Budget Summary Page

A. Personnel/Salary Costs	<u>\$0</u>
B. Fringe Benefits	<u>\$0</u>
C. Travel	<u>\$0</u>
D. Equipment	<u>\$20,274</u>
E. Supplies	<u>\$0</u>
F. Construction	Unallowable
G. Consultants/Contracts	<u>\$0</u>
H. Other	<u>\$</u>
I. Indirect Costs	<u>\$0</u>
 TOTAL PROJECT COSTS	 <u>\$20,274</u>
 Federal Request	 <u>\$16,935</u>
 Applicant Funds, if any, to be applied to this project	 <u>\$3,339</u>

GMS Application Number 2014-H1538-NC-DJ BJA FY 14 Edward Byrne Memorial Justice Assistance Grant Program Review Narrative – Attachment 3

- 1) The JAG application announcement and information was made available for review to the City of Henderson City Manager, Mr. Ray Griffin for distribution to the Henderson City Council 05/07/2014. The full application was made available to Mr. Griffin for distribution and review by the City Council on 05/07/2014. This notification occurred over 30 days before submission of this application to the BJA via the Grants Management System. The information was forwarded to Mr. Jerry Ayscue, Vance County Manager, for review by the Vance County Board of Commissioners following the City of Henderson Council Meeting on 05/12/2014.
- 2) The information was made public by the applying agency, the City of Henderson, in the agenda of the City of Henderson City Council prior to the Council's regular meeting on 05/12/2014. At that meeting, to the extent of applicable law or established procedure, an opportunity to comment was provided to citizens and neighborhood or community organizations.
- 3) A Memorandum of Understanding (MOU) has been executed and signed by each jurisdiction's Authorized Representative, outlining each jurisdiction's allocation and indicating which jurisdiction is serving as the applicant/fiscal agent for the joint funds. This MOU is transmitted with this application as a PDF file.

Applicant's Name: City of Henderson, North Carolina

Title of the Project: Henderson Vance BJA JAG Program 2014

Goals of the Project:

Henderson Police Department Project Goal(s): Purchase updated equipment to be issued to sworn police officers to upgrade older equipment.

Vance County Sheriff's Office Project Goal(s): Purchase updated equipment to be issued to sworn deputies to upgrade older equipment.

Strategies to be used:

The Henderson Police Department Community Revitalization Initiative (CRI) consists of a comprehensive plan of dealing with the high crime rates indicated in the application through specific training, analysis, and investigation strategies for law enforcement. The new In-Car Video Cameras will be used to replace old, outdated in-car cameras to better record and preserve video and audio of officer's vehicle stops and actions for both training and evidentiary purposes.

The Vance County Sheriff's Office plan includes the purchase of three (3) Mobile Data Terminals, accessories and communications cards for installation in Sheriff's Deputies' patrol vehicles.

Top Five Program Identifiers:

- 1) Community Policing (Law Enforcement)
- 2) Crime Prevention (Crime Prevention and Education)
- 3) Gangs (Law Enforcement)
- 4) Recording Police Actions (Program Planning, Evaluation and Technology)
- 5) Equipment – General (Program Planning, Evaluation and Technology)

**The State of North Carolina
County of Vance**

**KNOW BY ALL THESE PRESENT
INTER-LOCAL AGREEMENT BETWEEN THE CITY OF HENDERSON, NORTH
CAROLINA AND THE COUNTY OF VANCE, NORTH CAROLINA
REGARDING GMS APPLICATION NUMBER 2014-_____ BJA FY 14 EDWARD
BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM: LOCAL
SOLICITATION FORMULA PROGRAM AWARD**

THIS AGREEMENT is made and entered into this the ____ day _____, 2014 by and between the County of Vance, acting by and through its governing body, the Board of Commissioners, hereinafter referred to as COUNTY, and the City of Henderson, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Vance County, State of North Carolina, witnesseth:

WHEREAS, this agreement is made under the authority of the City of Henderson and Vance County to enter into cooperative agreements; and

WHEREAS, each governing body, in performing the governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interest of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement; and

WHEREAS, the CITY agrees to provide the COUNTY \$6,774.00 from JAG award total of \$16,935.00 for the Vance County Sheriff's Office, and

WHEREAS, the CITY and COUNTY believe it to be in their best interests to reallocate the JAG funds.

NOW THEREFORE, the CITY AND COUNTY AGREE AS FOLLOWS:

SECTION 1: CITY agrees to pay COUNTY a total of \$6,774 of JAG funds.

SECTION 2: COUNTY agrees to use \$6,774 for the Vance County Sheriff's Office until September 30, 2015 or until such funds are expended.

SECTION 3: Nothing in the performance of this Agreement shall impose any Liability for claims against COUNTY other than claims for which the Tort Laws of the State of North Carolina may impose liability.

SECTION 4: Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which the Tort Laws of the State of North Carolina may impose liability.

SECTION 5: Each party to the agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any city liability that may arise from the furnishing of the services by the other party.

SECTION 6: The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

SECTION 7: By entering into this Agreement, the parties do not intent to create any obligations express or implied other than those set out herein, further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF HENDERSON, North Carolina

COUNTY OF VANCE, North Carolina

James D. O'Geary, Mayor

Thomas S. Hester, Jr., Chairman

A. Ray Griffin, Jr., City Manager

Jerry L. Ayscue, County Manager

ATTEST:

ATTEST:

Esther McCracken, City Clerk

Kelly H. Grissom, County Clerk

Approved as to Legal Form:

Approved as to Legal Form:

John H. Zollicoffer, City Attorney

Jonathan Care, County Attorney

CITY OF HENDERSON

INTERNAL PROCESS TO DECIDE WHETHER GRANT APPLICATION IS APPROPRIATE

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

Funding Source: Bureau of Justice Assistance J.A.G. Grants Program FY 2014

Grant/Project Name: BJA JAG 2014

Date Application Due: 8:00 pm EST June 10, 2014

This is a X NEW or RECURRING Grant.

Brief Project Summary:

This grant is a new application for a recurring annual grant. This report includes the details of the proposed budget. Due to the Vance County Sheriff's Office being designated as a "Disparate Jurisdiction" (meaning that they were not automatically designated to receive funding while we were) we are required to file a joint application with them. The normal allocation splits done in previous years share the proceeds from this grant as 60% to the City and 40% to the County.

The total allocation for this year is \$16,935. The City's portion will be \$10,161.00 and the County \$6,774.

The Henderson Police Department is requesting to use its portion of allocated funds to purchase at least three (3) new In-Car Video Cameras to replace old obsolete units in vehicles being parked as stripped in the upcoming fiscal year. The BJA JAG 2014 will be fully utilized prior to the end of FY 2014 - 2015.

The grant application requires that the City of Henderson and the County of Vance adopt a Memorandum of Understanding (MOU) regarding the award and distribution of the grant (Draft copy attached).

The grant applications requires that the Grant Application be reviewed by the City Council and the County Commissioners and be available for review and comment by the public at least 30 days prior to the submission of the application. **Due to the application deadline being 06/10/2014, we are requesting that the grant applications included with this request be added to the agenda for Council review and public comment at the 05/12/2014 Council Meeting.**

Maximum amount available from Funding Source: \$16,935.00 (both City and County).

Anticipated Award Notification Date: 08/01/2014

Anticipated Grant Term: Start Date: 09/01/2014
Finish Date: 06/01/2015

Amount to be requested: \$16,935 (both City and County)

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

Eligible types of match: This grant does not require a match.

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

This grant will not require a match.

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

This project is a "drawdown" award. This project would be an advance drawdown of funds and would require a Grant Project Account as in past BJA JAG accounts.

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

Is this project included in:

Departmental Budget	No
Capital Improvements Plan	No

No. This grant was not announced until after the department had submitted its budget request for the FY 2014-2015 fiscal year. The grant will be set up in a separate Grant Project Fund and not as part of the regular budget (510).

Grant funds will be used for the following:

Purchase of at least three (3) new In-Car Video Cameras for Marked Police Patrol vehicles.

How will the program be funded after the grant expires?

The units will not require further funding after purchase and installation.

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

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

Some additional questions to consider:

Are any other departments within the City of Henderson eligible for this funding?
No.

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

This is a law enforcement project only.

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

No. This is a law enforcement only grant.

City Council Action Form

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



Agenda Item: _____

Council Meeting: 12 May 14 Regular Meeting

30 April 2014

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

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

RE: **CAF 14-58**

Consideration of Approval of Resolution 14-38, Award of FY 14 Audit Contract between the City of Henderson and William L. Stark and Company to Conduct the Annual Audit for Fiscal Year 2013-2014.

Ladies and Gentlemen:

Recommendation:

- Approval of Resolution 14-38, Award of FY 13 Audit Contract between the City of Henderson and William L. Stark and Company to Conduct the annual audit for fiscal year 2013-2014.

Executive Summary

Attached is a copy of the proposed contract to audit accounts for the City of Henderson from William L. Stark and Company. It is recommended that this contract be approved and this local auditing firm be allowed to conduct the audit for the 3rd consecutive year. This represents year three of a three year proposal submitted by William L. Stark and Company. The fee for the fiscal year 2014 audit totals \$43,650. William L. Stark and Company agrees to complete the audit by October 31, following the close of the fiscal year on June 30th.

Enclosures

1. Resolution 14-38

RESOLUTION 14-38

A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY OF HENDERSON AND WILLIAM L. STARK AND COMPANY TO CONDUCT THE ANNUAL AUDIT FOR FISCAL YEAR 2013-2014

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

WHEREAS, the City has utilized the services of William L. Stark and Company (Company) for the fiscal year 2012 and fiscal 2013 audits and has found the Company's services to be beneficial to the City and its financial staff, *and*

WHEREAS, the Company has provided a proposal for the FY14 Audit, said services to be in the amount of \$43,650.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSON THAT it does hereby authorize the Mayor to sign a contract, being more fully articulated in **Attachment A** to this Resolution, for services with the Company for the FY 14 Audit in the amount of \$43,650.

BE IT FURTHER RESOLVED THAT IT IS THE STRONG WISH AND DESIRE OF THE CITY COUNCIL THAT the City Finance Staff and William L. Stark and Company staff work together in a diligent and time sensitive manner to ensure the FY 14 Audit will be submitted to the Local Government Commission by 31 October 2014 as stipulated in paragraph 6 of said contract.

The foregoing Resolution 14-38, 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: . Absent: . Abstain: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

*Reference: Minute Book 43, p. ***; CAF 14-58*

LGC-205 (Rev. 2014)

CONTRACT TO AUDIT ACCOUNTS

Of CITY OF HENDERSON

Governmental Unit and Discretely Presented Component Unit (DPCU) if applicable

On this 28TH day of APRIL, 2014,

Auditor: WILLIAM L. STARK AND COMPANY

Auditor Mailing Address: PO BOX 911, HENDERSON NC 27536

Hereinafter referred to as The Auditor

and CITY COUNCIL

(Governing Board (s)) of CITY OF HENDERSON

: hereinafter referred to as the Governmental Unit (s), agree as follows:
Governmental Unit (s)

1. The Auditor shall audit all statements and disclosures required by generally accepted accounting principles (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit (s) for the period beginning JULY 1, 2013, and ending JUNE 30, 2014. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion will be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCU's, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with generally accepted auditing standards. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB Circular A-133 Audits of States, Local Governments, and Non-Profit Organizations and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated workpapers may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and/or workpapers are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC CPA Board).

County and Multi-County Health Departments: The Office of State Auditor will designate certain programs that have eligibility requirements to be considered major programs in accordance with OMB Circular A-133 for the State of North Carolina. The LGC will notify the auditor and the County and Multi-Health Department of these programs. A County or a Multi-County Health Department may be selected to audit any of these programs as major.

3. If an entity is determined to be a component of another government as defined by the group audit standards - the entity's auditor will make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unqualified opinion being rendered. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract (See Item 22). **If the audit firm received a peer review rating other than pass**, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to Government Accounting Standards or if financial statements are not prepared in accordance with GAAP and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment..

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the State and Local Government Finance Division (SLGFD) within four months of fiscal year end. Audit report is due on: OCTOBER 31, 2014. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay must be submitted to the Secretary of the LGC for approval.

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

Name of Governmental Unit and Discretely Presented Component Unit's (DPCU) if applicable

7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relates to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report must include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work must be submitted by email in PDF format to the Secretary of the LGC for approval. The invoices must be sent to: lge.invoice@nctreasurer.com. Subject line should read "Invoice – [Unit Name]. The PDF invoice marked 'approved' with approval date will be returned by email to the Auditor to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the LGC, the following fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts:

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

Audit \$21,825

Preparation of the annual financial statements \$21,825

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee. The 75% cap for interim invoice approval for this audit contract is \$ 32,737 **** NA if no interim billing**

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

Contract to Audit Accounts (cont.)

CITY OF HENDERSON

Name of Governmental Unit and Discretely Presented Component Unit's (DPCU) if applicable

Auditor. If it is determined by the LGC that corrections need to be made to the Governmental Unit's financial statements, they should be provided within three days of notification unless, another time frame is agreed to by the LGC.

If the OSA designates certain programs to be audited as major programs, as discussed in item #2, a turnaround document and a representation letter addressed to the OSA shall be submitted to the LGC.

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

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time and/or compensation as may be agreed upon by the Governing Board and the Auditor
15. If an approved contract needs to be varied or changed for any reason, the change must be made in writing, signed and dated by all parties and pre-audited if the change includes a change in audit fee. This document and a written explanation of the change must be submitted by email in PDF format to the Secretary of the LGC for approval. The portal address to upload your amended contract and letter of explanation documents is <http://nctreasurer.slgfd.leapfile.net> No change shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.
16. Whenever the Auditor uses an engagement letter with the Governmental Unit, Item #17 is to be completed by referencing the engagement letter and attaching a copy of the engagement letter to the contract to incorporate the engagement letter into the contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract will control. Engagement letter terms are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item #23 of this contract. Engagement letters containing indemnification clauses will not be approved by the LGC.
17. Special provisions should be limited. Please list any special provisions in an attachment. N/A
18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not issued and the DPCU is included in the primary government audit, the DPCU must be named along with the parent government on this audit contract. Signatures from the DPCU Board chairman and finance officer also must be included on this contract.
19. The contract must be executed, pre-audited, physically signed by all parties including Governmental Unit and Auditor signatures and submitted in PDF format to the Secretary of the LGC. The current portal address to upload your contractual documents is <http://nctreasurer.slgfd.leapfile.net> Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of April, 2014. These instructions are subject to change. Please check the NC Treasurer's web site at www.nctreasurer.com for the most recent instructions.
20. The contract is not valid until it is approved by the LGC Secretary. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.
21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
22. Municipal & County Contracts: The Auditor acknowledges that any private employer transacting business in this State who employs 25 or more employees in this State must, when hiring an employee to work in the United States, use E Verify to verify the work authorization of the employee in accordance with N.C.G.S. §64 26(a). The Auditor acknowledges further that any such private employer and its subcontractors must comply with all of the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (North Carolina's E-verify law), and that such private employer has a duty under the law to ensure compliance by its subcontractors. The Auditor further acknowledges that this contract is of the type governed by S.L. 2013-418, which makes it unlawful for a local government to enter into certain types of contracts unless the contractor and its subcontractors comply with North Carolina's E-verify law, and that failure to comply with such law could render this contract void. The Auditor hereby covenants, warrants and represents for itself and its subcontractors that with respect to this contract the Auditor and its subcontractors shall comply with the provisions of North Carolina's E-verify law and that failure to comply with such law shall be deemed a breach of this contract and may render this contract void.
23. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item 16 for clarification).

N/A

Contract to Audit Accounts (cont.)

CITY OF HENDERSON

Name of Governmental Unit and Discretely Presented Component Unit's (DPCU) if applicable

Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.

Audit Firm Signature:

WILLIAM L. STARK AND COMPANY

Name of Audit Firm

By M. CURTIS AVERETTE, JR, CPA

Authorized Audit firm representative name: Type or print

Signature of authorized audit firm representative

CURTIS@WLSTARKCO.COM

Email Address of Audit Firm:

Date

Governmental Unit Signatures:

By JAMES D O'GEARY, MAYOR

Mayor / Chairperson: Type or print name and title

Signature of Mayor/Chairperson of governing board

Date

By N/A

DPCU Chairperson: Type or print name and title

Signature of Chairperson of DPCU if applicable

Date N/A

Unit Signatures (continued):

By N/A

Chair of Audit Committee - Type or print name

Signature of Audit Committee Chairperson

Date N/A

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

PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a)

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

By KATHERINE C. BRAFFORD

Governmental Unit Finance Officer: Type or print name

Finance Officer Signature

KBRAFFORD@CI.HENDERSON.NC.US

Email Address of Finance Officer

Date

(Pre-audit Certificate must be dated.)

Date Governing Body Approved Audit Contract - G.S. 159-34(a)

Board Approval Date - Primary Government

N/A

Board Approval Date - DPCU

City Council Action Form

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



Agenda Item: _____

Council Meeting: 12 May 14 Reg. Meeting

6 May 2014

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

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

RE: **CAF: 14-29**

Consideration of Resolution 14-16 Authorizing Execution of Agreement with the North Carolina Department of Transportation (NCDOT) Relative to the Chavasse Avenue Widening Project (WBS Element: 38404)

Ladies and Gentlemen:

Council Goals Addressed By This Item:

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

Recommendation:

- Not Approve Resolution 14-16 Authorizing Execution of Agreement with the North Carolina Department of Transportation (NCDOT) Relative to the Chavasse Avenue Widening Project (WBS Element: 38404)

Executive Summary

The City of Henderson requested the NCDOT widen a portion of Chavasse Avenue (SR 1228) from US#1 Business to Young Avenue. Through its Legislation delegation in 2007, funding was secured in the amount of \$700,000, with the stipulation that the City procure the necessary right-of-way. At the present time there is one easement remaining to be obtained, in which there is ongoing negotiation with the property owner.

In 2010 there were many discussions, Public Hearings, etc. regarding the High Speed Rail Project. This caused a major delay with the State due to plans to close the Chavasse Avenue crossing onto William Street and at one point the City was told the project would not proceed. There was virtually no work performed on the Chavasse Avenue widening project during this timeframe. The City was notified in late 2012 that funding was still available and the project could proceed if the City so desired; however, by that time the existing easements obtained by the City had expired requiring new easements to be obtained. This project also requires approval of the NC Dept. of Cultural Resources State Historic Preservation office (SHPO) relative to the

CAF 14-29: 12 May 14 Council Meeting: 28 April 2014 Work Session

Page 1 of 11

Mistletoe Villa Property. There are trees within the proposed easement that would have to be removed and landscaping plans were prepared by the State and approved by the SHPO and Mistletoe Villa property owners.

The NCDOT has now asked the City to execute a locally administered project State Contingency Agreement with the NCDOT which outlines the responsibilities of both the City and the NCDOT. This is a new addition from when the project was first agreed upon.

One of the main components of the Agreement is under "Funding", which states "*the Department shall participate up to a maximum amount of Seven Hundred Thousand Dollars (\$700,000). The Municipality shall be responsible for any cost that exceeds the maximum amount unless other sources are identified within NCDOT and/or other funding sources.*" Based on information received from NCDOT relative to the estimated cost of construction, it appears that there could be a shortfall of approximately \$50,000. This is better than originally thought due to NCDOT's ability to utilize resurfacing funds to help pay for the overlay portion of the project.

Also, under additional provisions, the Agreement states "*The Municipality will indemnify and hold harmless the Department and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claims for damage and/or liability in connection with the right of way acquired for Project activities performed pursuant to this Agreement including construction of the Project.*" City Administration requested that "*including the construction of the project*" be removed; however, NCDOT would not agree. This new language was revised from the original language submitted by NCDOT but City Administration does not feel that the City should be responsible for any part of the construction since the contract and/or purchase order would be between the NCDOT and its contractor who was awarded the project.

This remains a good project and one that is needed due to the amount of vehicular and pedestrian traffic that uses this facility daily. Also the road widening project includes construction of a sidewalk.

It is difficult to recommend using critically limited local funds to supplement this State project since there are many City streets that need resurfacing and/or other repairs such as storm drain improvements, pavement marking, etc. that cannot be addressed due to lack of funding. Additionally, it is very difficult to recommend to Council to accept liability for the project when the City has no control over the project and does not own the land Right-of-Way. Bids have not been taken at this time on this project, so there is a chance that the project will come in within budget, but the possibility that there could be a shortfall of funds must be considered. There is a small amount of Powell Bill funds available; however, use of Powell Bill funds on a State maintained facility would be limited only to construction of the sidewalk.

Enclosures:

1. Resolution 14-16
2. Resolution 12-84

RESOLUTION 14-16

AUTHORIZING EXECUTION OF AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) RELATIVE TO THE CHAVASSE AVENUE WIDENING PROJECT (WBS ELEMENT: 38404)

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 Council (Council) requested funding for the Chavasse Avenue Widening Project and received notice in 2007 that funding was secured; *and*

WHEREAS, the City Council resolved to support completion of the Chavasse Avenue Widening Project in 2012, via Resolution 12-84; *and*

WHEREAS, the City is responsible for obtaining any necessary easements and/or right of ways to construct the project; *and*

WHEREAS, the NCDOT has determined that it is necessary to execute an agreement with the City which outlines the responsibility of the City and NCDOT; *and*

WHEREAS, bids have not been taken for the project and there could be costs exceeding \$700,000; *and*

WHEREAS, the agreement states that the City (municipality) would be responsible for any cost exceeding \$700,000, unless other sources are identified within NCDOT or other funding sources.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSON: That the Mayor is authorized and directed to execute said agreement, being more fully articulated in **Attachment A** to this Resolution, on behalf of the City.

The foregoing Resolution 14-16 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. **.)

Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

Entity: City of Henderson

County: Vance

TIP / WBS Element:

WBS Element: 38404

Scope: The Project consists of the widening of SR 1228 (Chavasse Avenue) for curb and gutter and sidewalk, from US 1B to Young Avenue.

Funding:

Type (Payable or Non-Participation): Non-Participation

State Agreement Type: Contingency

State Funding: \$700,000

Total Cost: \$700,000

Funding for (Project or Construction): Project

Payment Interval: N/A

Will the Department reimburse the ROW: False

If "True" appears, the Department will reimburse

If "False" appears, the Department will not reimburse No

Responsibilities:

Planning: Department

Design: Department

ROW: Municipality

Utilities: Department

Construction: Department

Maintenance: The Department shall maintain the Project upon completion. Sidewalk shall be maintained by the Municipality.

Agreement ID # 4542

NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT – STATE
CONTINGENCY AGREEMENT**

VANCE COUNTY

DATE: 03/24/2014

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

WBS Elements: 38404

CITY OF HENDERSON

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and City of Henderson, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the parties have agreed to make certain improvements within the Municipality under WBS Element 38404 in Vance County in accordance with the plans and specifications approved by the Department; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-66.3, Section 136-18 (24) and (27), Section 20-169, Section 160A-296 and Section 297, to participate in the planning and construction of the Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the Department and the Municipality have agreed that the jurisdictional limits of the Parties, as of the date of the awarding of the contract for the construction of the above-mentioned Project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

Agreement ID # 4542

1

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF PROJECT

1. The Project consists of the widening of SR 1228 (Chavasse Avenue) for curb and gutter and sidewalk, from US 1B to Young Avenue.

PHASES OF THE WORK:

2. The Department shall be responsible for the planning, design, utilities, construction and contract administration phases of the project. The Municipality shall be responsible for the right of way phase of the project. All work shall be done in accordance with Departmental standards, specifications, policies and procedures.

RIGHT OF WAY

3. The Municipality shall be responsible for acquiring any needed right of way and/or permanent easements required for said Project. If the Project is not to be constructed within the existing right of way, the Municipality will be responsible for any additional right of way or easements. Acquisition of right of way shall be accomplished in accordance with applicable policies, guidelines, statutes and the North Carolina Department of Transportation Right of Way Manual.

FUNDING

4. Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of state funds, the Department shall participate up to a maximum amount of Seven Hundred Thousand Dollars (\$700,000). The Municipality shall be responsible for any cost that exceeds the maximum amount unless other sources are identified within NCDOT and/or other funding sources.

MAINTENANCE

5. Upon completion of the Project, only those improvements within the state owned right of way shall be considered on the State Highway System and owned and maintained by the Department.

ADDITIONAL PROVISIONS

7. This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.
8. The Municipality will indemnify and hold harmless the Department and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claims for damage and/or liability in connection with the right of way acquired for Project activities performed pursuant to this Agreement including construction of the Project. The Department shall not be responsible for any damages claims, which may be initiated by third parties.
9. All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.
10. Each of the parties covenants that if it enters into any subcontracts in order to perform any of its obligations under this contract, it shall require that the contractors and their subcontractors comply with the requirements of NC Gen. Stat. Article 2 of Chapter 64. In this E-Verify Compliance section, the words contractors, subcontractors, and comply shall have the meanings intended by N.C. Gen. Stat. § 160A-20.1
11. "By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

12. The Municipality shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement and that no expenditure of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

APPROVED AS TO LEGAL FORM: CITY OF HENDERSON

BY: _____ BY: _____

CITY ATTORNEY: _____ TITLE: _____

DATE: _____

"N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization."

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Henderson

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

PRESENTED TO THE BOARD OF TRANSPORTATION ITEM O: _____

Agreement ID # 4542

5

R E S O L U T I O N 12-84

A RESOLUTION SUPPORTING COMPLETION OF THE WIDENING OF SR 1228 (CHAVASSE AVENUE) FROM US 1 BUSINESS (RALEIGH ROAD) TO SR 1143(S. WILLIAM STREET)

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

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

WHEREAS, the City Council resolved on 6 November 2006 to request release of funding in the total amount of \$700,000 to complete the widening of Chavasse Avenue; *and*

WHEREAS, the NCDOT prepared the design for the project and utility relocation was performed; *and*

WHEREAS, the design prepared by the NCDOT includes the installation of curb and gutter, sidewalk on the north side and widening to a width of 36'-0 (back to back of curb); *and*

WHEREAS, the City of Henderson City Council does understand that the Chavasse Avenue crossing would be closed as if the High Speed Rail project proceeds; *and*

WHEREAS, the remaining portion of Chavasse Avenue would still be used by nearby businesses and homes, as well as connecting future sidewalks to a new pedestrian crossing which would be built as a result of the High Speed Rail project.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE supporting the completion of the Chavasse Avenue widening project (SR 1228) by the NCDOT as indicated in ***Attachment A*** to this Resolution, and is appreciative of the NCDOT in retaining these funds to complete said project.

The foregoing Resolution 12-84, upon motion of Council Member Inscoe and second by Council Member Rainey, and having been submitted to a roll call vote received the following votes and was APPROVED on this the 8th day of October 2012: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke and Daye. NO: None. ABSTAIN: None. ABSENT: Brown.

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.618, CAF 12-124

City Council Action Form

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



Agenda Item: _____

Council Meeting: 12 May 14 Regular Meeting

8 May 2014

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

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

RE: CAF: 14-63

Consideration of Approval of Resolution 14-40 Allowing Vance County Relay for Life to Place a Banner across the Charles Street Overpass

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

Core Value 7: Teamwork and Collaborative Efforts: We value teamwork and collaborative efforts with our fellow workers, stakeholders, and partners and believe that through such efforts we will be better able to achieve our goals and objectives.

Recommendation:

- Approval of Resolution 14-40, Allowing Vance County Relay for Life to Place a Banner across the Charles Street Overpass

Executive Summary:

- Mr. James Baines (Event Co-Chair) of Vance County Relay for Life is requesting permission to display a sign (banner) measuring 9 ½ ft. x 3ft. (28.5 square feet) across the Charles Street overpass facing Garnett Street for a duration beginning immediately after approval by Council, if so approved, and ending June 30, 2014 or earlier. The purpose of the sign is to inform citizens about the Relay for Life events benefiting the American Cancer Society.

Section 16-11 of the City Code prohibits displaying any signs across any street or on sidewalks unless approved by the City Council prior to installation (see below).

City of Henderson City Ordinance-Sec. 16-11. - Signs across streets or sidewalks.

*No person shall raise any sign across any street or on the sidewalks thereof further than five (5) feet from the building unless approved by the city council; provided, that the chief of police can issue a permit on special occasions of city-wide interest for **banners** to be hung across city streets; further provided, that the **banners** are located no closer to the central business district than Spring Street or Church Street on Garnett Street, William Street or Chestnut Street. Bunting can be placed on city right-of-way with permission of the chief of police on special occasions of city-wide interest. Variances from these provisions require city council approval.*

The Charles Road Overpass is owned by CSX Railroad therefore, permission may need to be obtained by the Relay for Life Foundation from CSX Railroad prior to displaying said banner.

Enclosure:

1. Resolution 14-40
2. Letter of Request

RESOLUTION 14-40

A RESOLUTION ALLOWING VANCE COUNTY RELAY FOR LIFE TO DISPLAY A SIGN ACROSS THE CHARLES STREET OVERPASS

WHEREAS, the Henderson City Council (Council) conducted its Annual Planning Retreat in February 2014 and during said Retreat identified Core Values and Principles that guide our work; *and*

WHEREAS, this Resolution Addresses **CV 7: Teamwork and Collaborative Efforts**: We value teamwork and collaborative efforts with our fellow workers, stakeholders, and partners and believe that through such efforts we will be better able to achieve our goals and objectives; *and*

WHEREAS, Vance County Relay for Life has requested permission to display a sign (banner) across the Charles Street overpass facing Garnett Street for a duration beginning no sooner than 13 May 2014 and ending no later than June 30, 2014; *and*

WHEREAS, the purpose of the sign is to provide information to citizens within the area about the upcoming 2014 Vance County Relay for Life events that benefit the American Cancer Society; *and*

WHEREAS, Charles Road Overpass is the property of CSX Railroad, therefore permission may need to be obtained by the Vance County Relay for Life Foundation prior to displaying said banner.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY, approve installation of a sign (banner) across the Charles Street overpass under the authority of Section 16-11 of the City Code and in accordance with other applicable codes regulating installation of signs, including permission from CSX Railroad if required, for a duration beginning no sooner than 13 May 2014 and ending no later than June 30, 2014.

The foregoing Resolution 14-40 upon motion of Council Member ** and second by Council Member **, and having been submitted to a roll call vote received the following votes and was ***** on this the 12th day of May 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

05-08-2014

Cory Williams

City of Henderson

Re- Relay Banner

Dear Mr. Williams

I am writing this letter in reference to seeking permission to display a banner at the under pass facing Garnett St. Side for this year's 2014 relay event.

The size of the Banner is 9 ½ - 3ft. Thank you so much for your time in this matter. If I need to appear before the City Council Monday night please contact me at my office at 252-438-3923 ext. 2631

Respectfully Yours,

James Baines 

Event Co-Chair

Vance County Relay

City Council Action Form

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



Agenda Item: _____

Council Meeting: 12 May 14 Regular Meeting

6 May 2014

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

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

RE: **CAF: 14-40**

Consideration of Approval of Ordinance 14-10, Demolition of 712 Champion Street

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- **KSO 4: Improve Condition of the Housing Stock** – To improve the condition of and expansion of the Housing Stock.
 - o AP 4-1: Code Enforcement – *To actively enforce City Codes that result in the rehabilitation and/or demolition of substandard, dilapidated or deteriorated housing in order to remove blight.*

Recommendation

- Approval of Ordinance 14-10 Demolition of 712 Champion Street

Executive Summary

The structure located at 712 Champion Street is owned by Heirs of Isaiah Hargrove. The structure meets the requirements of section 21A (Abandoned Structure) of City Code. The proper enforcement procedures have been followed in accordance with section 21A and North Carolina General Statutes 160A-429,443 and 445. The property taxes are past due from years 2012 and 2013 for a total of \$669.54. Mr. John Zollicoffer, City Attorney, has reviewed the enforcement process and there are no foreseen problems at this time. Therefore, to proceed with the enforcement process, an Ordinance of Demolition is required for adoption by the City Council.

Enclosure:

1. Ordinance 14-10
2. Photograph

ORDINANCE 14-10

AN ORDINANCE DIRECTING THE CODE COMPLIANCE DIRECTOR TO REMOVE OR DEMOLISH THE STRUCTURE HEREIN DESCRIBED AS HAZARDOUS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, The City Council finds that all owners and parties of interest (whether known or unknown) in the structure described herein are the following (including spouses):

Heirs of Isaiah Hargrove

WHEREAS, The City Council of the City of Henderson finds that the structure described herein is hazardous to the health, safety and welfare of the residents of the City under the City Abandoned Structure Ordinance, and that all of the procedures of the Abandoned Structures Ordinance have been complied with; and

WHEREAS, the owners of this structure have been given a reasonable opportunity to bring the structure up to the standards of the Abandoned Structure Ordinance in accordance with G.S. 160A-443(5) pursuant to an order issued by the Code Administrator on **January 15, 2014** and the owners have failed to comply with the order; and

WHEREAS, the structure should be removed or demolished, as directed by the Code Administrator, and should be placarded by placing thereon a notice prohibiting use for human habitation;

NOW, “THEREFORE, BE IT ORDAINED by the City Council of the City of Henderson, that:

Section 1. The Code Administrator is hereby authorized and directed to place a placard containing the legend;

“This building is hazardous to the public health, safety and welfare; the use or occupation of this building for human habitation is prohibited and unlawful” on the structure located at the following address:

712 Champion Street / Deed Book 740 Page 394 Vance County Register of Deeds / Vance County Tax Parcel 0027 03020A) in the City of Henderson, N.C.

Section 2. The Code Administrator is hereby authorized and directed to proceed to remove or demolish the above described structure in accordance with his/her order to the owners thereof dated the 15th day of **January 2014** and in accordance with the Abandoned Structures Ordinance and G.S. 160A-443.

Section 3. Upon completion of the required removal or demolition, the Code Administrator shall reasonably dispose of any merchantable materials and shall sell any merchantable materials of the structure and credit the proceeds against the cost of the removal or

demolition. The Code Administrator shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the demolition, the Code Compliance Director shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-446(6).

Section 4. The Cost of removal or demolition and any landfill fees associated therewith constitutes a lien against the real property upon which the cost was incurred. The amount of the lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be hazardous to the public health, safety and welfare.

Section 6. This ordinance shall become effective upon its adoption.

The foregoing Ordinance 14-10, upon motion of Council Member *****and seconded by Council Member ***** and having been submitted to a roll call vote and received the following votes and was *****on this the ****th day of ***** 2014: YES: NO: ABSTAIN:. ABSENT:.

Mayor James D. O'Geary

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney



712 Champion Street

City Council Action Form

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



Agenda Item: _____

Council Meeting: 12 May14 Regular Meeting

6 May 2014

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

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

RE: CAF: 14-46

Consideration of Approval of Ordinance 14-12, Demolition of 407 Pettigrew Street

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- **KSO 4: Improve Condition of the Housing Stock** – To improve the condition of and expansion of the Housing Stock.
 - o AP 4-1: Code Enforcement – *To actively enforce City Codes that result in the rehabilitation and/or demolition of substandard, dilapidated or deteriorated housing in order to remove blight.*

Recommendation

- Approval of Ordinance 14-12 Demolition of 407 Pettigrew Street

Executive Summary

The structure located at 407 Pettigrew Street is owned by Hattie M. Richardson or Her Heirs. The structure meets the requirements of section 21A (Abandoned Structure) of City Code. The proper enforcement procedures have been followed in accordance with section 21A and North Carolina General Statutes 160A-429,443 and 445. The property taxes are past due from years 2009 through 2013 for a total of \$2,451.8. Mr. John Zollicoffer, City Attorney, has reviewed the enforcement process and there are no foreseen problems at this time. Therefore, to proceed with the enforcement process, an Ordinance of Demolition is required for adoption by the City Council.

Enclosure:

1. Ordinance 14-12
2. Photograph

ORDINANCE 14-12

AN ORDINANCE DIRECTING THE CODE COMPLIANCE DIRECTOR TO REMOVE OR DEMOLISH THE STRUCTURE HEREIN DESCRIBED AS HAZARDOUS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, The City Council finds that all owners and parties of interest (whether known or unknown) in the structure described herein are the following (including spouses):

Hattie M. Richardson or Her Heirs

WHEREAS, The City Council of the City of Henderson finds that the structure described herein is hazardous to the health, safety and welfare of the residents of the City under the City Abandoned Structure Ordinance, and that all of the procedures of the Abandoned Structures Ordinance have been complied with; and

WHEREAS, the owners of this structure have been given a reasonable opportunity to bring the structure up to the standards of the Abandoned Structure Ordinance in accordance with G.S. 160A-443(5) pursuant to an order issued by the Code Administrator on **January 15, 2014** and the owners have failed to comply with the order; and

WHEREAS, the structure should be removed or demolished, as directed by the Code Administrator, and should be placarded by placing thereon a notice prohibiting use for human habitation;

NOW, “THEREFORE, BE IT ORDAINED by the City Council of the City of Henderson, that:

Section 1. The Code Administrator is hereby authorized and directed to place a placard containing the legend;

“This building is hazardous to the public health, safety and welfare; the use or occupation of this building for human habitation is prohibited and unlawful” on the structure located at the following address:

407 Pettigrew Street / Deed Book 434 Page 509 Vance County Register of Deeds / Vance County Tax Parcel 0103 06004) in the City of Henderson, N.C.

Section 2. The Code Administrator is hereby authorized and directed to proceed to remove or demolish the above described structure in accordance with his/her order to the owners thereof dated the 15th day of **January 2014** and in accordance with the Abandoned Structures Ordinance and G.S. 160A-443.

Section 3. Upon completion of the required removal or demolition, the Code Administrator shall reasonably dispose of any merchantable materials and shall sell any merchantable materials of the structure and credit the proceeds against the cost of the removal or demolition. The Code Administrator shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the demolition, the Code Compliance Director shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-446(6).

Section 4. The Cost of removal or demolition and any landfill fees associated therewith constitutes a lien against the real property upon which the cost was incurred. The amount of the lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be hazardous to the public health, safety and welfare.

Section 6. This ordinance shall become effective upon its adoption.

The foregoing Ordinance 14-12, upon motion of Council Member *****and seconded by Council Member ***** and having been submitted to a roll call vote and received the following votes and was *****on this the ****th day of ***** 2014: YES: NO: ABSTAIN:. ABSENT:.

Mayor James D. O'Geary

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney



407 Pettigrew Street

City Council Action Form

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



Agenda Item: _____

Council Meeting: 12 May 14 Reg. Meeting

5 May 2014

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

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

RE: **CAF: 14-60**

Consideration of Approval of Ordinance 14-32, FY14 Budget Amendment # 36 Amending the CIP Sewer Fund to Reflect Revised Approval of Project Bid Information on the Sandy Creek Pump Station Improvement Project Received from NCDENR on March 14, 2014

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 14-32, FY 13-14 Budget Amendment #36 amending the CIP Sewer Fund to reflect revised approval of project bid information on the Sandy Creek Pump Station Improvement Project received from NCDENR on March 14, 2014

Executive Summary

City Council approved, via Resolution 12-18, the application for a State Revolving Fund Grant/Loan at the 27 February 12 Council meeting for the Sandy Creek Pump Station Improvement Project.

On 3 April 2012, the City received notification from the Infrastructure Finance Section (IFS), (formerly the Construction Grants and Loan Section), that the City's application had been received and the Sandy Creek Pump Station Improvements Project found eligible to receive a low interest (CWSRF) loan in the amount of \$1,800,000, of which \$900,000 is in the form of principal forgiveness, with the balance at the prevailing CWSRF interest rate at the time of approval by the Local Government Commission (LGC). The Grant/Loan was accepted by the City via Resolution 12-A-18 on 29 May 2012. The preliminary engineering report was approved by the State on 5 October 2012. The City approved an engineering contract with McGill

Associates to perform engineering services related to this project, as well as the budget for this project based on initial estimated costs of \$1,836,000 via Ordinance 12-78, FY 13 Budget Amendment #17, at a Special Called Meeting on 5 Nov 12.

On 7 Feb 14, the City received an approval of the project bid information and selection of the lowest responsible bidder (Turner Murphy Company, Inc.) from the North Carolina Department of Environment and Natural Resources (NCDENR). The new estimated loan amount at that time was \$1,727,399, and the principal forgiveness was adjusted to \$863,700.

On 14 Mar 14, the City received a revised approval of the project bid information from NCDENR. It was determined that the initial change order number one (\$30,525) was included in the original bid amount. The revised approval reflected the new estimated loan amount to be \$1,696,874, with the principal forgiveness to be \$848,437.

This budget amendment serves to amend the project budget to reflect the revised project costs and loan/grant amounts.

Enclosures:

1. Ordinance 14-32
2. 14 March 14 NCDENR correspondence

ORDINANCE 14-32

FY 2013—2014 Budget Amendment # 36 AN AMENDMENT TO THE CIP SEWER FUND To Amend Project Budget per Revised Approval of Project Bid Information from NCDENR Sandy Creek Pump Station Project

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

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

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

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

FUNDS: 44: CIP Sewer Fund			Ordinance 14-32 FY 13-14 Budget Amendment #36 Budget Amendment #2 to this Capital Project			
44: CIP SEWER FUND REVENUES			Approved 27-Feb-12	Current Budget	Amendment	Revised
Department	Line Item	Code				
Sandy Creek Pump Station Project	Trans Fr: 7o CR Utilities	44-857-461070	\$ 16,200	\$ 52,200	\$ -	\$ 52,200
Sandy Creek Pump Station Project	State Revolving Loan	44-857-458221	\$ -	\$ 900,000	\$ (51,563)	\$ 848,437
Sandy Creek Pump Station Project	State Revolving Grant	44-857-458222	\$ -	\$ 900,000	\$ (51,563)	\$ 848,437
Total			\$ 16,200	\$ 1,852,200	\$ (103,126)	\$ 1,749,074
						\$ 1,749,074
44: CIP SEWER FUND EXPENDITURES			Approved 27-Feb-12	Current Budget	Amendment	Revised
Department	Line Item	Code				
Sandy Creek Pump Station Project	Legal/Admin	44-857-510200	500	500	-	500
Sandy Creek Pump Station Project	Preliminary Engineering	44-857-510296	15,700	15,700	-	15,700
Sandy Creek Pump Station Project	Construction	44-857-510400	-	1,432,000	(34,406)	1,397,594
Sandy Creek Pump Station Project	Contingency	44-857-509900	-	143,000	(73,120)	69,880
Sandy Creek Pump Station Project	Engineering Planning & Design	44-857-510301	-	116,000	11,400	127,400
Sandy Creek Pump Station Project	Construction Admin/Observation	44-857-510800	-	87,000	(7,000)	80,000
Sandy Creek Pump Station Project	Geotech/Materials Testing	44-857-510305	-	22,000	-	22,000
Sandy Creek Pump Station Project	2% SRF Closing Fee	44-857-567000	-	36,000	-	36,000
Total			\$ 16,200	\$ 1,852,200	\$ (103,126)	\$ 1,749,074
						\$ 1,749,074
Variance					\$ -	
Reference:		Notes:				
CAF 12-36; Resolution 12-18 on 27 February 2012		\$10,000 for Engineering Costs				
CAF 12-A-18; Ord 12-37, FY 11-12 BA #46; approved 29 May 2012		\$7,900 for Project Encroachment Expenses				
CAF 12-B-36; Ord 12-78; FY 12-13 BA #17; Resolution 12-92; 5 Nov 2012; initial presentation and consideration for approval at 29 Nov 2012 meeting		\$108,350 for Construction Costs				
CAF 14-60; Ord 14-32; BA #14-36; 12 May 2014 meeting		Amend project budget per revised approval of Project Bid Information from NCDENR on March 14, 2014.				

The foregoing Ordinance 14-32, 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 12th day of May 2014: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther McCrackin, City Clerk

*Reference: Minute Book 42, p.**; CAF 14-60*

STATE OF NORTH CAROLINA - CITY OF HENDERSON

I, Esther McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 14-32 adopted by the Henderson, City Council in Regular Session on _____ 2014. This Ordinance is recorded in *Ordinance Book 8*, p.***.

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

Esther McCrackin
City Clerk
City of Henderson, North Carolina

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

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



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

March 14, 2014

RECEIVED
MAR 20 2014

BY: *PSP*

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

SUBJECT: REVISED
Authority to Award
Project No. CS370410-07
Sandy Creek Pump Station Improvements

Dear Mayor O'Geary:

This is a revised approval of the Project Bid Information. The initial change order number one was included in the original bid amount. The following approved amounts include construction costs and other related project expenses.

<u>Project Expenses</u>	<u>Total Amount</u>	<u>Eligible Amount</u>
Turner Murphy Company, Inc.	\$ 1,367,069	\$ 1,367,069
Proposed Change Order 1	\$ 30,525	\$ 30,525
Contingency	\$ 69,880	\$ 69,880
Technical Services (Planning & Design)*	\$ 127,400	\$ 127,400
Technical Services (Construction)*	\$ 80,000	\$ 80,000
Legal, Testing, Administration*	\$ 22,000	\$ 22,000
Closing Costs (not eligible)	\$ 34,548	
Total Eligible Costs**		\$ 1,696,874

*Subject to further review

** The new estimated loan amount is \$1,696,874 and the principal forgiveness is adjusted to \$848,437

Closing costs for the SRF is 2% of the loan amount, which is \$33,937. This amount has been decreased so the City will receive a refund of \$611.

You may award the contract and issue work orders to begin construction. Please provide this office an original executed contract bound with specifications and Notice to Proceed. Our approval of contracts is not required prior to issuance of work orders. However, No payments can be made until the executed contract documents have been submitted and approved. Additionally, please note that this office will not process any payments until we receive the executed promissory note.

1633 Mail Service Center, Raleigh, North Carolina 27699-1633
Location: 512 N Salisbury Street, Raleigh, North Carolina 27604
Phone: 919-707-9160 FAX: 919-715-6229
Internet: ils.nc.gov
An Equal Opportunity / Affirmative Action Employer

One
North Carolina
Naturally

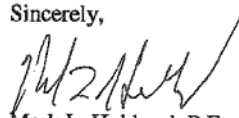
Honorable James O'Geary, Mayor
March 14, 2014
Page 2

All Payment requests must be supported by adequate documentation of costs. Your attention is directed to the special loan conditions included with your loan agreement regarding items that must be addressed prior to payments being made for construction costs.

Please be advised that all change orders must be forwarded to this office for review and approval. Your construction of this project is a step forward in protecting our valuable water resources.

If you have questions regarding this matter, you may contact Don Evans at (919) 707-9164.

Sincerely,



Mark L. Hubbard, P.E., Assistant Chief
Project Management Branch

DE

cc: Tom Spain, City of Henderson
Joel Whitford, McGill Associates
Pam Whitley
Tony Evans
Anita Reed
PMB, SRF

City Council Action Form

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



Agenda Item: _____

Council Meeting: 12 May 14 Reg. Meeting

6 May 2014

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

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

RE: **CAF: 14-59**

Consideration of Approval 1) Ordinance 14-30, FY 13-14 Budget Amendment #34: To Amend the CIP Sewer Fund; and 2) Ordinance 14-31 FY 13-14 Budget Amendment #35: To Amend and Close out the 2013 Governor's Crime Commission Mobile Data Terminal Grant

Ladies and Gentlemen:

Recommendation:

- Approval of Ordinance 14-30, FY 13-14 Budget Amendment #34 to amend the CIP Sewer Fund.
- Approval of Ordinance 14-31, FY 13-14 Budget Amendment #35 to amend and close out the 2013 Governor's Crime Commission Mobile Data Terminal Grant

Executive Summary

When the Finance Director was preparing Ordinance 13-08, FY 2012-2013 BA #22 in January 2013, she misinterpreted the changes to the project budget that were being submitted for the Henderson Water Reclamation Facility Improvements. The budget for engineering design was incorrectly decreased by \$68,000 when the \$68,000 should have come out of contingency funds. After conferring with Assistant City Manager Frazier, the \$68,000 is being restored to engineering design and \$20,000 is coming out of engineering contingency and the remaining \$48,000 is being taken from construction contingency. Additionally, more funds are needed in the legal/admin line item and \$2,500 is being taken from construction contingency to allow for increasing that line item budget.

Budget Amendment #35 is being submitted to amend the project budget for funds not spent and to subsequently close out the project. The Henderson Police Department received a grant from the Governor's Crime Commission in the amount of \$17,580. This grant project required a 25% match on the part of the City. The Police Department was able to purchase eight (8) mobile data terminals and eight (8) power supply docking stations with these funds. After these expenditures were made, there are funds remaining of \$1,160. Seventy-five percent (\$870) of the remaining funds are being forfeited from the grant, since there are not enough funds to purchase an

additional mobile data terminal and the required twenty-five percent (\$290) grant match is being transferred back to the Asset Forfeiture funds from which they came.

Enclosures:

1. Ordinance 14-30
2. Ordinance 14-31

ORDINANCE 14-30

FY 2013—2014 BUDGET AMENDMENT # 34 AN AMENDMENT TO THE CIP SEWER FUND TO CORRECT A PRIOR AMENDMENT AND TO APPROPRIATE ADDITIONAL FEES FOR LEGAL/ADMIN WATER RECLAMATION FACILITY RENOVATION PROJECT

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

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

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

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

		Ordinance 14-30				
FUNDS: 44: CIP SEWER		FY 13-14 Budget Amendment #34				
PROJECT: Water Reclamation Facility Renovation		Budget Amendment #9 to this Capital/Grant Project				
Project Budget Created on 11 Apr 11		Approved 11-Apr-11	Current Budget	Amendment	Revised	
REVENUES						
State CWMTF Grant	44-847-458161	\$ -	\$ 600,000	\$ -	\$ 600,000	
State Revolving Loan	44-847-458221	\$ -	\$ 16,115,000	\$ -	\$ 16,115,000	
State RFL Grant	44-847-458222	\$ -	\$ 1,000,000	\$ -	\$ 1,000,000	
Trans fr: 70 CR Utilities	44-847-461070	\$ -	\$ 779,110	\$ -	\$ 779,110	
Trans fr: 71 CR Utilities	44-847-461071	\$ 70,000	\$ -	\$ -	\$ -	
Trans fr: 79 Rate Stabilization	44-847-461079	\$ -	\$ 103,360	\$ -	\$ 103,360	
		\$ -	\$ -	\$ -	\$ -	
	Total	\$ 70,000	\$ 18,597,470	\$ -	\$ 18,597,470	\$ 18,597,470
EXPENDITURES						
		Approved 11-Apr-11	Current Budget	Amendment	Revised	
Phase 1						
Admin, Permitting and Legal Fees	44-847-461001	\$ -	\$ -	\$ -	\$ -	
Legal/Administrative	44-847-510200	\$ 2,000	\$ 2,500	\$ 2,500	\$ 5,000	
Engineering Preliminary Engineering Report	44-847-510301	\$ 68,000	\$ 68,000	\$ -	\$ 68,000	
Phase 2						
Engineering Design	44-847-223003	\$ -	\$ 775,125	\$ 68,000	\$ 843,125	
Engineering Permitting Administration	44-847-223004	\$ -	\$ 32,105	\$ -	\$ 32,105	
Engineering Bidding & Award Phase	44-847-223005	\$ -	\$ 39,380	\$ -	\$ 39,380	
Engineering Geotechnical	44-847-223006	\$ -	\$ 115,810	\$ -	\$ 115,810	
Admin, Permitting and Legal Fees-design phase	44-847-461002	\$ -	\$ -	\$ -	\$ -	
Phase 3						
Construction Admin & Inspection	44-847-223010	\$ -	\$ 500,000	\$ -	\$ 500,000	
Capital Outlay Reserve--not yet awarded	44-847-499099	\$ -	\$ -	\$ -	\$ -	
Land Acquisition	44-847-507100	\$ -	\$ 27,000	\$ -	\$ 27,000	
Construction Costs	44-847-510400	\$ -	\$ 15,684,384	\$ -	\$ 15,684,384	
Contingencies & Other						
Closing Fee-grant and loan administration	44-847-670001	\$ -	\$ 367,300	\$ -	\$ 367,300	
Transfer to Capital Reserve Utilities	44-847-561070	\$ -	\$ 379,110	\$ -	\$ 379,110	
Contingency	44-847-999010	\$ -	\$ 491,756	\$ (50,500)	\$ 441,256	
Engineering Contingency	44-847-999020	\$ -	\$ 115,000	\$ (20,000)	\$ 95,000	
	Total	\$ 70,000	\$ 18,597,470	\$ -	\$ 18,597,470	\$ 18,597,470
	Variance			\$ -		
Reference:		Notes:				
14 Feb 11: CAF 11-38; Res 11-12; MB 42, p.		Authorized application for grant/loan				
11 Apr 11: CAF 11-70; Res 11-44, Ord 11-29; MB42, p.		Approved PER work and established project ordinance: \$70,000				
10 Oct 11: CAF 11-134; MB42, p.		Mini-Brooks discussion				
26 Oct 11: CAF 11-A-134; Res 11-103; MB42, p.		Approved Mini-Brooks exemption				
14 Nov 11: CAF 11-B-134; Res 11-111; Ord 11-62; MB42, p.		First budget amendment to Project Ordinance: \$1,033,900				
28 Nov 11: CAF 11-C-134, Ord 11-62, MB42, p.						
12 Dec 11: CAF 11-D-134, Ord 11-62, MB42, p.		award of contract to McGill for engineering/design phase and establishing total project budget				
		Phase 1 was Preliminary Engineering & legal/admin: \$70,000				
		Phase 2 is design engineering, permitting, bidding and project contract award: \$1,044,610				
		Phase 3 is construction and is estimated at \$14,075,000				
25 June 12: CAF 12-75; Ord 12-42; BA# 53; MB42,p 492		Amend for decrease in estimated closing fees for grant and loan administration (23,190)				
26 Nov 12: CAF 12-115; Res 12-73; Ord 12-66; BA#12; MB42,p		Notification of approval of CWMTF grant: \$600,000. Transfer funds previously transferred in from Capital Reserve Utilities back to that fund.				
14 Jan 13: CAF 13-12; Res 13-09; Ord 13-08; BA#22		To amend the project budget for changes in post-bid estimates. The transfer side of Fund 79 was part of BA#10; therefore that side of the transaction is not being duplicated here. The project originally called for a transfer in from CR Utilities (Fund 70). After notification of the \$600,000 CWMTF Grant was received, the project budget was amended to revert those funds back to CR Utilities (\$379,110). After all bids and costs were received, it has been determined that \$400,000of those funds are needed to complete the funding of this project, with the remaining \$103,360 to come from the Rate Stabilization Fund				
24 June 13: CAF 13-74; Res 13-51; Ord 13-37; BA#40		To amend the project budget for changes in post-bid estimates. ECS Carolinas, LLP performed the subsurface exploration and geotechnical engineering work and it is being recommended by McGill Associates that they perform the Construction Materials Testing Services. The estimated cost to perform this work is \$115,810 and the current budget is \$100,000. The additional cost is being budgeted from the Contingency line item.				
23 Sept 13: CAF 13-12-A; Res 13-09-A; Ord 13-08-A; BA#13		To amend the project budget for changes or proposed modifications to the engineering contract being recommended by McGill Associates. These changes include adding alternate #5 to the original contract price. The cost of alternate #5 in the original bid was \$33,000 and the contractor has agreed to honor the same price at this time. In addition to the cost for alternate #5, other costs as outlined in the letter are for unsuitable soils, telescoping valve adjustments and door closures, bringing the total amount of the proposed change order to \$55,709. The additional cost is being budgeted from the Contingency line item.				
27 Jan 14: CAF 14-13; Res 14-07; Ord 14-08; BA#24		To amend the project budget for change order #2 to the construction contract with Devere Construction Company. These changes were brought before Council during the work session on January 13, 2014. The costs associated with this change order total \$24,205. These additional costs are being budgeted from the Contingency line item.				
24 Mar 14: CAF 14-06; Res 14-17; Ord 14-26; BA#30		To amend the project budget for change order #3 to the construction contract with Devere Construction Company. These changes are being brought before Council during the work session on March 24, 2014. The costs associated with this change order total \$85,468. These additional costs are being budgeted from the Contingency line item.				
12 May 14: CAF 14-59; Ord 14-30; BA#34		To amend the project budget for corrections to FY 2013 BA #22 and to appropriate an additional amount for Admin/Legal Fees. The budget for Engineering Design was incorrectly eliminated when preparing BA #22 - this will restore that budget line.				
CG&L = Construction Grants & Loans from State of NC, DENR						

The foregoing Ordinance 14-30, 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 12th day of May 2014: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther McCrackin, City Clerk

*Reference: Minute Book 42, p.**; CAF 14-59*

STATE OF NORTH CAROLINA - CITY OF HENDERSON

I, Esther McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 14-30 adopted by the Henderson, City Council in Regular Session on _____ 2014. This Ordinance is recorded in *Ordinance Book 8*, p.***.

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

Esther McCrackin, City Clerk
City of Henderson, North Carolina

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

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

ORDINANCE 14-31

FY 2013-2014 BUDGET AMENDMENT # 35 TO AMEND AND CLOSE OUT THE FOLLOWING GRANT PROJECT: 55-206: 2013 GOVERNOR'S CRIME COMMISSION MOBILE DATA TERMINAL GRANT

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

WHEREAS, pursuant to NC General Statutes, the Council has created and uses Capital Improvements Projects and Grant Projects funds for active capital projects and grant project funds; *and*

WHEREAS, the capital project and grant project funds are open for the life of the project and/or grant, they are nevertheless managed on a day-to-day basis and through the annual fiscal year cycle; *and*

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

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

			Ordinance 14-31			
			FY13-14 Budget Amendment #35			
FUNDS: 55: Grants Project Fund			Amendment # 1 to Grant Project 55-206: 2013 Governor's Crime Commission Mobile Data Terminal Grant			
GRANT PROJECTS FUND REVENUES: 55			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	12-Aug-13	Budget	Amendment	Revised
206: 2013 Gov Crime Comm Mobile Data Terminal Grant Project	Gov Crime Comm Grant	55-206-458204	\$ 17,580	\$ 17,580	\$ (870)	\$ 16,710
	Trans Fr: 10 General Fund	55-206-451010	\$ 5,860	\$ 5,860	\$ (290)	\$ 5,570
		Total	\$ 23,440	\$ 23,440	\$ (1,160)	\$ 22,280
						\$ 22,280
GRANT PROJECTS FUND EXPENDITURES: 55			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	12-Aug-13	Budget	Amendment	Revised
206: 2013 Gov Crime Comm Mobile Data Terminal Grant Project	Capital: Equipment < \$5,000	55-206-507400	\$ 23,440	\$ 23,440	\$ (1,160)	\$ 22,280
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
		Total	\$ 23,440	\$ 23,440	\$ (1,160)	\$ 22,280
						\$ 22,280
		Variance			\$ -	
GENERAL FUND REVENUES: 10			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-13	Budget	Amendment	Revised
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
		Total	\$ -	\$ -	\$ -	\$ -
						\$ -
GENERAL FUND EXPENDITURES: 10			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-13	Budget	Amendment	Revised
512: Asset Forfeitures	Grant Match	10-512-509901	\$ 33,100	\$ 18,490	\$ 290	\$ 18,780
	Trans To: 55 Grants Project	10-512-561055	\$ -	\$ 14,610	\$ (290)	\$ 14,320
			\$ -	\$ -	\$ -	\$ -
		Total	\$ 33,100	\$ 33,100	\$ -	\$ 33,100
						\$ 33,100
		Variance			\$ -	
FUNDS: 55: Grants Project Fund			To Close Out 55-206: 2013 Governor's Crime Commission Mobile Data Terminal Grant			
GRANT PROJECTS FUND REVENUES: 55			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	12-Aug-13	Budget	Amendment	Revised
206: 2013 Gov Crime Comm Mobile Data Terminal Grant Project	Gov Crime Comm Grant	55-206-458204	\$ 17,580	\$ 16,710	\$ (16,710)	\$ -
	Trans Fr: 10 General Fund	55-206-451010	\$ 5,860	\$ 5,570	\$ (5,570)	\$ -
		Total	\$ 23,440	\$ 22,280	\$ (22,280)	\$ -
						\$ -
GRANT PROJECTS FUND EXPENDITURES: 55			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	12-Aug-13	Budget	Amendment	Revised
206: 2013 Gov Crime Comm Mobile Data Terminal Grant Project	Capital: Equipment < \$5,000	55-206-507400	\$ 23,440	\$ 22,280	\$ (22,280)	\$ -
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
		Total	\$ 23,440	\$ 22,280	\$ (22,280)	\$ -
						\$ -
		Variance			\$ -	
Reference:			Notes:			
12 Aug 2013 Meeting; CAF 13-07-A; Ordinance #13-48, BA #7			This amendment establishes the project budget for a Governor's Crime Commission Grant awarded to the Henderson Police Department. The total grant funding will be \$23,440, of which 75%, or \$17,580 will come from grant funds, with the remaining 25% grant match of \$5,860 to be provided through Federal Asset Forfeiture Funds. The grant will be used to purchase eight (8) Mobile Data Terminals.			
12 May 2014 Meeting; CAF 14-59; Ordinance #14-31, BA #35			This amendment serves to amend the project budget for a Governor's Crime Commission Grant awarded to the Henderson Police Department. \$1,160 of the project budget was not spent. 25% of this, or \$290, will be transferred back to the Asset Forfeiture Fund. The remaining 75% (\$870) was not drawn down from the GCC.			

The foregoing Ordinance 14-31, upon motion of Council Member ** and second by Council Member ***, and having been submitted to a roll call vote and received the following votes and was *** on this the _____ day of _____ 2014: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk
*Reference: Minute Book 42 p. ***;*

STATE OF NORTH CAROLINA CITY OF HENDERSON

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 14-31 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

City Council Action Form

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



Agenda Item: _____

Council Meeting: 12 May14 Short Reg. Meeting

1 May 2014

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

FR: A Ray Griffin, Jr., City Manager

RE: CM: 14-17

**Re: Promissory Note for High Speed Pump at Kerr Lake Regional Water Plant
State Project #H-LRX-F-11-1692**

Ladies and Gentlemen:

Attached is a copy of an executed Promissory Note for the funds related to the High Speed Pump Project. The loan amount is \$1,129,000 at 0% interest over 20 years.

This loan was accepted by the Council via Resolution 12-59 on 23 July 2012 and serves as a matter of record and status of the project.

Enclosures:

1. Promissory Note
2. NC Dept. of State Treasurer Letter & Payment Schedule
3. Resolution 12-59

North Carolina Drinking Water State Revolving Fund

Project No H-LRX-F-11-1692

PROMISSORY NOTE

For value received, the City of Henderson herein referred to as the "Unit," hereby promises to pay the State of North Carolina the principal sum One Million One Hundred Twenty Nine Thousand Dollars (\$1,129,000) together with any additional amount disbursed under GS 159G with interest on the unpaid principal sum, from the scheduled date of completion for a loan made to the Unit by the Department of Environment and Natural Resources for a Water Project, herein referred to as the "Project," until said principal sum shall be paid

Interest will accrue at the rate of 0 percent per annum on the unpaid principal sum from the Drinking Water State Revolving Fund. The first payment is due not earlier than six months nor later than twelve months after the scheduled date of completion of the Project by The Department of Environment and Natural Resources – Division of Water Infrastructure.

The principal sum shall be repaid in not more than 20 annual installments on May 1, the first principal payment is due not earlier than six months after the scheduled date of completion of the Project. The scheduled date of completion of the project is January 11, 2015.

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

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

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

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

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

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

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

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

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

By

James D. O'Geary
Authorized Representative

ACKNOWLEDGMENT OF EXECUTION

STATE OF North Carolina

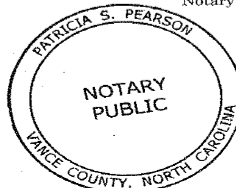
COUNTY OF Vance

This 1st day of May, 2014, personally came before me James D. O'Geary who, being by me duly sworn, says that he is the authorized representative of the City of Henderson and that the said writing was signed by him, in behalf of said governmental unit by its authority duly given. And the said authorized representative acknowledged the said writing to be the act and deed of the said governmental unit.

Patricia S. Pearson
Notary Public

My Commission Expires:

10/25/15
(NOTARIAL SEAL)





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

JANET COWELL
TREASURER

T. VANCE HOLLOMAN
DEPUTY TREASURER

April 24, 2014

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

RECEIVED
MAY 01 2014
BY: *PSB*

Re: Maturity Schedule and Promissory Note
\$1,129,000 State Revolving Loan
Project # H-LRX-F-11-1692

Dear Mayor O'Geary,

Enclosed is a maturity schedule reflecting the principal payments on the City's above-referenced revolving loan note. The first payment is due not earlier than six months nor later than twelve months after the estimated date of completion of the project.

Our office will notify you before each payment is due in the form of a "Notice of Bond Principal and Interest Due" statement. Your office should receive this statement approximately 30 days before each payment date.

Enclosed also, please find two (2) copies of the promissory note for your Revolving Loan. Please complete and notarize **both** copies and return **one** (1) to:

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

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

Sincerely,

A handwritten signature in cursive script that reads "Dianne Kelly".

Dianne Kelly
Debt Management

Enclosures

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

City of Henderson

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

Amount:	\$1,129,000	LGC Approval Date:	June 5, 2012
Term (Years):	20	Approval Amount:	\$1,129,000
Interest Rate:	0.00%	Loan Amount:	\$1,129,000
Est. Date of Completion:	January 11, 2015		
State Project Number:	H-LRX-F-11-1692	Certified Completion Date:	

Fiscal Year	Outstanding Balance	Interest Rate			May 1 Principal Payment	Total Payment
05/01/16	\$ 1,129,000.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/17	\$ 1,072,550.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/18	\$ 1,016,100.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/19	\$ 959,650.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/20	\$ 903,200.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/21	\$ 846,750.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/22	\$ 790,300.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/23	\$ 733,850.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/24	\$ 677,400.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/25	\$ 620,950.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/26	\$ 564,500.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/27	\$ 508,050.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/28	\$ 451,600.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/29	\$ 395,150.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/30	\$ 338,700.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/31	\$ 282,250.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/32	\$ 225,800.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/33	\$ 169,350.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/34	\$ 112,900.00	0.000%			\$ 56,450.00	\$ 56,450.00
05/01/35	\$ 56,450.00	0.000%			\$ 56,450.00	\$ 56,450.00
					\$ 1,129,000.00	\$ 1,129,000.00

RESOLUTION 12-59

ACCEPTANCE OF A LOAN FROM THE NC DRINKING WATER STATE REVOLVING FUND FOR REPLACEMENT OF HIGH SPEED PUMP AT KERR LAKE REGIONAL WATER PLANT

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-1692); *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 \$1,129,000 for twenty years with a .00% interest rate; *and*;

WHEREAS, the finished water pump, controls, valves and piping for redundancy would be for funding at the Kerr Lake Regional Water Plant and consistent with future construction of the 20 MGD project.

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 12-59 introduced by Council Member Kearney and seconded by Council Member Rainey on this the 23rd day of July 2012, and having been submitted to a roll call vote, was APPROVED by the following votes: YES: Coffey, Inscocoe, Rainey, Peace-Jenkins, Daeke, Brown, Daye and Kearney. NO: None. ABSTAIN: None. ABSENT: None.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

(Reference: Minute Book 42, p. 532.)

City Council Memo

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



Agenda Item: _____

Council Meeting: 12 May 14 Regular Meeting

8 May 2014

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

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

RE: CM: 14-18

Subject: Financial Report – 1st Nine Months FY 2014

Ladies and Gentlemen

Please find attached a financial update for the first nine months of FY 2014. This update consists of the following:

- Summary by fund of revenues and expenditures to date, along with a summary of cash and investments at March 31, 2014
- Narrative on three largest General Fund Revenues (Sales Tax, Property Tax and Sanitation Fees)
- Narrative on three Enterprise Fund Revenues (Water Fund, Sewer Fund and Regional Water Fund)
- Narrative on Budget Transfers

If there is any other specific information you would like to see included, please let me know and we will try to incorporate it into future reports.

Enclosures:

1. FY 2013-2014 9 month Financial Report ending March 31, 2014

City of Henderson
FY 2013 – 2014 Financial Report
for the
9 months ending March 31, 2014



Submitted by: Kathy Brafford
Finance Director

Date: May 7, 2014

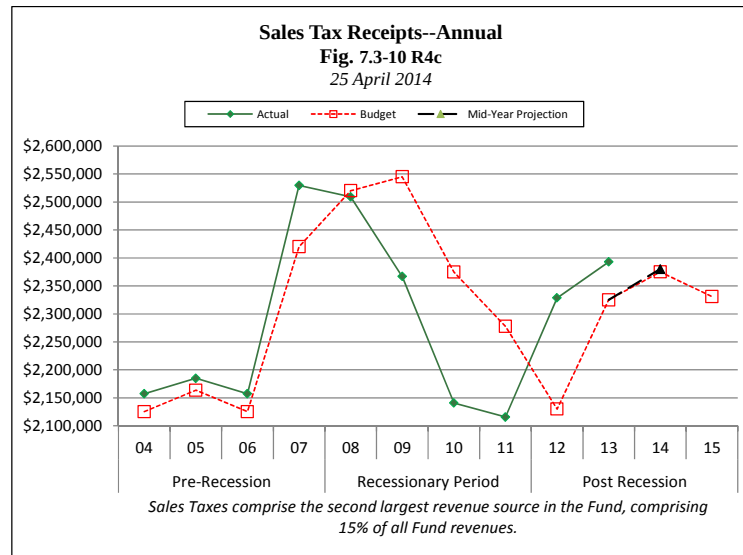
GENERAL FUND					WATER FUND				
	Actual	Annual Budget	Actual to Date	YTD %		Actual	Annual Budget	Actual to Date	YTD %
Revenues	FY '12-13	FY '13-14	FY '13-14	Collected	Revenues	FY '12-13	FY '13-14	FY '13-14	Collected
1 Current Year Levy Property Taxes	\$ 5,430,580	\$ 5,677,900	\$ 5,677,515	99.99%	Water Revenue	\$ 2,523,499	\$ 2,542,000	\$ 1,839,748	72.37%
2 Other Property Taxes, Penalties & Interest	322,445	326,000	308,320	94.58%	Water Sales - Franklin County	2,834,860	2,829,500	2,131,324	75.33%
3 Sales Taxes	2,392,890	2,375,000	1,421,057	59.83%	Water Sales - Town of Kittrell	65,752	60,000	52,132	86.89%
5 Privilege Licenses	175,354	203,000	99,076	48.81%	Water Sales - Vance County 1A	1,442	30,000	32,441	108.14%
6 Motor Vehicle Licenses	105,048	105,000	55,749	53.09%	Water Reservation Fees - Granville	951,138	951,100	951,138	100.00%
7 Beer & Wine Tax	62,040	70,000	-	0.00%	Water Reservation Fees - Vance 1A	-	9,125	9,125	100.00%
8 Utility Franchise Tax	833,970	850,000	408,805	48.09%	Water Reservation Fees - Vance 2A & 2B	-	43,750	43,750	100.00%
9 Other Taxes	22,991	15,000	20,555	137.03%	Revenue Sprinkler/Hydrant	114,063	111,000	88,478	79.71%
10 Garage Sales	606,821	779,700	454,106	58.24%	Water Taps	34,044	35,000	22,291	63.69%
11 Recreation Revenues	125,950	124,000	105,044	84.71%	Account Setup Fees	10,499	12,000	8,547	71.23%
12 Donations	27,040	-	11,050		Late Fees	74,304	71,000	51,261	72.20%
13 Asset Forfeitures	25,874	-	25,050		Reconnect Fees	21,419	20,000	16,102	80.51%
14 Sanitation Revenue	1,721,682	1,824,000	1,376,739	75.48%	Cost Allocations	282,500	224,900	168,675	75.00%
15 Insurance Proceeds	79,744	5,500	12,176		Transfers from Other Funds	536,782	516,840	-	
16 County Contracts (Rec/Aycock/Youth)	810,973	804,400	375,114	46.63%	All Other Revenues	64,434	72,000	63,366	88.01%
17 Transfers from Powell Bill	459,194	445,100	219,030	49.21%	Fund Balance Appropriated	-	999,339	-	0.00%
18 Transfers from Other Funds	22,507	461	460		Total	\$ 7,514,734	\$ 8,527,554	\$ 5,478,378	64.24%
19 Cost Allocations	989,100	989,100	741,825	75.00%					
20 All Other Revenues	89,160	95,120	81,136	85.30%					
21 Fund Bal Appropriated	-	189,260	-	0.00%	Expenditures				
22 Fund Bal Appropriated (Asset Forf)	-	406,000	-	0.00%	Non-Departmental	\$ 1,519,491	\$ 2,508,944	\$ 2,225,769	88.71%
Total	\$ 14,303,363	\$ 15,284,541	\$ 11,392,807	74.54%	Administration	49,298	-	-	
					Admin - Engineering	221,861	287,540	186,575	64.89%
					Customer Service	453,031	498,870	322,264	64.60%
Expenditures					Water Distribution	3,553,271	3,983,260	2,707,479	67.97%
Governing Body	\$ 189,510	\$ 178,710	\$ 125,842	70.42%	Debt Service	-	732,100	93,272	12.74%
Admin - City Attorney	80,469	71,700	45,631	63.64%	Total	\$ 5,796,952	\$ 8,010,714	\$ 5,535,360	69.10%
Administration	333,652	324,530	239,882	73.92%					
Code Compliance	146,776	165,300	97,934	59.25%	YTD Fund Balance Increase (Decrease)	\$ 1,717,782	\$ 516,840	\$ (56,981)	
Human Resources	140,084	185,940	126,257	67.90%					
Finance	417,141	402,470	286,581	71.21%					
Information Services	20,336	37,800	15,396	40.73%					
Planning & Comm Dev	137,601	143,850	83,708	58.19%					
Henderson-Vance DDC	50,146	63,530	43,162	67.94%					
Public Buildings & Grounds	67,876	72,870	44,138	60.57%					
Bennett Perry House	5,407	4,700	1,133	24.11%					
Police	3,735,239	4,028,250	2,782,388	69.07%					
Police - Asset Forfeiture	130,200	406,000	218,106	53.72%					
Fire	2,110,049	2,158,946	1,536,325	71.16%					
Public Services - Admin	111,879	139,800	85,872	61.43%					
Garage	723,393	942,380	601,901	63.87%					
Cemetery	69,352	77,200	51,446	66.64%					
Street	1,061,753	1,190,460	752,795	63.24%					
Sanitation	812,636	888,630	569,268	64.06%					
Recreation	847,751	881,000	615,957	69.92%					
Youth Services	178,901	148,600	101,238	68.13%					
Aycock Aquatics Center	322,956	346,460	232,297	67.05%					
Vance County Shared Programs	921,881	958,700	629,100	65.62%					
Non-Departmental	511,630	491,515	308,056	62.67%					
Contributions - Local Agencies	35,250	35,100	26,638	75.89%					
Debt Service	819,798	940,100	131,927	14.03%					
Total	\$ 13,981,666	\$ 15,284,541	\$ 9,752,979	63.81%					
YTD Fund Balance Increase (Decrease)	321,698	-	1,639,829						
CASH AND INVESTMENTS					REGIONAL WATER FUND				
						Actual	Annual Budget	Actual to Date	YTD %
					Revenues	FY '12-13	FY '13-14	FY '13-14	Collected
General Fund	6,426,595			Interest Rate	Sale of Water	\$ 4,278,652	\$ 4,395,000	\$ 3,148,231	71.63%
Powell Bill	500,803	First Citizens Chkg	9,162,368	0.30%	All Other Revenues	\$ 10,881	\$ 10,000	\$ 12,709	127.09%
Water Fund	3,759,399	NCCMT Savings	9,563,947	0.01%	Fund Balance Appropriated	-	25,000	-	0.00%
Sewer Fund	2,403,792	First Citizens CD	125,000	0.00%	Total	\$ 4,289,533	\$ 4,430,000	\$ 3,160,940	71.35%
Regional Water Fund	1,911,501	Union Bank CD	951,000	0.59%					
Capital Project Funds	(2,101,345)	SunTrust Escrow	-	0.12%					
LEO Separation Allowance	115,088	Petty Cash	2,140	0.00%	Expenditures				
Elmwood Cemetery Fund	431,002		19,804,455		Non-Departmental	\$ 2,214,940	\$ 1,241,100	\$ 904,284	72.86%
Grants Fund	41,269				Regional Water System	\$ 2,169,092	\$ 2,396,800	\$ 1,610,676	67.20%
Capital Reserve - Utilities	142,947				Debt Service	-	792,100	709,980	89.63%
Capital Reserve - General	56,431				Total	\$ 4,384,032	\$ 4,430,000	\$ 3,224,940	72.80%
Capital Reserve - Econ Dev	15,828								
Regional Water Reserve	2,835,881				YTD Fund Balance Increase (Decrease)	\$ (94,499)	\$ -	\$ (64,000)	
Rate Stabilization Fund	3,265,263								
Total	19,804,455								

CM 14-18: 12 May 2014 Council Meeting

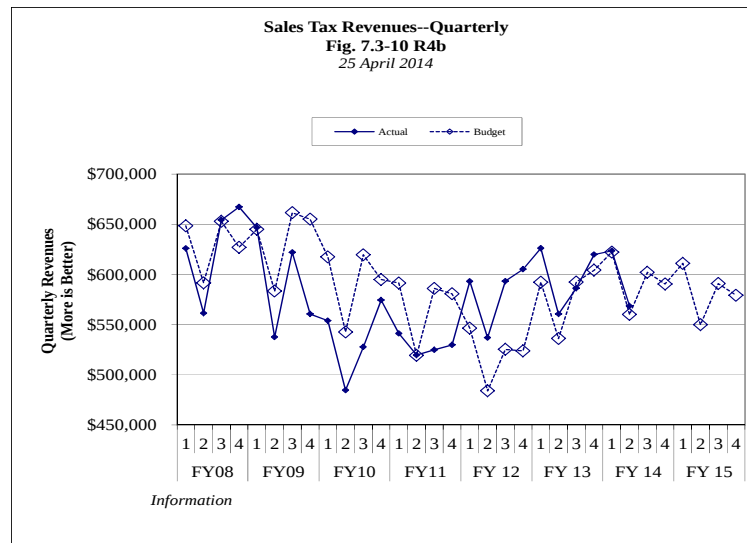
General Fund Revenues

Sales Taxes:

Sales taxes comprise an estimated 16% of the General Fund budget. This revenue is volatile and subject to economic downturns. More conservative budgeting and some improvement in the general economy have resulted in the sales tax revenues exceeding budget estimates for the past two fiscal years as evidenced by the data reflected in the following graph:



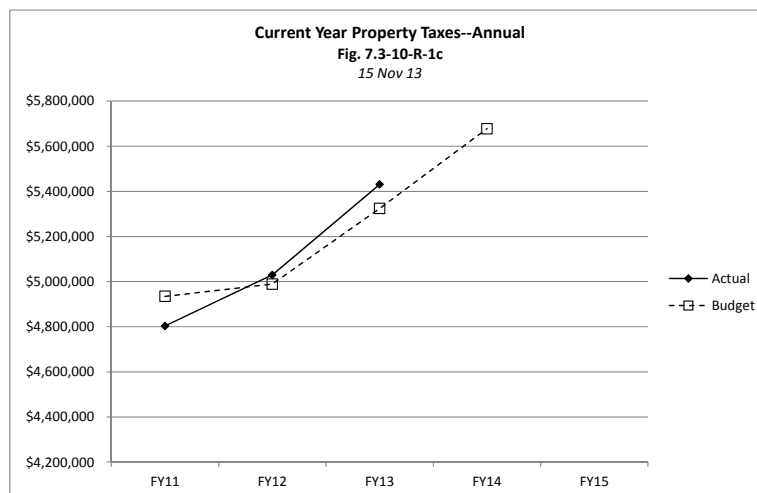
Sales tax revenues are received two months after the month for which they are collected by the State. In other words, sales tax revenue for July is not received until September, August collections are received in October, etc. Therefore, the first nine months (three quarters) of FY 2014 only reflect receipts of seven months of sales tax revenue. Budget estimates based on historical monthly trend data for the past several fiscal years indicate that 59.38% of revenues would be received by the end of the March. Actual July – January sales tax revenues (\$1,421,057), received as of March 31st, exceeded estimated budgeted receipts (\$1,410,011) by \$11,046.



General Fund Revenues (cont'd)

Current Year Property Taxes:

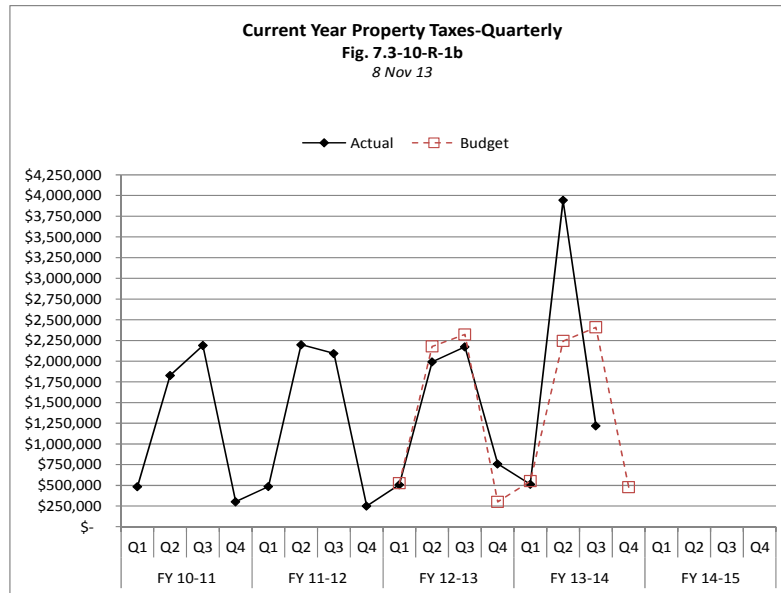
Current year property taxes are the largest single revenue source for the General Fund and comprise 37% of the current year General Fund revenues. More conservative budgeting helped realign revenue expectations with reality, thus resulting in FY12 figures coming in slightly above budget estimate. FY13 receipts were higher than budget due to Maria Parham Medical Center paying taxes for the first time since it became a public, non-profit entity. The tax values assigned to it by the Tax Collector are still being challenged. Once the State makes its determination, the revenue estimates for FY14 will either be confirmed or have to be adjusted downward. Additionally, the large increase in estimated revenues for FY14 is based on a three and a half cent tax increase and minimal natural growth. Please refer to the following graph:



General Fund Revenues (cont'd)

Current Year Property Taxes (cont'd):

Current year property tax revenues for the first three quarters of FY14 reveal revenues are exceeding expected revenues by \$477,120. It has historically been in the second and third quarters that the majority of this revenue source is received. Please refer to the following graph:



Enterprise Fund Revenues

Water Fund Revenues:

The Water Fund provides for the distribution of potable water to the City's 8,800+/- retail customers and its three governmental customers (Kittrell Water Association, Franklin County and Vance County). 91% of the Water Fund revenues are derived from the sale of water to these customers.

At the end of the first three quarters of this fiscal year, slightly less than 75% (74.26%) of the budgeted revenues for water sales from these customers had been collected.

Sewer Fund Revenues:

The Sewer Fund provides for the collection of sanitary waste and treatment for the City's 6,990+/- customers. 87% of the fund's revenues are derived from the sewer user fee.

At the end of the first three quarters of this fiscal year, slightly less than 75% (73.98%) of the budgeted revenues for sewer user fees had been collected.

Regional Water Fund Revenues:

The Regional Water Fund provides resources for the operations at the Kerr Lake Regional Water Treatment Facility. This facility provides water to Henderson, Warren County and Oxford. Henderson is the majority owner and managing partner (60%), and Warren County and Oxford each have a 20% interest.

The regional partners sell water at retail to their own customers and other governmental entities. As mentioned under the "Water Fund Revenues" tab above, Henderson currently sells water to the Kittrell Water Association, Franklin County and Vance County. 97% of Regional Water Fund revenues are generated from the sale of water to the three managing partners.

At the end of the first three quarters of this fiscal year, less than 75% (71.63%) of the budgeted revenues from the sale of water had been collected.

Budget Transfers

Part 4, Section 20 of the Annual Budget Ordinance states that:

“The City Manager shall be authorized to re-allocate departmental appropriations among the various objects of expenditures within any budget department as he deems appropriate and necessary. Additionally, he shall be authorized to re-allocate departmental appropriations among other departments within the same fund via an intra-fund transfer as he deems appropriate and necessary. Notation of such appropriations shall be made to the City Council on the next financial report. All intra-fund transfers must also be approved in advance by the Finance Director.”

As of March 31st, there were 75 such “transfers.” These transfers were for various reasons, such as:

- a. Moving funds from salaries in a department that has a vacancy to the overtime account when excessive hours are required as a result of a water main leak and/or repair.
- b. Moving funds between line items in an effort to re-align accounts to a reporting format that makes more sense and to provide for consistency.
- c. Once we pay our large insurance expenses (Worker’s Comp, General Liability, etc.) transferring excess insurance funds to a “reserve” within each funds “Non-Departmental” department to save for emergencies.

We never transfer funds from Contingency line items on a Budget Transfer form. Those are always processed with a Budget Amendment and brought before you at a Council Meeting for your approval prior to processing.

We also never transfer funds “between funds.” Those types of transactions would also be processed with a Budget Amendment and brought before you for your approval prior to processing.

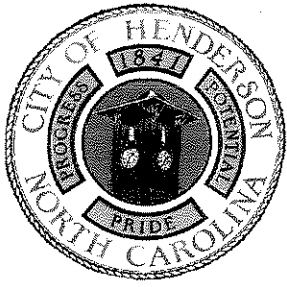
If you would like more detail, I can provide you copies of these transfer forms.

Meetings and Events Calendar

All City Council Meetings Held 2nd & 4th Monday at 6:00 P.M.

Date	Time	Event	Location
May 13 th	3:00 PM	Henderson Appearance Commission Meeting	City Council Chambers
May 15 th	7:00 PM	Human Relations Commission	City Council Chambers
May 19 th	6:00 PM	Special Called Meeting FY 15 Recommended Budget Presentation	City Council Chambers
May 20 th	6:00 PM	Budget Work Session #1	City Council Chambers
May 22 nd	6:00 PM	Budget Work Session #2	City Council Chambers
May 26 th	City Hall Closed	MEMORIAL DAY <i>City Council Meeting Cancelled</i> 	City Hall Closed
May 27 th	6:00 PM	Budget Work Session #3	City Council Chamber
May 29 th	6:00 PM	Budget Work Session #4	City Council Chamber
May 30 th	10:00 AM	Henderson –Vance E-911 Advisory Board Meeting	E-911 Operations Center
June 2 nd	3:30 PM	Henderson Planning Board	City Council Chambers
June 2 nd	6:00 PM	Budget Work Session #5	City Council Chambers
June 3 rd	3:30 PM	Henderson Zoning Board of Adjustment	City Council Chambers
June 3 rd	6:00 PM	Budget Work Session #6	City Council Chambers
June 5 th	6:00 PM	Budget Work Session #7	City Council Chambers
June 9 th	9:30 AM	KLRWS Advisory Board Meeting	City Hall Large Conference Room
June 9 th	6:00 PM	City Council Regular Meeting (Budget Hearing)	City Council Chambers
June 10 th	3:00 PM	Henderson Appearance Commission Meeting	City Council Chambers
June 10 th	6:00 PM	Budget Work Session #8	City Council Chambers
June 12 th	12:00 PM	Henderson-Vance Parks & Recreation Commission	Aycock Recreation Center
June 12 th	6:00 PM	Budget Work Session #9	City Council Chambers
June 23 rd	6:00 PM	City Council Meeting Work Session to Follow	City Council Chambers

*(All Budget Work Sessions are only as needed and may be subject to change)
Last Updated 5 May 2014*



Henderson Fire Department

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

Daniel E. Wilkerson
Fire Chief

TO: RAY GRIFFIN, CITY MANAGER
FROM: DANIEL E. WILKERSON, FIRE CHIEF
DATE: May 2, 2014

FIRE SUPPRESSION AND RESCUE ACTIVITY REPORT FOR: April 2014

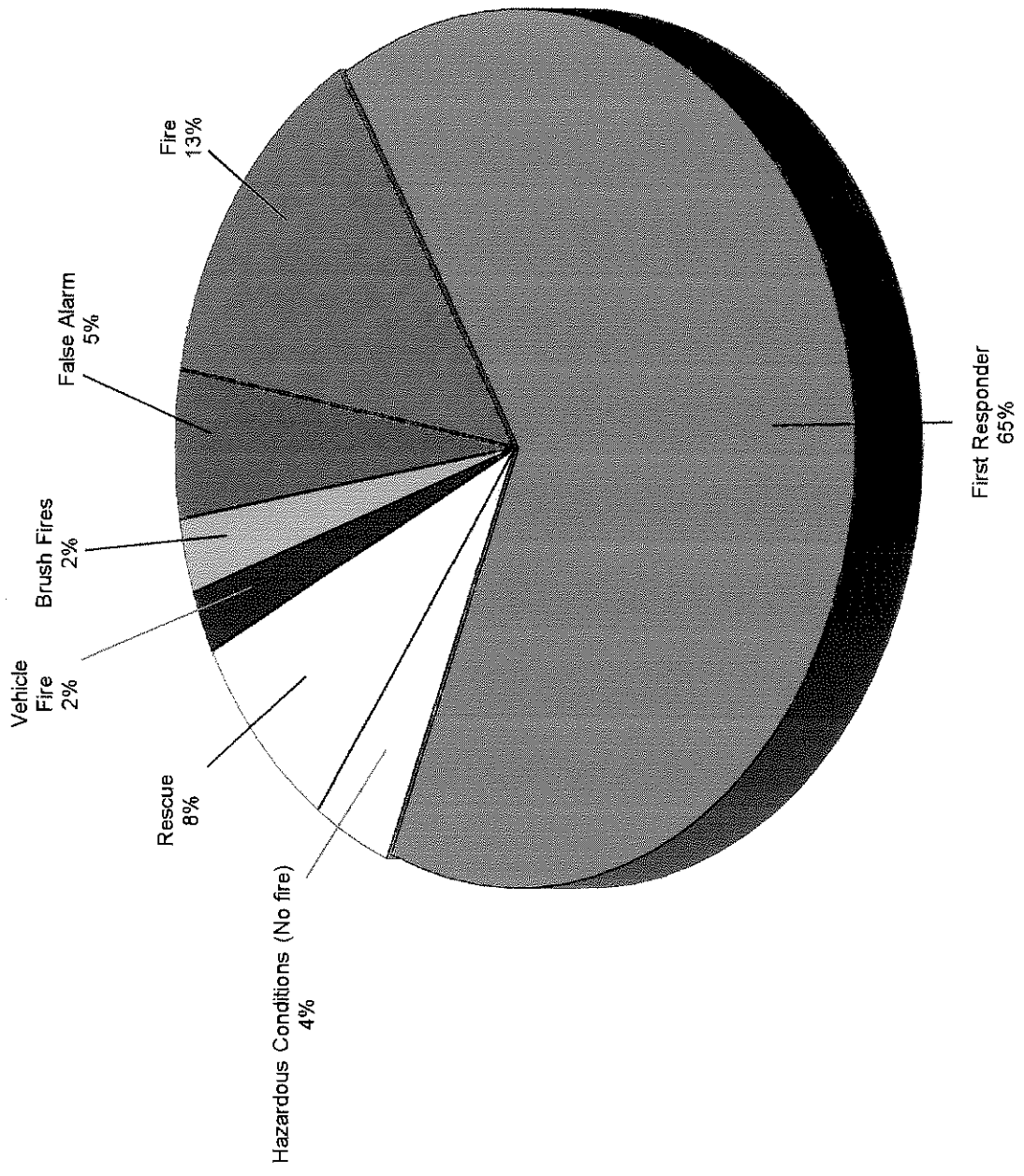
TYPE OF CALL	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
PRIVATE DWELLINGS (1 or 2 Family), Including Mobile Homes	12	21	71
APARTMENTS (3 or More Families)	5	1	4
HOTELS AND MOTELS	0	0	0
ALL OTHER RESIDENTIAL (Dormitories, Boarding Houses, Tents, etc.)	0	0	1
PUBLIC ASSEMBLY (Church, Restaurant, Clubs, etc.)	2	2	3
SCHOOLS AND COLLEGES	0	0	1
HEALTH CARE AND PENAL INSTITUTIONS (Hospitals, Nursing Homes, Prisons, etc.)	1	3	6
STORES AND OFFICES	2	3	7
INDUSTRY, UTILITY, DEFENSE, LABORATORIES, MANUFACTURING	0	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	1	3	7
FIRES IN HIGHWAY VEHICLES (Autos, Trucks, Buses, etc.)	2	7	9
FIRES IN OTHER VEHICLES (Planes, Trains, Ships, Construction or Farm Vehicles)	2	0	0

FIRE OUTSIDE OF STRUCTURES WITH VALUE INVOLVED, BUT NOT VEHICLES (Outside Storage, Crops, Timber, etc.)	2	1	1
FIRES IN BRUSH, GRASS, WILD LAND (Excluding Crops and Timber) With No Value Involved	2	4	10
FIRES IN RUBBISH, INCLUDING DUMPSTERS (Outside structures), With No Value Involved	3	0	8
ALL OTHER FIRES	2	1	9
RESCUE	17	14	57
FIRST RESPONDER	144	187	520
FALSE ALARM RESPONSES (Malicious or Unintentional False Calls, Malfunctions, Bomb Scares)	12	16	41
MUTUAL AID OR ASSISTANCE RESPONSES	5	2	10
HAZARDOUS MATERIALS RESPONSES (Spills, Leaks, etc.)	3	7	9
OTHER HAZARDOUS RESPONSES (Arcing wires, Bomb Removal, Power Line Down, etc.)	5	11	26
ALL OTHER RESPONSES (Smoke Scares, Lock-Outs, Animal Rescues, etc.)	0	2	17
TOTALS	222	285	824

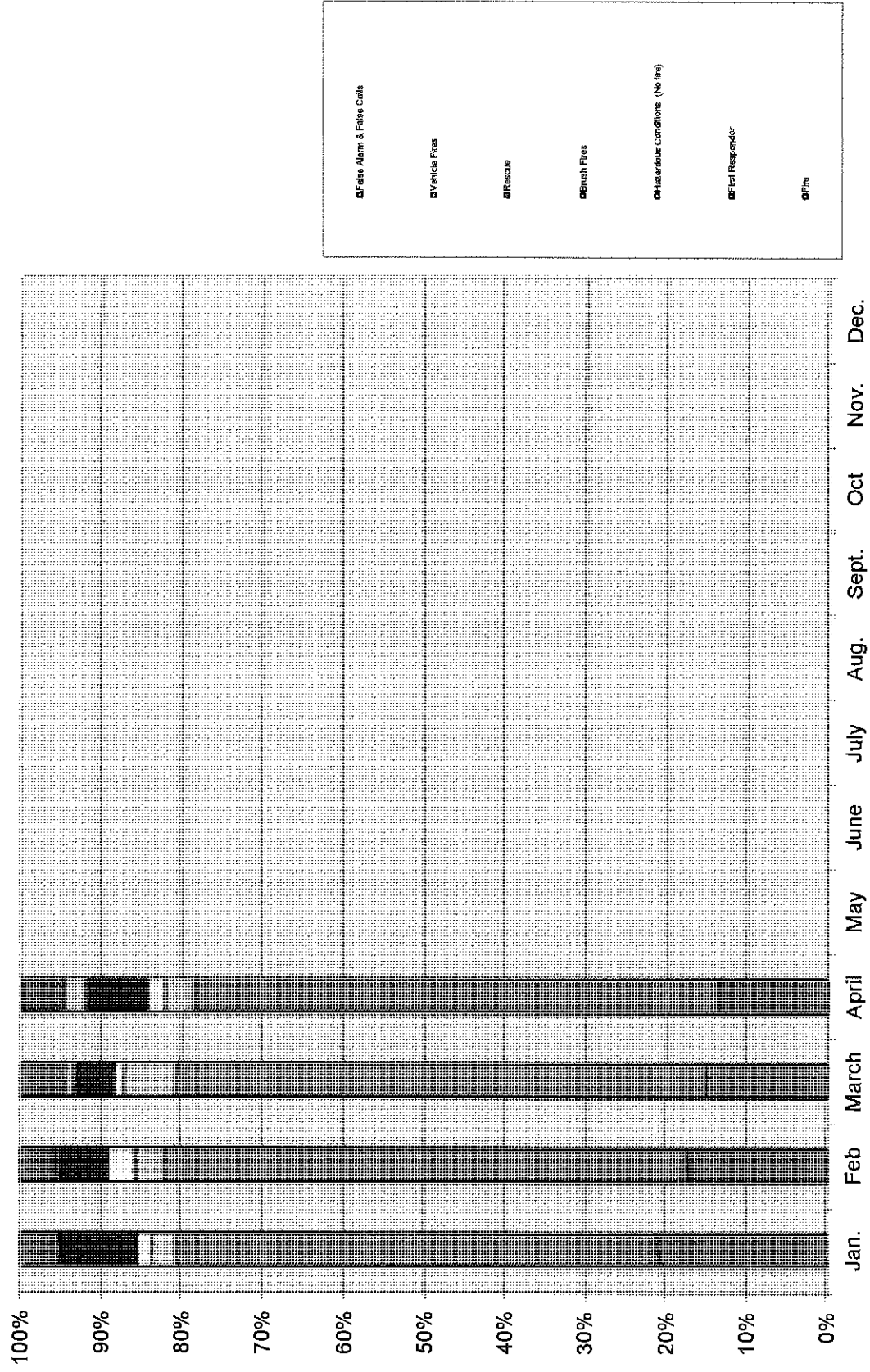
	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
Total Fire Incidents With Property and/or Contents Loss	6	6	20
Total of Property and Contents Value Saved	\$ 195,346.00	\$ 297,455.00	\$ 647,837.00

	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
FIRE CASUALTIES FIREFIGHTER-DEATH	0	0	0
FIRE CASUALTIES FIREFIGHTER - INJURIES	1	0	1
FIRE CASUALTIES CIVILIAN - DEATH	0	0	0
FIRE CASUALTIES CIVILIAN - INJURIES	0	0	0

Incident Summary For April



YEAR TO DATE SUMMARY BY MONTH FOR 2014



INSPECTION ACTIVITIES REPORT FOR:
April, 2014

INSPECTIONS	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
ASSEMBLY	5	9	28
BUSINESS	15	28	88
EDUCATIONAL	0	0	0
HAZARDOUS	0	0	0
INDUSTRIAL	0	0	0
INSTITUTIONAL	0	4	9
MERCANTILE	11	6	26
RESIDENTIAL	4	3	20
STORAGE	1	3	9
DAY CARE	0	0	0
HOME CARE	0	0	0
FOSTER CARE	0	0	0
VACANT	0	2	2
TOTALS	36	55	182

	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
CODE VIOLATIONS	31	35	125
FOLLOW UP INSPECTIONS	11	19	47

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	15	5	4									34
Home Inspections / Door Hanger Follow Ups	2	4	0										6
Smoke Alarms Installed	5	6	2	2									15
Batteries Installed in Smoke Alarms	5	9	3	2									19
Fire Extinguisher Classes	2	0	3	4									9
School / Daycare Presentations	0	3	1	3									7
Community / Civic Group Presentations	1	3	1	0									5
Station Tours	2	1	3	1									7
Total Participants in Fire & Life Safety Programs	500	600	300	450									1,850
Community / Business Displays	0	1	2	1									4
Child Safety Seat Clinics	0	0	1	1									2
Child Safety Seats Inspected	1	4	3	5									13
Child Safety Seats Distributed	0	0	0										0
Shift Coverage Hours	8	8	0	16									36
Fire Inspections	15	47	43	23									128

MONTHLY CITATION REPORT FOR THE MONTH OF: APRIL 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	1	0	0	0	1
Maria Parham Hospital					0
Market Place					0
Northside Plaza					0
Oak St					0
Rose's Norlina Rd					0
Staples					0
Vance County Courthouse					0
Vance Medical Arts Bldg					0
Vance Square					0
Village Square					0
Wal Mart					0
Walgreens					0
TOTALS	1	0	0	0	1

TRAINING DIVISION PRODUCTIVITY - APRIL 2014

Henderson Fire Department

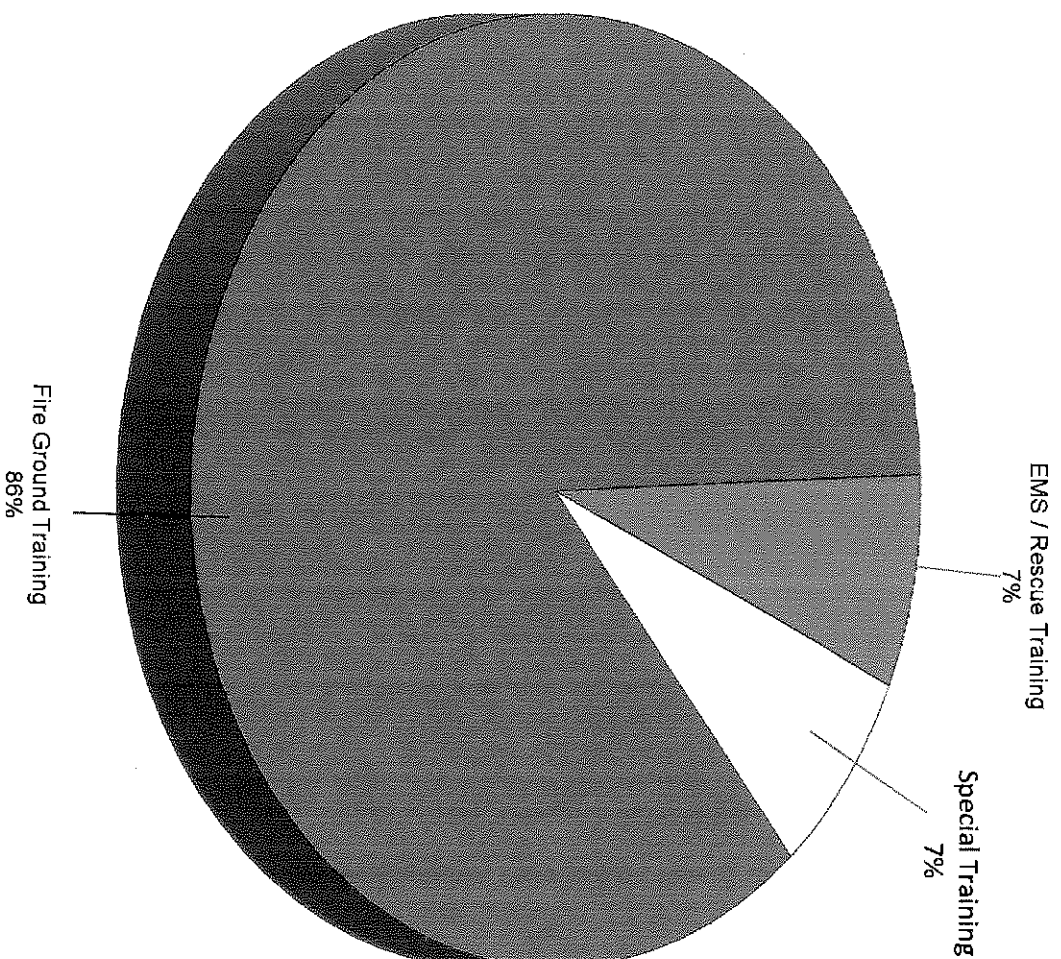
Types of Courses Taught	Course Hours Taught	Man-hours of Training
Fire Ground Training	141.5	1123
EMS / Rescue Training	12	120
Special Training	12	36

Totals	165.5	1279
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	Course Hours Taught	Man-hours of Training
PREVIOUS MONTH TOTAL	211	972

YEAR - TO - DATE TOTAL	657	3951
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Training Hours by Category - April 2014



Fire Department Regulatory Compliance

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

City Council Action Form

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



Agenda Item:

Council Meeting: 12 May 2014 Reg. Meeting

8 May 2014

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

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

RE: CAF: 14-65

Consideration of Approval of Resolution 14-42, Adopting and Implementation Plan of the 2014 Henderson Classification and Pay Study with Personnel Policy, May 2014.

Ladies and Gentlemen:

Council Goals and Objectives Addressed By This Item:

- **Core Value 8: Values Employees:** We value our employees and the contributions they make to the City and to the citizens and customers of our community.
- **Core Value 12: Data Based Decision Making:** We value the use of valid data in making our decisions.
- **Roles and Responsibilities and Expectations of Mayor, City Council and City Manager:**
 - o **III-l, City Council's and Mayor's Needs and Expectations of City Manager:** Help us establish and maintain competitive compensation for staff.
 - o **IV-i, Help City Manager and staff establish and maintain competitive compensation for employees.**
 - o **IV-j, Understand the critical issues facing the City as they relate to staff capacity (enough people to do the work) and staff capability (talented, well trained employees).**
- **Key Strategic Challenge 5: Competitive Employee Pay and Retention:** Over the past decade, the City's employee competitive pay status has eroded to where even smaller towns within the region pay more.The ability to recruit and retain qualified employees is critical to the City being able to achieve its Mission. This Key Strategic Challenge is determined to be linked to organizational sustainability.
- **Key Strategic Objective 6: Develop and Maintain a Qualified Municipal Workforce:** To provide a supportive and competitive workforce climate that facilitates and maintains a strong workforce capability and capacity and adequate staffing levels.

- o Action Plan 6-1: Pay Classification Study. This has been completed by virtue of the study with The MAPS Group.
- o Action Plan 6-2b: Update Personnel Policy and Procedures Manual. This is part of the recommendations provided in the study by The MAPS Group.
- o Action Plan 6-3: Career Development and Training Plan. This is significantly addressed in the study by The MAPS Group for the Police and Fire departments.

Recommendation:

- Receive and review the *2014 Henderson Classification and Pay Study with Personnel Policy, May 2014*, as presented by Ms. Veazey during the 12 May 2014 Council meeting, *and*
- Review and further consider the aforementioned study as part of the overall FY15 Budget review and deliberations process, *and*
- Approve the Study, as may be amended by Council during its deliberations, as part of the overall approval of the FY15 Budget and its related Ordinances and Resolutions via approval of Resolution 14-42. (This Resolution will be written to reflect the consensus of Council regarding this matter).

Executive Summary

The last comprehensive pay classification study for the City was performed in 1993. Since that time, the City has not kept pace with job wage/salary inflation and, over time, now finds itself about 23% below market value when compared to peer communities. Some positions are far worse in comparison and some are not as bad, but generally, all are below market value. Turnover has been a factor as well as recruitment has been difficult in attracting well qualified individuals for the pay ranges currently in effect. To that end, funds were appropriated in the FY14 Budget and services were procured through the NC League of Municipalities via the services of The MAPS Group.

Ms. Becky Veazey, President of the MAPS Group, is no stranger to either the City Council or the City's staff and employees. Her staff and she have been working with the Human Resources Director, Cathy Brown, and the department directors on this study since last Fall. She will be here on Monday evening and present the *2014 Henderson Classification and Pay Study with Personnel Policy, May 2014*, to the Mayor and City Council. Her presentation will last about 90 minutes.

The Study has provided the City several meaningful, tangible work products as follows:

1. **Empirical data about where the City's wage/salary ranges** are vis-à-vis peer communities. While we have *known* the City's pay structure is non-competitive, we now *know* how far out of kilter things are. Having valid information helps us now develop a reasonable plan of action to address competitive compensation issues.
2. **Empirical data about where the City's fringe benefits' package** vis-à-vis peer communities. While the City is more competitive in this arena in some areas, there are some areas in which the City lags.

3. **Position analysis and development of updated job descriptions** for all position classifications has been completed. This has been a critical need for years and has accelerated the incremental approach having to be taken by the Human Resources Department.
4. **Position classification realignment and adjustments** as necessary to uncomplicate the current system and to make the positions more in alignment with standard practices in peer communities. Here again, there is much needed *housekeeping* in the classification system of the City.
5. **Adjustments to the Police and Fire Career Development plans** to bring them into better alignment with peer communities and the new classification and pay system recommendations. This has been sorely needed and gets both plans back on parallel track, much as they were when they were originally approved.
6. **Revisions to the Personnel Policies of the City** have been completed and much of the procedural minutia currently embedded within the Policies have been removed. The goal is to have a more streamlined *Personnel Policy Book* and a better detailed *Administrative Procedures/Process Book*. This revision will complete the incremental revisions process begun in 2009 to the policies and bring the City's personnel policies in a good up-to-date fashion.
7. **A Five-Year Implementation Plan has been developed** by Ms. Veazey to help the City begin to implement the recommendations in the *Classification and Pay Study*. A small, but very important first step of implementation has been recommended as part of the FY15 Budget process.

Ms. Veazey's presentation will provide detailed information on these key points and she will be available to respond to your questions. The Study is being printed today and will be given to you at the Monday night meeting.

No action is being requested on Monday night; however, it is requested Council consider this matter fully as part of the FY15 Budget review process and adopt the Plan as part of the overall approvals of the FY15 Budget in June.

Enclosures:

1. Copy of *2014 Henderson Classification and Pay Study with Personnel Policy, May 2014* (to be delivered on Monday night during the meeting)