



AGENDA

**Henderson City Council Short Regular Meeting
Monday 24 November 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

Edward A. Wyatt, Interim City Manager
D. Rix Edwards, 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) 10 November 2014 Regular Meeting *[See Notebook Tab 1]*

VII. PRESENTATIONS/RECOGNITIONS

- a) Recognition of Recreation and Parks Director Kendrick Vann
b) United Way Presentation by Donna Stearns

VIII. PUBLIC HEARING

- a) Consideration of Approval of Ordinance 14-53, Amending the Zoning Ordinance to Include 3.11 Elementary and Middle Schools as a Special Use in the I-2 (Industrial-Non Park District). (CAF 14-108) *[See Notebook Tab 2]*

- Public Hearing
- Ordinance 14-53

IX. PUBLIC COMMENT PERIOD ON AGENDA ITEMS

Citizens may only speak on Agenda items only at this time. Citizens wishing to address the Council must sign-in on a form provided by the City Clerk prior to the beginning of the meeting. The sign-in form is located on the podium. When recognized by the Mayor, come forward to the podium, state your name, address and if you are a city resident. Please review the Citizen Comment Guidelines that are provided below.³

X. OLD BUSINESS

- a) Consideration of Approval of Ordinance 14-41, Amending Section 7-64.0 of the City Code Relative to Declaration as to Certain Intersections and Section 7-49, Declaration as to Certain Streets. (CAF 14-92-A) *[See Notebook Tab 3]*
- Ordinance 14-41

³ **Citizen Comment Guidelines for Agenda Items**

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.

XI. NEW BUSINESS

- a)** Consideration of Approval of Resolution 14-94, Employee Appreciation One-Time Salary Supplement. (CAF 14-128) [See Notebook Tab 4]
 - Resolution 14-94
- b)** Consideration of Approval of Tax Releases and Refunds from Vance County for the Month of October 2014. (CAF 14-124) [See Notebook Tab 5]

XII. 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

XIII. REPORTS

- a)** Mayor/Mayor Pro-Tem
- b)** City Manager
- c)** City Attorney
- d)** City Clerk
 - i. Meeting and Events Calendar [See Notebook Tab 6]

XIV. WORK SESSION

- a)** Consideration of Approval of 1) Resolution 14-92, Authorizing the Execution of a Contract with I. Kruger, Inc. to Perform an Actiflo-Carb Pilot Study at Kerr Lake Regional Water Plant and 2) Ordinance 14-07 FY15 Budget Amendment #15, Authorizing Transfer of Contingency Funds for Above Mentioned Study. (CAF 14-125) [See Notebook Tab 7]
 - Resolution 14-92
 - Ordinance 14-07

XV. ADJOURNMENT

⁴ Citizen Comment Guidelines for Non-Agenda Items

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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

Regular Meeting

10 November 2014

PRESENT

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

ABSENT

Interim City Manager Edward A. Wyatt

STAFF PRESENT

Assistant City Manager Frank Frazier, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Finance Director Kathy Brafford, Interim Recreation and Parks Director Steve Osborne, Development Services Director Corey Williams, and Engineering Director Clark Thomas.

CALL TO ORDER

The 10 November 2014 Regular Meeting of the Henderson City Council was called to order by Mayor O'Geary at 6:00 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

OPENING COMMENTS

Mayor O'Geary said it is a pleasure to see so many citizens present this evening. He welcomed them, along with Attorney John Zollicoffer, Jr. The Mayor stated Mr. Edward Wyatt, Interim City Manager, is not well this evening but expects to be back in the office on Thursday. Mr. Wyatt sent his regrets

.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. The City Clerk said there was a typographical error on the Agenda as Item a) under the Consent Agenda should be Ordinance 14-52 instead of Resolution 14-86. Council Member Rainey moved to accept the Agenda as corrected. Motion seconded by Council Member Daye and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Daeke moved the approval of the 27 October Short Regular and 27 October Work Session Minutes, as presented. Motion seconded by Council Member Coffey, and unanimously approved.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

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

OLD BUSINESS

Approving the Settlement Agreement between the City of Oxford, Granville County, Warren, County and the City of Henderson. (CAF 14-123; Resolution 14-91)

Mayor O'Geary recognized former City Attorney John Zollicoffer, Jr. who has worked on this settlement since its inception. Attorney Zollicoffer, Jr. explained the City of Oxford instituted a lawsuit on 27 August 2012 alleging the Utility Sales Agreement with Granville County represented a breach of the Kerr Lake Regional Water System's 4th Amendment, which allegations were denied. He said there has been prior discussion on this issue by Council and it now needs to be approved for the record. Attorney Zollicoffer, Jr. said there are three parts to the settlement which need to be executed: 1) authorization to terminate the Utility Sales Agreement; 2) a Kerr Lake Regional Water System 5th Amendment which grants each entity control of the water by each entity within its respective County boundary, and 3) the Settlement Agreement. Attorney Zollicoffer, Jr. explained the City of Henderson reserves the right to move meters to the County lines and is currently in the process of moving a meter to the Warren County Line. The City of Oxford and Granville County have approved the documents. The City of Henderson will sign the documents once they have been approved by Warren County.

Attorney Zollicoffer, Jr. said the only legal fees incurred by the City are his attorney fees. He said the settlement provides that the City of Henderson will refund \$1.853 million of the allocation fees to Granville County and will retain \$1 million of these fees previously paid by Granville County for water reservations over the last four years.

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

Council Member Inscoe moved the approval of Resolution 14-91, *Approving the Settlement Agreement between the City of Oxford, Granville County, Warren, County and the City of Henderson*. Motion seconded by Council Member Rainey, and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 127)

NEW BUSINESS

Authorizing the NC Wildlife Resources Commission to Apply for Permits for a Public Fishing Pier Construction Project at Fox Pond Park. (CAF 14-119; Resolution 14-86)

Assistant City Manager Frazier said this is an opportunity to continue improving Fox Pond Park and asked Interim Recreation and Parks Director Osborne to explain this application further. Mr. Osborne explained the NC Wildlife Resources Commission approached the Henderson-Vance Recreation and Parks Commission offering to construct a public fishing pier, handicapped parking spaces and an ADA walkway at Fox Pond Park. He said the Wildlife Commission is also willing to install a fish feeder and to stock the pond with catfish. The construction costs will be 100% funded by NC Wildlife. The anticipated yearly cost for fish food is \$300 - \$400. (Esther – Check with Steve about this change)

Council Member Kearney asked if any other fish would be stocked. Mr. Osborne was unsure.

Council Member Rainey asked if the pond has been dredged as he thought it was too shallow for fish. Mr. Osborne responded the Commission will place the feeder in an area that has a depth of 10-12 feet.

Council Member Daeke asked for clarification about the \$300-\$400 cost as the information in the agenda packet indicated \$1,200. Mr. Osborne explained the \$1,200 was from a prior communication with the Commission and that the \$300-\$400 is more accurate.

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

Council Member Rainey moved the approval of Resolution 14-86, *Authorizing the NC Wildlife Resources Commission to Apply for Permits for a Public Fishing Pier Construction Project at Fox Pond Park*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons, Daye, and Kearney. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 119)

Relaying Concerns on the Impact of I-85 Ramp Closures on Local Businesses and Public Safety, and Requests for Certain Actions to be Taken by the North Carolina Department of Transportation (NCDOT) (Reference: CAF 14-102-A; Resolution 14-73-A)

Assistant City Manager Frazier said it is the City's wish to go on record regarding several major issues which have been discussed in prior meetings with the DOT. The main issues are protected left turns at Beckford and Dabney; 2) removing from the Powell Bill and returning the State a portion of Parham Road from US1 Business to the I-85 Bridge; 3) possible reversal of traffic at

the northbound ramp from Highway 158 to a southbound ramp during Phase 3 of the project; 4) using message boards during the construction as well as emergency turn-outs; and 5) repair of various dips in the road on Highway 158 southbound off ramp towards Lowes Home Improvement.

Council Member Kearney asked if the dips in the road on Beckford Drive should have been included. Mr. Frazier responded if Council wished, this would be specifically added to the Resolution.

There were no other questions. Mayor O'Geary asked for Council's pleasure.

Council Member Kearney moved the approval of Resolution 14-73-A, *Relaying Concerns on the Impact of I-85 Ramp Closures on Local Businesses and Public Safety, and Requests for Certain Actions to be Taken by the North Carolina Department of Transportation (NCDOT)*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons, Daye, Kearney and Coffey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 93-A)

Ratifying and Approving the Mayor's Signature on Amendment #6 for the North Carolina Rural Economic Development Center Contract 2010-266-40101-112 Relative to the Replacement of the UV Disinfection System at Henderson Water Reclamation Facility. (Reference: CAF 14-118; Resolution 14-87)

Assistant City Manager Frazier said this is a project from 2010. There was funding remaining from the project which the North Carolina Rural Economic Development Center allowed the City to use for other projects such as the sanitary sewer rehab project and work on Highway 158 Bypass. This Resolution allows the City until 31 January 2015 to complete the paperwork and close-out this project.

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

Council Member Daeke moved the approval of Resolution 14-87, *Ratifying and Approving the Mayor's Signature on Amendment #6 for the North Carolina Rural Economic Development Center Contract 2010-266-40101-112 Relative to the Replacement of the UV Disinfection System at Henderson Water Reclamation Facility*. Motion seconded by Council Member Peace-Jenkins, and APPROVED by the following vote: YES: Rainey, Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey and Inscoe. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 121)

Authorizing the Execution of a Construction Contract for the Lakeview Drive Storm Sewer Replacement Project in the Amount of \$15,844 with M. T. Murphy, Inc. (CAF 14-120; Resolution 14-88)

Assistant City Manager Frazier explained there have been several storm drain failures over the last two years. This particular failure requires more equipment than what the City has and there is also an easement needed. He then asked Engineering Director Thomas to come forward. Mr.

Thomas said staff felt a request for informal bids was the best route to take in light of the project needs and three bids were received. He said the corrugated metal pipe failed and the street had to be closed to school buses. Although Chris Gupton provided the lowest bid, it did not include materials or asphalt patching. Due to the limited scope, cost and duration of the project, staff is recommending M. T. Murphy be awarded the contract in the amount of \$15,844. The anticipated time frame for completion once the project begins is one week.

Council Member Coffey asked if M. T. Murphy has done work for the City before and why a local firm was not selected. Council Member Rainey also asked about using local. Mr. Thomas responded that M. T. Murphy has done work before for the City. He then explained that M. T. Murphy included items that the others did not.

There was a brief discussion about using local businesses

Mayor O'Geary then asked for the pleasure of Council.

Council Member Peace-Jenkins moved the approval of Resolution 14-88, *Authorizing the Execution of a Construction Contract for the Lakeview Drive Storm Sewer Replacement Project in the Amount of \$15,844 with M. T. Murphy, Inc.* Motion seconded by Council Member Rainey and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey, Inscoe and Rainey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 123)

Respectfully Declining an Offer to Accept the Donation of Four Parcels of Land within City Limits. (Reference: CAF 14-121; Resolution 14-89)

Assistant City Manager Frazier said the Land Planning Committee met to discuss these parcels and asked Chairperson Inscoe for his comments. Council Member Inscoe said two parcels are landlocked; one was located next to the Blacknall Cemetery where property ownership is undetermined and the last parcel is unusable. He said accepting this offer would be of no benefit to the City and also mentioned the loss of taxes if the City accepts the offer.

Council Member Coffey asked who offered the property. Development Services Director Corey Williams said Rebecca Irving was offering the properties as part of an estate.

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

Council Member Daeke moved the approval of Resolution 14-89, *Respectfully Declining an Offer to Accept the Donation of Four Parcels of Land within City Limits.* Motion seconded by Council Member Daye, and APPROVED by the following vote: YES: Simmons, Daye, Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins and Daeke. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 125)

Endorsing the Concept of the Formation of the Henderson NC Preservation Committee in Relation to the Bennett Perry Memorial Museum. (Reference: CAF 14-78; Resolution 14-60)

Mayor O'Geary asked Council Member Inscoe to provide information on this issue. Mr. Inscoe said Mr. Tommy Roberson is willing to spearhead a committee to restore and repair the Perry house which was given to the City of Henderson to be used as a museum. Due to economic constraints, the City has been unable to make the repairs necessary to create a museum. Mr. Inscoe said a monetary gift allowed the City to install a new heating/air conditioning unit on the first floor and it is his understanding an alarm system is being installed. He then recognized Mr. Roberson who came forward to address Council

Mr. Roberson, 1760 Parker Lane. Mr. Roberson stated he has a huge interest in the community and has volunteered to form a committee to seek funds for the necessary renovations and upkeep. He said this is in its infant stage and projects it will be two years before the Committee is ready to move forward.

Mayor O'Geary said he thought this was a wonderful idea and thanked Mr. Roberson for taking on this project.

Council Member Kearney asked if Council is endorsing the concept this evening. Mayor O'Geary responded yes.

Mayor O'Geary now asked for the pleasure of Council.

Council Member Rainey moved the approval of Resolution 14-60, *Endorsing the Concept of the Formation of the Henderson NC Preservation Committee in Relation to the Bennett Perry Memorial Museum* Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Daeke, Simmons, Daye, Kearney, Coffey, Inscoe, Rainey and Peace-Jenkins. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 145)

CONSENT AGENDA

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

Verifying the Ethics Policies for the City of Henderson's Elected Officials. (Reference: CAF 14-09; Ordinance 14-52) This action is required by the State of North Carolina and incorporates the requirements of the State Statutes. (See Ordinance Book 9, p 189)

Authorizing the Implementation of an "Adopt a Park" Policy for the Henderson-Vance Recreation and Parks Department. (CAF 14-112; Resolution 14-81) This action will allow partnership with civic clubs, churches, businesses and interested individuals to adopt a park or certain aspects of a park which will assist with the maintenance and upkeep of the adopted park. (See Resolution Book 4, p 109)

Adopting the 2015 City Council Meeting Schedule. (Reference: CAF 14-113; Resolution 14-82) This is part of the annual meeting planning efforts to schedule all regular council meetings and work sessions for 2015. (See Resolution Book 4, p 111)

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

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

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

City Clerk McCrackin advised one citizen wished to address Council.

Ms. Sarah Baskerville, 4880 Satterwhite Point Road. Ms. Baskerville said she is not a resident of Henderson but as an educator for 30 years, she wished to speak on a personnel issue

Mayor O'Geary informed Ms. Baskerville that is it Council's policy not to allow individual personnel issues to be discussed. (Clerk's Note: This policy is posted on the door to Council Chambers and also printed in each Agenda).

At this time, there was discussion about whether Council was willing to hear what the citizens had to say. Council Members Kearney, Coffey, Peace-Jenkins and Simmons felt the citizens should have their say. Council Member Daeke said it pleased him to see so many present and was willing to allow citizens to speak. Council Member Rainey said Council only hires the City Manager, City Attorney and City Clerk.

Leslie Baskerville, 4910 Satterwhite Point Road Mr. Baskerville made reference to an article printed in the *Daily Dispatch* and mentioned contacting the media regarding this issue.

Nathan Baskerville, 119 West Wakefield Road Mr. Baskerville asked if the Ethics Policy just passed by Council contained any information regarding personnel issues.

Council Member Rainey again said this is a decision of the City Manager.

Assistant City Manager Frazier shared the policy regarding not discussing personnel issues was established to protect the privacy of individuals.

Council Member Peace-Jenkins said if citizens wish to speak, Council should be willing to listen. Council Member Simmons agreed.

Mayor O'Geary asked City Attorney Edwards for guidance. Attorney Edwards felt the privacy of the individual should be of utmost consideration.

Council Member Daeke made a motion to recess for 15 minutes. Motion was seconded by Council Member Simmons and unanimously approved as follows: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None.

When Council returned from the recess, Council Member Rainey reiterated once again that personnel issues do not fall under the duties of Council so all the Committee of the Whole (the entire Council) can do is listen.

Mayor O'Geary then said if the citizens would like to have one individual express the concerns of the whole, it would be fine or individuals may address Council and asked who would like to come forward.

Gloria Bennett, 332 Ross Avenue Ms. Ross said the individual of concern is her son and asked Council to think about what was in the newspaper. She said her son wish is to only do well; the kids love him and he works well with adults. She said the City cannot take back what it has done and thanked Council for listening.

William Henderson Skene Avenue Mr. Henderson mentioned the prayer that begin this meeting and asked who to turn to regarding this matter. He said a person needs to be measured in total and said what the City is doing is hurtful and gives the wrong message to kids.

Victor Hunt, Warren County Mr. Hunt commended everyone and the decision that has been made. He said it is a job well done.

Christina Hawkins, 1212 West Rockspring Street Ms. Hawkins said she has known this individual for many years during which the individual has been respectful to both young and old. She said this individual is a good person willing to help the youth of the City.

No one else came forward.

Council Member Rainey said citizens are welcome to come to Council meetings anytime and in response to Mr. Henderson's question said citizens are also welcome to speak with the City Manager.

At this time Mayor O'Geary asked if Council was prepared to go into Closed Session and stated there may be a report following the session.

Council Member Simmons moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(3) for an Attorney-Client Privilege Matter. Motion seconded by Council Member Peace-Jenkins and unanimously approved.

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

Mayor O'Geary said there is a report and asked the City Clerk to describe the issue.

City Clerk McCrackin said the following was discussed in Closed Session which is now appropriate for Council to take official action on the following. Council did request that the Mayor be allowed to sign this agreement.

Approving an Incentive Agreement Between WILCO Holdings, LLC and M. R. Williams, Inc. and the City of Henderson. (Reference: CAF 14-122, Resolution 14-90)

Mayor O'Geary asked if Council had any questions. There were none so the Mayor asked for the pleasure of Council.

Council Member Rainey moved the approval of Resolution 14-90, *Approving an Incentive Agreement Between WILCO Holdings, LLC and M. R. Williams, Inc. and the City of Henderson*. Motion seconded by Council Member Coffey, and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 127)

(Clerk's Note: This agreement expresses Council's desire to induce M. R. Williams to remain in Henderson, thereby retaining jobs, with the potential of increasing jobs and future tax revenues based on its expansion.

REPORTS

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

Council Member Coffey reported that there was a gathering at the Senior Center to honor Veterans. Council Member Simmons and Mayor O'Geary also attended and they all agreed that listening to veterans tell their stories were very enlightening.

b) City Manager (No Report)

c) City Attorney(No Report)

d) City Clerk

The annual Light the Night Ceremony will take place on December 7 at 5:30 p.m. and Mayor O'Geary shared those that will be participating, including Council Members Peace-Jenkins and Simmons.

Mayor O'Geary now asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Rainey moved for adjournment. Motion seconded by Council Member Coffey, and unanimously approved. The meeting adjourned at 8:33 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



Council Meeting: 24 Nov. 14 Short Reg. Meeting

18 November 2014

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

FR: Ed Wyatt, City Manager

RE: **CAF: 14-108**

Consideration of Approval of Ordinance 14-53, Amending the Zoning Ordinance to include 3.11 Elementary and Middle Schools as a Special Use in the I-2 (Industrial-Non Park District).

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

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

Recommendation:

- Approval of Ordinance 14-53, Amending the Zoning Ordinance to include 3.11 Elementary and Middle Schools as a Special Use in the I-2 (Industrial-Non Park District)

Executive Summary:

This is a text amendment requested by Attorney Jonathan Care who is representing a local charter school and others. The request is to include 3.11 Elementary and Middle Schools as a Special Use in the I-2 (Industrial-Non Park District). The I-2 district allows by right or by Special Use Permit the following uses: Day Care / Nursery (Special Use), Vocational Schools (Allowed by Right), Churches and Temples (Allowed by Right), Recreation uses-Ball Fields (Allowed by Right), Courts (Allowed by Right), Swimming Pools (Allowed by Right), Golf Driving Ranges (Allowed by Right), and Outdoor Theaters (Special Use). In addition, the planning staff has obtained information from other cities and towns that allow elementary and middle schools in the I-2 or light industrial district (see attached).

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

Attachments:

1. Ordinance 14-53
2. Planning Board Minutes
3. Text Amendment Application
4. Information from other cities

CAF 14-108: 24 November 2014 Council Meeting: Public Hearing

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ORDINANCE 14-53

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

AMENDMENT TO ZONING ORDINANCE TO INCLUDE 3.11 ELEMENTARY AND MIDDLE SCHOOLS AS A SPECIAL USE IN THE I-2 (INDUSTRIAL-NON PARK DISTRICT) ZONING DISTRICTS

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

Section 1. That Section 310A, Table of Permitted Uses, be amended under Permitted Use 3.11, Schools, Elementary and Middle Schools, by adding “S” under the I2 heading, Industrial Non-Park District, thereby signifying that such schools may operate in this district by issuance of a special use permit.

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

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

Mayor James D. O'Geary

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

D. Rix Edwards, City Attorney

(Reference: Minute Book 43, p ; CAF 14-108)



City of Henderson

Planning and Community Development Department

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

Phone: (252) 430-5723 FAX: (252) 492-7935

DRAFT MINUTES

HENDERSON PLANNING BOARD

MONDAY, NOVEMBER 3, 2014 – 3:30 P.M.

CITY HALL – COUNCIL CHAMBERS

Members Present – Michael Rainey, Horace Bullock, Marguerite Anduze, Arthur Henderson, Jimmie Ayscue, Keith Coffey, Arnold Bullock, Phil Walters, and Ricky Easter

Members Absent – Charles Douglas

Staff Present – Development Service Director Corey Williams, City Attorney Rix Edwards

- (1) **CALL TO ORDER** – Meeting was called to order by Chair Michael Rainey. Roll was called. A quorum was present.
- (2) **APPROVAL OF MINUTES**: October 6, 2014 with corrections of marking Mr. Arnold Bullock as present
- (3) **BUSINESS – DISCUSSION**

New Business

Public Hearing: Case (PB06-14): Discussion: Text Amendment to Zoning Ordinance to include 3.11 Elementary and Middle Schools as a Special Use in the I-2 (Industrial-Non Park District).

Corey Williams, Development Services Director, introduced the item. Mr. Williams reviewed the packet of information pertaining to the text amendment request. Mr. Rainey opened the public hearing for all parties of interest to comment. Jonathan Care, Attorney representing a local charter school and others submitted the application for text amendment, addressed the Board. Attorney Care stated that in looking for properties to establish a school it was discovered that potential sites are located in the I-2 zoning district. In addition to researching the City Zoning Ordinance, other schools and accessories uses are allowed in the I-2 zoning district either by right or by special use permit. Mr. Care, under the guidance of staff and Department of Public Instruction suggests that schools located on properties that are larger than current elementary and middle schools such as Henderson Middle school. Therefore, the text amendment proposed will

CAF 14-108: 24 November 2014 Council Meeting: Public Hearing

allow elementary and middle schools in the I-2 zoning district with a special use permit. The ideal that the special use permit would allow additional conditions to site specific issues. Mr. Care concluded and Mr. Rainey asked for additional comments for or against, no comments were made and the public hearing was closed. Mr. Rainey added that the Special Uses Permits are granted by the Board of Adjustment and that text amendment would affect I-2 districts within the City and ETJ districts.

Motion made by Mr. Ayscue and seconded by Mr. Walter to approve Text Amendment to Zoning Ordinance to include 3.11 Elementary and Middle Schools as a Special Use in the I-2 (Industrial-Non Park District). A unanimous vote of 9-0; **AYES:** Michael Rainey, Horace Bullock, Marguerite Anduze, Arthur Henderson, Jimmie Ayscue, Keith Coffey; Phil Walters, Ricky Easter, and Arnold Bullock **NOES:** None, **ASBENT:** Charles Douglas

Recommendation now goes before the City Council for approval.

(4) ADJOURNMENT

NEXT MEETING: December 1, 2014 @ 3:30 PM

Minutes Respectfully submitted by

Corey K. Williams
Development Service Director



CITY OF HENDERSON

PLANNING & COMMUNITY DEVELOPMENT

P.O. Box 1434 / 134 Rose Avenue • Henderson, NC 27538 • Phone: (252) 430-5723 • Fax: (252) 492-7935



TEXT AMENDMENT APPLICATION

Date: 22 Oct 14

Case #

FEES

Zoning Text Amendment, change affecting only one subsection, only one section of the ordinance: \$100.00
Zoning Text Amendment, other than above: \$150.00

APPLICANT / AGENT INFORMATION

Applicant's Name: Jonathan S. Care
Mailing Address: 100 W Montgomery Street, Henderson NC 27536
Contact Phone No.: 252-492-3053
Email Address: jcare@vance.net

ORDINANCE TO BE AMENDED:

XX Zoning Ordinance Subdivision Ordinance
1. 310 A, Table of Uses 2. Section(s) to be amended: 3.
4. 5. 6.

APPLICANT'S JUSTIFICATION FOR AMENDMENT

Procedure: Petitions to amend the zoning ordinance or subdivision regulations are reviewed by the Planning Director and/or Zoning Administrator. When he/she determines that a petition is complete, he/she will submit it to the Planning Board for a recommendation. The recommendation is referred to the City Council and a public hearing will be held before the City Council. Public Notices will be printed in the newspaper. Once the application is filed and accepted as complete, it is the responsibility of the petitioners to keep apprised of meeting dates and attend the meetings.

The undersigned hereby submits the following information in support of his/her petition to amend the zoning ordinance or subdivision regulations: (Please attach additional sheets if necessary)

- Section No. and Text of the Existing Ordinance:
3.11 Elementary and Middle Schools Not allowed in I2
- Section No. and Text of the Proposed Ordinance:
3.11 Elementary and Middle Schools - add S under I2 Allowed by Special Use Permits
- Why is the proposed change necessary or desirable?
Similar uses already permitted in this district and such amendment will expand the potential uses of vacant buildings in this district, yet retain review and approval

City of Henderson: Zoning Ordinance Section 805.1, Form of Petitions. Petitions to amend the text of the Zoning Ordinance or the Zoning Map shall be on such form as the Zoning Administrator and/or Planning Director shall specify and shall include all the information necessary for full review and consideration by the City Council, including but not limited to the text of the proposed Ordinance, a map of the area to be rezoned (where applicable), and a statement explaining the nature of the proposed change, the reasons for the change and the effects anticipated from the change.

CERTIFICATION OF APPLICANT

I certify on this date 22 Oct 14 that all the information presented to me in this petition/application is accurate to the best of my knowledge, information, and belief.

Jonathan S. Care

Applicant Printed Name / Signature

Owner's Printed Name / Signature (if applicable)

OFFICE USE ONLY OFFICE USE ONLY OFFICE USE ONLY

Fee: How Paid: Rec'd By: Date Paid: Check#: Receipt#: PB Date: PB Decision: Approved / Denied CC Date: CC Decision: Approved / Denied

Comments:

Zoning Administrator

Date

Section 310 A CITY OF HENDERSON ZONING ORDINANCE Table of Permitted Uses
X - Zoning Permit Required S - Special Use Permit Required

Permitted Use	Special Regulations	11	12	13	B-1	B-2	B-2A	B-3	B-4	O-1	O-2	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	R-11	R-12	R-13	R-14	R-15	R-16	R-17	R-18	R-19	R-20	R-21	R-22	R-23	R-24	R-25	R-26	R-27	R-28	R-29	R-30	R-31	R-32	R-33	R-34	R-35	R-36	R-37	R-38	R-39	R-40	R-41	R-42	R-43	R-44	R-45	R-46	R-47	R-48	R-49	R-50	R-51	R-52	R-53	R-54	R-55	R-56	R-57	R-58	R-59	R-60	R-61	R-62	R-63	R-64	R-65	R-66	R-67	R-68	R-69	R-70	R-71	R-72	R-73	R-74	R-75	R-76	R-77	R-78	R-79	R-80	R-81	R-82	R-83	R-84	R-85	R-86	R-87	R-88	R-89	R-90	R-91	R-92	R-93	R-94	R-95	R-96	R-97	R-98	R-99	R-100	R-101	R-102	R-103	R-104	R-105	R-106	R-107	R-108	R-109	R-110	R-111	R-112	R-113	R-114	R-115	R-116	R-117	R-118	R-119	R-120	R-121	R-122	R-123	R-124	R-125	R-126	R-127	R-128	R-129	R-130	R-131	R-132	R-133	R-134	R-135	R-136	R-137	R-138	R-139	R-140	R-141	R-142	R-143	R-144	R-145	R-146	R-147	R-148	R-149	R-150	R-151	R-152	R-153	R-154	R-155	R-156	R-157	R-158	R-159	R-160	R-161	R-162	R-163	R-164	R-165	R-166	R-167	R-168	R-169	R-170	R-171	R-172	R-173	R-174	R-175	R-176	R-177	R-178	R-179	R-180	R-181	R-182	R-183	R-184	R-185	R-186	R-187	R-188	R-189	R-190	R-191	R-192	R-193	R-194	R-195	R-196	R-197	R-198	R-199	R-200	R-201	R-202	R-203	R-204	R-205	R-206	R-207	R-208	R-209	R-210	R-211	R-212	R-213	R-214	R-215	R-216	R-217	R-218	R-219	R-220	R-221	R-222	R-223	R-224	R-225	R-226	R-227	R-228	R-229	R-230	R-231	R-232	R-233	R-234	R-235	R-236	R-237	R-238	R-239	R-240	R-241	R-242	R-243	R-244	R-245	R-246	R-247	R-248	R-249	R-250	R-251	R-252	R-253	R-254	R-255	R-256	R-257	R-258	R-259	R-260	R-261	R-262	R-263	R-264	R-265	R-266	R-267	R-268	R-269	R-270	R-271	R-272	R-273	R-274	R-275	R-276	R-277	R-278	R-279	R-280	R-281	R-282	R-283	R-284	R-285	R-286	R-287	R-288	R-289	R-290	R-291	R-292	R-293	R-294	R-295	R-296	R-297	R-298	R-299	R-300	R-301	R-302	R-303	R-304	R-305	R-306	R-307	R-308	R-309	R-310	R-311	R-312	R-313	R-314	R-315	R-316	R-317	R-318	R-319	R-320	R-321	R-322	R-323	R-324	R-325	R-326	R-327	R-328	R-329	R-330	R-331	R-332	R-333	R-334	R-335	R-336	R-337	R-338	R-339	R-340	R-341	R-342	R-343	R-344	R-345	R-346	R-347	R-348	R-349	R-350	R-351	R-352	R-353	R-354	R-355	R-356	R-357	R-358	R-359	R-360	R-361	R-362	R-363	R-364	R-365	R-366	R-367	R-368	R-369	R-370	R-371	R-372	R-373	R-374	R-375	R-376	R-377	R-378	R-379	R-380	R-381	R-382	R-383	R-384	R-385	R-386	R-387	R-388	R-389	R-390	R-391	R-392	R-393	R-394	R-395	R-396	R-397	R-398	R-399	R-400	R-401	R-402	R-403	R-404	R-405	R-406	R-407	R-408	R-409	R-410	R-411	R-412	R-413	R-414	R-415	R-416	R-417	R-418	R-419	R-420	R-421	R-422	R-423	R-424	R-425	R-426	R-427	R-428	R-429	R-430	R-431	R-432	R-433	R-434	R-435	R-436	R-437	R-438	R-439	R-440	R-441	R-442	R-443	R-444	R-445	R-446	R-447	R-448	R-449	R-450	R-451	R-452	R-453	R-454	R-455	R-456	R-457	R-458	R-459	R-460	R-461	R-462	R-463	R-464	R-465	R-466	R-467	R-468	R-469	R-470	R-471	R-472	R-473	R-474	R-475	R-476	R-477	R-478	R-479	R-480	R-481	R-482	R-483	R-484	R-485	R-486	R-487	R-488	R-489	R-490	R-491	R-492	R-493	R-494	R-495	R-496	R-497	R-498	R-499	R-500	R-501	R-502	R-503	R-504	R-505	R-506	R-507	R-508	R-509	R-510	R-511	R-512	R-513	R-514	R-515	R-516	R-517	R-518	R-519	R-520	R-521	R-522	R-523	R-524	R-525	R-526	R-527	R-528	R-529	R-530	R-531	R-532	R-533	R-534	R-535	R-536	R-537	R-538	R-539	R-540	R-541	R-542	R-543	R-544	R-545	R-546	R-547	R-548	R-549	R-550	R-551	R-552	R-553	R-554	R-555	R-556	R-557	R-558	R-559	R-560	R-561	R-562	R-563	R-564	R-565	R-566	R-567	R-568	R-569	R-570	R-571	R-572	R-573	R-574	R-575	R-576	R-577	R-578	R-579	R-580	R-581	R-582	R-583	R-584	R-585	R-586	R-587	R-588	R-589	R-590	R-591	R-592	R-593	R-594	R-595	R-596	R-597	R-598	R-599	R-600	R-601	R-602	R-603	R-604	R-605	R-606	R-607	R-608	R-609	R-610	R-611	R-612	R-613	R-614	R-615	R-616	R-617	R-618	R-619	R-620	R-621	R-622	R-623	R-624	R-625	R-626	R-627	R-628	R-629	R-630	R-631	R-632	R-633	R-634	R-635	R-636	R-637	R-638	R-639	R-640	R-641	R-642	R-643	R-644	R-645	R-646	R-647	R-648	R-649	R-650	R-651	R-652	R-653	R-654	R-655	R-656	R-657	R-658	R-659	R-660	R-661	R-662	R-663	R-664	R-665	R-666	R-667	R-668	R-669	R-670	R-671	R-672	R-673	R-674	R-675	R-676	R-677	R-678	R-679	R-680	R-681	R-682	R-683	R-684	R-685	R-686	R-687	R-688	R-689	R-690	R-691	R-692	R-693	R-694	R-695	R-696	R-697	R-698	R-699	R-700	R-701	R-702	R-703	R-704	R-705	R-706	R-707	R-708	R-709	R-710	R-711	R-712	R-713	R-714	R-715	R-716	R-717	R-718	R-719	R-720	R-721	R-722	R-723	R-724	R-725	R-726	R-727	R-728	R-729	R-730	R-731	R-732	R-733	R-734	R-735	R-736	R-737	R-738	R-739	R-740	R-741	R-742	R-743	R-744	R-745	R-746	R-747	R-748	R-749	R-750	R-751	R-752	R-753	R-754	R-755	R-756	R-757	R-758	R-759	R-760	R-761	R-762	R-763	R-764	R-765	R-766	R-767	R-768	R-769	R-770	R-771	R-772	R-773	R-774	R-775	R-776	R-777	R-778	R-779	R-780	R-781	R-782	R-783	R-784	R-785	R-786	R-787	R-788	R-789	R-790	R-791	R-792	R-793	R-794	R-795	R-796	R-797	R-798	R-799	R-800	R-801	R-802	R-803	R-804	R-805	R-806	R-807	R-808	R-809	R-810	R-811	R-812	R-813	R-814	R-815	R-816	R-817	R-818	R-819	R-820	R-821	R-822	R-823	R-824	R-825	R-826	R-827	R-828	R-829	R-830	R-831	R-832	R-833	R-834	R-835	R-836	R-837	R-838	R-839	R-840	R-841	R-842	R-843	R-844	R-845	R-846	R-847	R-848	R-849	R-850	R-851	R-852	R-853	R-854	R-855	R-856	R-857	R-858	R-859	R-860	R-861	R-862	R-863	R-864	R-865	R-866	R-867	R-868	R-869	R-870	R-871	R-872	R-873	R-874	R-875	R-876	R-877	R-878	R-879	R-880	R-881	R-882	R-883	R-884	R-885	R-886	R-887	R-888	R-889	R-890	R-891	R-892	R-893	R-894	R-895	R-896	R-897	R-898	R-899	R-900	R-901	R-902	R-903	R-904	R-905	R-906	R-907	R-908	R-909	R-910	R-911	R-912	R-913	R-914	R-915	R-916	R-917	R-918	R-919	R-920	R-921	R-922	R-923	R-924	R-925	R-926	R-927	R-928	R-929	R-930	R-931	R-932	R-933	R-934	R-935	R-936	R-937	R-938	R-939	R-940	R-941	R-942	R-943	R-944	R-945	R-946	R-947	R-948	R-949	R-950	R-951	R-952	R-953	R-954	R-955	R-956	R-957	R-958	R-959	R-960	R-961	R-962	R-963	R-964	R-965	R-966	R-967	R-968	R-969	R-970	R-971	R-972	R-973	R-974	R-975	R-976	R-977	R-978	R-979	R-980	R-981	R-982	R-983	R-984	R-985	R-986	R-987	R-988	R-989	R-990	R-991	R-992	R-993	R-994	R-995	R-996	R-997	R-998	R-999	R-1000	R-1001	R-1002	R-1003	R-1004	R-1005	R-1006	R-1007	R-1008	R-1009	R-1010	R-1011	R-1012	R-1013	R-1014	R-1015	R-1016	R-1017	R-1018	R-1019	R-1020	R-1021	R-1022	R-1023	R-1024	R-1025	R-1026	R-1027	R-1028	R-1029	R-1030	R-1031	R-1032	R-1033	R-1034	R-1035	R-1036	R-1037	R-1038	R-1039	R-1040	R-1041	R-1042	R-1043	R-1044	R-1045	R-1046	R-1047	R-1048	R-1049	R-1050	R-1051	R-1052	R-1053	R-1054	R-1055	R-1056	R-1057	R-1058	R-1059	R-1060	R-1061	R-1062	R-1063	R-1064	R-1065	R-1066	R-1067	R-1068	R-1069	R-1070	R-1071	R-1072	R-1073	R-1074	R-1075	R-1076	R-1077	R-1078	R-1079	R-1080	R-1081	R-1082	R-1083	R-1084	R-1085	R-1086	R-1087	R-1088	R-1089	R-1090	R-1091	R-1092	R-1093	R-1094	R-1095	R-1096	R-1097	R-1098	R-1099	R-1100	R-1101	R-1102	R-1103	R-1104	R-1105	R-1106	R-1107	R-1108	R-1109	R-1110	R-1111	R-1112	R-1113	R-1114	R-1115	R-1116	R-1117	R-1118	R-1119	R-1120	R-1121	R-1122	R-1123	R-1124	R-1125	R-1126	R-1127	R-1128	R-1129	R-1130	R-1131	R-1132	R-1133	R-1134	R-1135	R-1136	R-1137	R-1138	R-1139	R-1140	R-1141	R-1142	R-1143	R-1144	R-1145	R-1146	R-1147	R-1148	R-1149	R-1150	R-1151	R-1152	R-1153	R-1154	R-1155	R-1156	R-1157	R-1158	R-1159	R-1160	R-1161	R-1162	R-1163	R-1164	R-1165	R-1166	R-1167	R-1168	R-1169	R-1170	R-1171	R-1172	R-1173	R-1174	R-1175	R-1176	R-1177	R-1178	R-1179	R-1180	R-1181	R-1182	R-1183	R-1184	R-1185	R-1186	R-1187	R-1188	R-1189	R-1190	R-1191	R-1192	R-1193	R-1194	R-1195	R-1196	R-1197	R-1198	R-1199	R-1200	R-1201	R-1202	R-1203	R-1204	R-1205	R-1206	R-1207	R-1208	R-1209	R-1210	R-1211	R-1212	R-1213	R-1214	R-1215	R-1216	R-1217	R-1218	R-1219	R-1220	R-1221	R-1222	R-1223	R-1224	R-1225	R-1226	R-1227	R-1228	R-1229	R-1230	R-1231	R-1232	R-1233	R-1234	R-1235	R-1236	R-1237	R-1238	R-1239	R-1240	R-1241	R-1242	R-1243	R-1244	R-1245	R-1246	R-1247	R-1248	R-1249	R-1250	R-1251	R-1252	R-1253	R-1254	R-1255	R-1256	R-1257	R-1258	R-1259	R-1260	R-1261	R-1262	R-1263	R-1264	R-1265	R-1266	R-1267	R-1268	R-1269	R-1270	R-1271	R-1272	R-1273	R-1274	R-1275	R-1276	R-1277	R-1278	R-1279	R-1280	R-1281	R-1282	R-1283	R-1284	R-1285	R-1286	R-1287	R-1288	R-1289	R-1290	R-1291	R-1292	R-1293	R-1294	R-1295	R-1296	R-1297	R-1298	R-1299	R-1300	R-1301	R-1302	R-1303	R-1304	R-1305	R-1306	R-1307	R-1308	R-1309	R-1310	R-1311	R-1312	R-1313	R-1314	R-1315	R-1316	R-1317	R-1318	R-1319	R-1320	R-1321	R-1322	R-1323	R-1324	R-1325	R-1326	R-1327	R-1328	R-1329	R-1330
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Section 310 A		CITY OF HENDERSON ZONING ORDINANCE										Table of Permitted Uses									
X - Zoning Permit Required		S - Special Use Permit Required																			
Permitted Use	Special Regulations	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
4 EMERGENCY SERVICES																					
4.1 Police	615B & 1002.24																				
4.2 Fire	510.4.10	X	X																		
4.3 Rescue Squad	510.4.20	X	X																		
4.4 Ambulance	510.4.30	X	X																		
	510.4.40	X	X																		
5 RECREATION AND ENTERTAINMENT																					
5.1 WITHIN STRUCTURE																					
5.10 Electronic Gaming Operations	643B																				
5.11 Dance Halls	510.5.18, 670B, 1002.23a																				
5.12 Clubs, Lodges	510.5.11, 652B.4																				
5.13 Indoor Theaters	510.5.12																				
5.14 Stadiums	510.5.13																				
5.15 Health Spas, YMCA	510.5.14	X	X																		
5.16 Auditorium	510.5.15	X	X																		
5.17 Night Club, Tavern, Lounge	510.5.16	X	X																		
5.18 Game Room	510.5.17, 652B, 1002.65																				
5.19 Skating Rink	510.5.18, 651B, 1002.34																				
5.2 OUTSIDE STRUCTURE																					
5.21 Ballfields	510.5.21	X	X																		
5.22 Courts	510.5.22	X	X																		
5.23 Swimming Pools	510.5.23	X	X																		
5.24 Miniature Golf	510.5.24																				
5.25 Golf Driving Range	510.5.25		X																		
5.26 Golf Course	510.5.26, 621B	X																			
5.27 Stables	510.5.27, 644B, 1002.84	X	X																		
5.28 Go Kart Track	510.5.28, 645B	S	S																		
5.29 Shooting Range	510.5.29	S	S																		
5.3 Outdoor Theaters	510.5.30, 650B	S	S																		
5.31 Adult Establishments	510.5.31, 600D																				
6 RESIDENTIAL-COMMERCIAL																					
6.1 HOME OCCUPATIONS																					
6.2 Cyber Offices (No walk-in business)	619B & 1002.40																				
6.3 Hairdressing, Barber, Dressmaking, Clothing Alterations, Engineer, Architects & Surveyors, and Mental Health Counseling	619B.2																				
	619B.3																				

Article 4 | Zoning Districts

Sec. 4.1 General

4.1.1 Establishment of Districts

- A. The following zoning districts are hereby established, and are intended to implement the Comprehensive Plan. Each district is only appropriate in development tiers where it effectively implements the plan, as set forth below.

		Development Tier					
Symbol	District	Rural	Suburban	Urban	Compact Neighborhood	Downtown	Former Districts
Residential Districts							
RR	Residential Rural	✓	✓				RD
RS-20	Residential Suburban – 20	✓ ¹	✓				R-20
RS-10	Residential Suburban – 10		✓				R-10, R-15
RS-8	Residential Suburban – 8		✓				R-8
RS-M	Residential Suburban Multifamily		✓				RM-8, RM-12, RM-16
RU-5	Residential Urban – 5			✓	✓ ³		R-5
RU-5(2)	Residential Urban – 5 (2) (duplexes allowed)			✓	✓ ³		R-3
RU-M	Residential Urban Multifamily			✓	✓ ³		RM-16, RM-20
RC	Residential Compact		✓ ²		✓		ITOD-CN, RM-CN
Nonresidential Districts							
CI	Commercial Infill			✓	✓		--NEW--
CN	Commercial Neighborhood	✓	✓	✓	✓		NC
OI	Office and Institutional	✓	✓	✓	✓		O&I-1, O&I-2
CG	Commercial General	✓	✓	✓	✓		GC
SRP	Science Research Park		✓				RSCH, RAD
IL	Industrial Light		✓	✓	✓		I-2, CT
I	Industrial	✓	✓	✓			I-3
Planned Districts							
PDR	Planned Development Residential		✓	✓			PDR
UC	University and College		✓	✓	✓		UC
UC-2	University and College-2			✓			--NEW--
CC	Commercial Center		✓	✓			SC
IP	Industrial Park		✓	✓			I-1
MU	Mixed Use		✓	✓	✓		MU
Design Districts							
CD-C	Compact Design - Core				✓		--NEW--
CD-S1	Compact Design – Support 1				✓		--NEW--
CD-S2	Compact Design - Support 2				✓		--NEW--
CD-P	Compact Design – Pedestrian Business				✓		--NEW--
DD-C	Downtown Design - Core					✓	--NEW--
DD-S1	Downtown Design - Support 1					✓	--NEW--

Article 5 | Use Regulations
Sec. 5.1 Use Table

USE CATEGORY		SPECIFIC USE		RESIDENTIAL										NONRESIDENTIAL					PLANNED					DESIGN		NOTES:	
				RR	RS	RS-M	RU	RU-M	RC	CI	CN	IO	CG	SRP	I	PDR	UC	CC	IP	MU	DD	GD					
Household Living	Manufactured Home	L																									5.3.2D
	Manufactured home park or subdivision																										5.3.2E
	Upper story residential												L	L	L	L								±	L	L	6.10.2, 6.11.3, 6.11.5, 6.11.7, 6.12
	All group living, except as listed below																										
Group Living	Commercial dorm																										
	Congregate living facility																										5.3.2A
	Group home																										5.3.2B
																											5.3.2C
PUBLIC AND CIVIC USES																											
Community Service	All community service, except as listed below	P	P	P	P	P	P	P	P	P	P																
	Auditoriums																										5.3.3A
	Clubs and lodges	m		m	m	m	m	L	L	L	L	L															5.3.3C
	Museums	L/m		L/m	L/m	L/m	L/m	L/m	L/m	L/m	L/m	L															5.3.3G
Day Care	Day Care Home	P	P	P	P	P	P	P	P	P	P	P	P														
	Day care facility	L/m		L/m	L/m	L/m	L/m	L	L	L	L	L															5.3.3E
Educational Facilities	School, Elementary	L/m		L/m	L/m	L/m	L/m	L/m	L/m	L/m	L/m	L															
	School, middle or high	L/m		L/m	L/m	L/m	L/m	L	L	L	L	P															5.3.3K
	Universities or colleges																										
	Vocational, trade or business schools																										

City of Goldsboro

P - Permitted S - Special Use C - Conditional Use	AG	R-40	R-20A	R-20	R-16H	R-16	R-12SF	R-12	R-9SF	R-9	R-6SF	R-6	RM-9	RM-8	O-R	O&I-1	O&I-2	NB	CBD	AB	GB	SC	HB	I-1	I-2	1&BP-1	1&BP-2	Standards
Residential Uses																												
Accessory dwellings																											yes	
Condominiums																											yes	
Dormitories																												
Duplex (two attached units/lot)																												
Home occupations																												
Life care homes, assisted living																											yes	
Manufactured home park																											yes	
Mixed use, apartments or condos above ground floor retail/office within the same building																											yes	
Multifamily (three or more units)																												
Open space, active or passive																											yes	
Cluster Subdivision																											yes	
Residential care facilities including full time convalescent, attendant nursing and/or rehabilitation care																											5.3.2.4	
Rooming/boarding houses																											5.5.4/Ch. 116	
Single family attached																											yes	
Single family detached																												
Single family manufactured home																											yes	
Single family mobile home - nonconforming																											5.6.9	
Single family modular home																											yes	
Special population housing - six or less unrelated persons																											Sec. 5.2.10	
Special population housing - more than six unrelated persons																											Sec. 5.2.10	
Townhouses																											yes	
Civic Uses																												
Armories, reserve and national guard																												
Assembly halls, coliseums, civic centers, etc.																												
Cemeteries																											5.5.4	
Churches																											5.9.4, 5.3.5.2	
Clubs, lodges, civic, social - nonprofit																												
Colleges and universities																												

July 23, 2007

[illegible]

CAF 14-108: 24 November 2014 Council Meeting: Public Hearing
Page 11 of 11

City Council Action Form

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



Council Meeting: 24 Nov 14 Short Reg. Meeting

19 November 2014

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

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

RE: CAF: 14-92-A

Consideration of Approval of Ordinance 14-41, Amending Section 7-64.0 of the City Code Relative to Declaration as to Certain Intersections and Section 7-49, Declaration as to Certain Streets.

Ladies and Gentlemen:

Recommendation:

- Approval of Ordinance 14-41, Amending Section 7-64.0 of the City Code Relative to Declaration as to Certain Intersections and Section 7-49, Declaration as to Certain Streets.

Executive Summary

During the Work Session on 25 August 2014 CM 14-27 was presented to Council relative to various traffic changes that were being studied and brought back to Council for further consideration. Those changes were as follows:

1. Intersection of South Park and Beckford Drive – Council asked staff to discuss with the North Carolina Department of Transportation (NCDOT) any traffic changes that could be considered since the opening of the Vance County Farmers Market and patrons are attempting to make left turn movements into the installed pork chop intersection which was designed to alleviate left turn movements in and out of the intersection. The District NCDOT office has consulted with the Division Traffic Engineer and recommends that State ordinances be written to prohibit left hand movement from and to South Park Drive. NCDOT will install the appropriate signage to reflect the new ordinance(s) once they are approved by the State Traffic Engineer. They have also asked the City's support in having the City Police enforce the new ordinances once in place. Staff has also spoken with Vance County personnel

to make sure any signs for the Farmer's Market are placed at the intersection of North Park Drive instead of South Park.

2. Oak Street change from one-way to two-way – The Fire Department asked the Engineering Department to review changing the existing one-way portion of Oak Street from Pine Street to Deer Crossing Court back to a two-way traffic pattern. A favorable response was received from Vance County School System and a copy of its letter of support is attached. There will need to be some restriping and signage removed to facilitate this change but this will help the Fire Department in rotating the routing of the fire trucks which will help to provide longer tire life. This will also help with entering the property since Vance County, nor the City, no longer owns the Armory property. To facilitate this action, an amendment to Section 7-49 of the City Code is recommended.
3. The proposed Ordinance revision would change Belle Street, from Garnett Street to Dorsey Avenue to a one way southerly traffic flow toward Dorsey Avenue. The existing mail drop box creates cross lane travel and potentially head-on collisions adjacent to the Post Office. City Staff has been in contact with the Post Office and local businesses about alleviating this safety issue and has received positive feedback regarding these proposed changes. NCDOT was consulted about the traffic movements and NCDOT requested that the traffic pattern remain the same through the parking lot and that the mail drop box be placed at the post office exit. The exit will have a mountable diversion island in Belle Street to permit continuous flow of traffic from the post office parking lot onto Belle Street. Council approved by consensus, option #3 in CM 14-22 and this option is a hybrid of that option where traffic will continue on the same route through the post office parking lot. Only the location of the mail box will change to the exit on Belle Street and Belle Street will become a one-way street if approved by Council.

Attachments:

1. Ordinance 14-41
2. Vance County School Letter of Support
5. NCDOT Letter about Belle St.
6. Diagram of NCDOT's approved option

ORDINANCE 14-41

AMENDING SECTION 7-64.0 OF THE CITY CODE RELATIVE TO DECLARATION AS TO CERTAIN INTERSECTIONS AND SECTION 7- 49, DECLARATION AS TO CERTAIN STREETS.

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

Section 1. That the following be added to Section 7-64.0 of the City Code (Declaration as to certain intersections):

“North Park Drive” stop before entering Parkview Drive East

“North Park Drive” stop before entering Beckford Drive

“South Park Drive” stop before entering Parkview Drive East

“South Park Drive” stop before entering Beckford Drive

Section 2. That the following be deleted from the Schedule of Streets set forth in Section 7-49.0 of the City Code (Declaration as to certain streets):

“Oak Street between Pine Street and Deer Crossing Court traffic to move in a southerly direction.”

Section 3. That Belle Street between Garnett Street and Dorsey Avenue become a one way street where traffic moves in a south-easterly direction.

The foregoing Ordinance 14-41, upon motion of Council member _____ and seconded by Council Member _____, and having been submitted to a roll call vote and received the following votes and was **APPROVED/DISAPPROVED** on this the ____ day of _____, 2011: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O’Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

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

STATE OF NORTH CAROLINA, CITY OF HENDERSON

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the foregoing Ordinance is a true and exact copy of *Ordinance 14-41* Amending Section 7-64.0 of the City Code Relative to Declaration as to Certain Intersections and Section 7-49.0 Declaration as to Certain Streets, adopted by the Henderson, City Council in Regular Session on ** ** 20** (See *Minute Book 44*, p. **.). This Ordinance is recorded in *Ordinance Book # 9*, pp. **.

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

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

19 August 2014

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

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

RE: CM 14-27:

Consideration of:

- 1) Possible Addition of Handicap Parking Spaces in the Downtown Area;**
- 2) Conversion of Stop Lights at Chestnut Street and Young Street to Stop Signs**
- 3) Modifying Oak Street from One Way to Two Way Traffic Pattern.**

Ladies and Gentlemen:

City staff received a request from a citizen who currently resides in an apartment in the downtown area of Garnett for a handicap parking space either on Garnett Street or in the William Street Parking Lot. Currently the citizens use the parking lot on William Street just off of Montgomery Street; however, currently there are no handicap parking spaces in this lot. Due to other apartment units in the downtown area and availability to customers which patronize stores downtown, it is felt that this may need to be discussed for the downtown as a whole, rather than considering one request at a time. Either way, the appropriate Ordinance can be drafted if so desired.

Another item that the staff is reviewing is the replacement of the traffic signal equipment at Young Street and Chestnut Street. As you are probably aware, there was a traffic accident at this location approximately a month ago in which several vehicles were involved that broke one pole and therefore bringing down several of the existing signals. City crews were dispatched after the accident and stop signs were placed on Young Street with Chestnut being the through street. An estimate of approximately \$22,500 was received to replace the signalization equipment. Removal of the signals would cost much less. It appears that there is insufficient liability coverage on the motorist(s) responsible for the accident.

City staff is proposing to possibly eliminate the traffic signals at this intersection due to differences in traffic volumes or turning movements which may no longer warrant traffic signals at this intersection. Several other traffic signals were removed along Chestnut Street around 2004-2005 after it was determined by a traffic engineering study that the signals were no longer warranted. Therefore, it is recommended that a study be performed and a recommendation brought back to Council for further consideration.

The Fire Department has requested that Oak Street be modified from its existing One Way Pattern (From Pine Street to Deer Court Crossing) to two way traffic. This has been discussed with the Vance County School Superintendent and a favorable response was received relative to the flow of traffic with the schools. Additional information is being reviewed and a recommendation will be brought back to Council for consideration at a future time.

VANCE COUNTY SCHOOLS

OFFICE OF THE SUPERINTENDENT

October 23, 2014

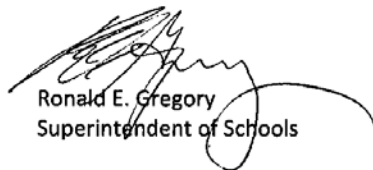
Daniel E. Wilkerson
Fire Chief – City of Henderson
211 Dabney Drive
Henderson, NC 27536

Dear Chief Wilkerson:

It is my understanding that you are requesting Oak Street be changed to a two-way street. I fully support this request. The current one-way traffic flow hinders the fire department's access to the rear of the fire station. The fire department serves the needs of our citizens, and it is important that nothing prevents them from doing their job. The two-way street will also allow parents easier access to E. M. Rollins Elementary School.

Thank you for all you do for the community and students of Vance County.

Yours truly,



Ronald E. Gregory
Superintendent of Schools

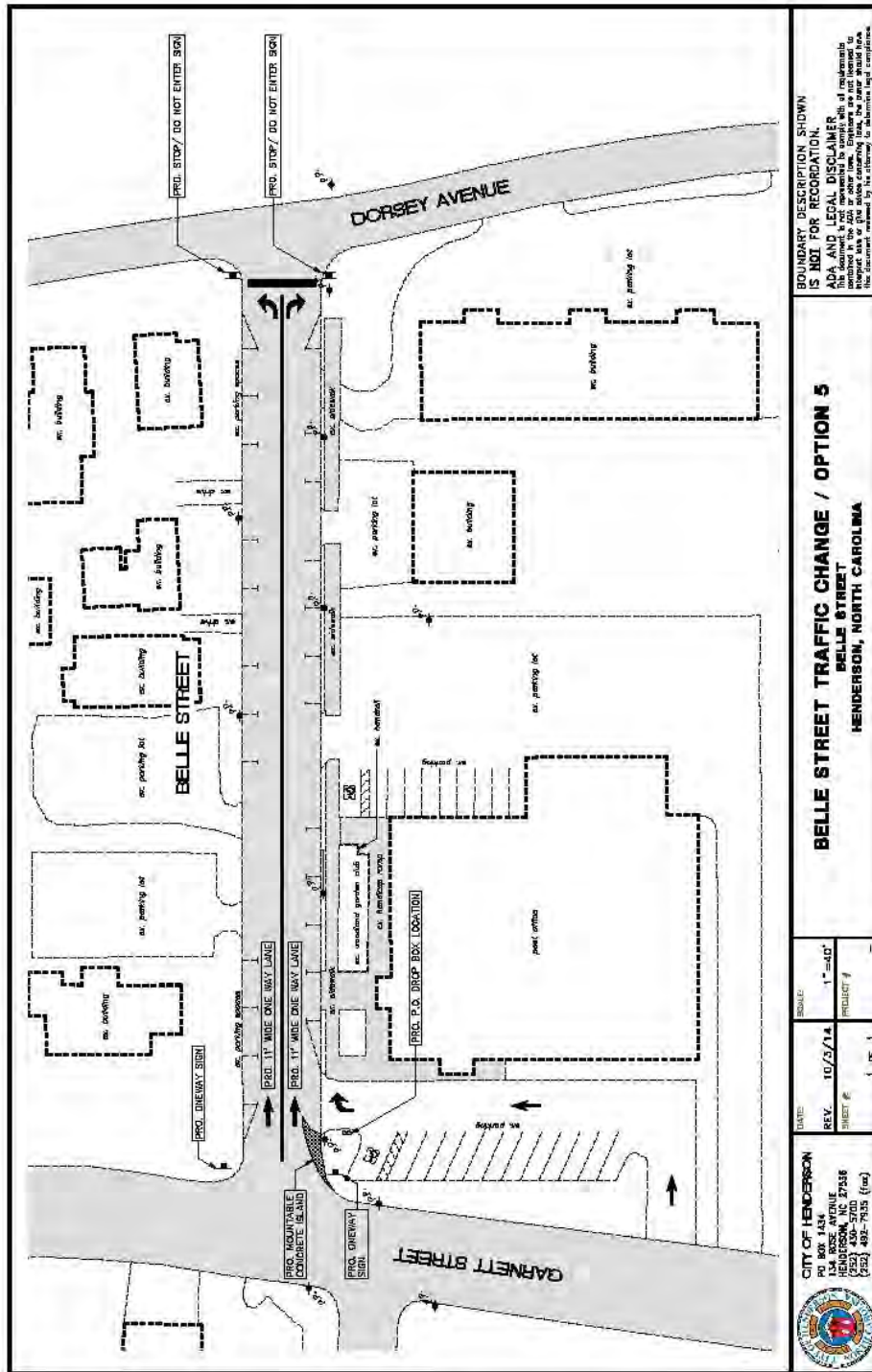
1724 GRAHAM AVENUE POST OFFICE BOX 7001 HENDERSON, N. C. 27536-7001 TELEPHONE 252-492-2127

Clark, we've looked at the 4 options that the town has put together to improve the traffic flow at the Henderson Post office at Garnett and Belle Street intersection. I've prepared an hybrid of the Town's options and put a few additional ideas that DOT feels that would be of some additional help. See the attached sketch.

Points to consider

1. DOT's concept creates a free flow egress movement out of the front postal area parking area adjacent to Garnett St. onto Belle St.
2. Drop box can be placed near/at where the STOP sign is currently located. Most drop off mail is dropped within 2-3 seconds, so minimal delay would occur. Secondary drop box could remain at current location on Belle St. if desired. Placing drop box at STOP sign location will probably increase traffic thru the Garnett St. front parking area minimally.
3. Removing the parking places on the north/west end of Belle St. would open the Belle St. corridor up some.
4. Allows for the existing internal queue of vehicles in Garnett St. frontal parking area.
5. None of the options that the Town or DOT conceptual plan will prevent illegal parking adjacent to the sidewalk (fire lane delineation) along the Garnett St. frontal parking area.
6. The one way traffic on Belle is okay with DOT. There is an existing left turn lane for Belle St. on Garnett St. already.
7. One way of Belle St. does not cause left turn conflicts on Garnett St. at E. & W. Belle St.
8. DOT's hybrid conceptual drawing eliminate both concerns addressed in the work session memo dated July 24, 2014 (cross lane travel & left egress turns out of Garnett St. frontal parking area)
9. Another option, can/would the Post Office be willing to relocate to another site so that can be better accommodate their current/future postal demands. Parking appears to be limited on high volume days and or hours.
10. What are/or is there long term plans for the Post Office current location (expansion/redesign/modifications)?

Stephen Winstead, PE
District Engineer
Franklin, Vance and Warren Counties
321 Gillburg Road
Henderson, NC 27537
252-492-0111



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BELLE STREET TRAFFIC CHANGE / OPTION 5
BELLE STREET
HENDERSON, NORTH CAROLINA

DATE:	10/3/14	SCALE:	1"=40'
REV:	1	PROJECT #	
SHEET #	1 OF 1		

CITY OF HENDERSON
PO BOX 145
HENDERSON, NC 27536
(252) 430-5700
(252) 482-7333 (fax)



City Council Action Form

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



Council Meeting: 24 Nov 14 Short Reg. Meeting

20 November 2014

TO: The Honorable Mayor James D. O'Geary and Members of City Council
FR: A. Ray Griffin, Jr., City Manager
RE: **CAF: 14-128**
Consideration of Approval of Resolution 14-94, Employee Appreciation One-Time Salary Supplement

Ladies and Gentlemen:

Council Goals Addressed By This Item:

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

Recommendation:

- Approval of Resolution 14-94, Employee Appreciation One-time Salary Supplement

Executive Summary:

The Henderson City Council, on 11 June 14, adopted the FY14-15 budget which included allocations for an employee appreciation one-time salary supplement in the amount of \$200 per full-time active employee. Employees with less than a year of service will receive a pro-rated supplement based on hire date as follows: Jan - March 2014, \$150; April - June 2014, \$100; July - September 2014, \$75; October to distribution date, \$25.

In past years, this salary supplement has been distributed to employees around the holiday season. Therefore, it is respectfully requested that Council affirm its desire to award a one-time salary supplement to City employees. If Council so approves, the one-time salary supplements will be prepared for distribution during the second week of December.

Enclosures:

1. Resolution 14-94

RESOLUTION 14-94

AFFIRMING HENDERSON CITY COUNCIL'S DESIRE TO AWARD CITY EMPLOYEES AN APPRECIATION ONE-TIME SALARY SUPPLEMENT AS PROVIDED FOR IN THE FY14-15 BUDGET

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 one KSO as follows: **KSO 6:** To Provide a Supportive and Competitive Workforce Climate that Facilitates and Maintains a Strong Workforce Capability and Capacity and Adequate Staffing Levels; *and*

WHEREAS, the Henderson City Council on 11 June 2014 adopted its FY 14-15 budget which included allocations for employee appreciation one-time salary supplements in the amount of \$200 per full-time active City employee; *and*

WHEREAS, employees with less than one year of service will receive a pro-rated supplement based on hire date, as follows: Jan-March 2014, \$150; April-June 2014, \$100; July-September 2014, \$75; October – distribution date, \$25; *and*

WHEREAS, the one-time salary supplement is Council's way of expressing its thanks and appreciation to City employees; *and*

WHEREAS, in past years, the salary supplements have been distributed to employees around the holiday season.

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY AFFIRM its desire to award City Employees with a one-time salary supplement as provided for in the FY14-15 budget.

The foregoing Resolution 14-94, introduced by Council Member *** and seconded by Council Member *** on this the 24th day of November 2014, and having been submitted to a roll call vote, was APPROVED by the following votes: YES:. NO: None. ABSTAIN: None. ABSENT: None.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

D. Rix Edwards, City Attorney

(Reference: Minute Book 43, p**; CAF 14-128)

City Council Action Form

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



Agenda Item: _____

Council Meeting: 24 Nov. 14 Short Reg. Meeting

12 November 2014

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

FR: Ed Wyatt, Interim City Manager

RE: CAF 14-124

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

Ladies and Gentlemen:

Recommendation:

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

Executive Summary

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

Oct 2014 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Releases			
Resolution Trust Corporation	Taxes lost to Foreclosure	2003	\$ 15.80
Resolution Trust Corporation	Taxes lost to Foreclosure	2004	\$ 16.58
Resolution Trust Corporation	Taxes lost to Foreclosure	2005	\$ 17.35
Resolution Trust Corporation	Taxes lost to Foreclosure	2006	\$ 17.35
Greater Little Zion Holiness	Taxes lost to Foreclosure	2007	\$ 264.99
Resolution Trust Corporation	Taxes lost to Foreclosure	2007	\$ 192.35
Greater Little Zion Holiness	Taxes lost to Foreclosure	2008	\$ 255.02
McGhee, Willie L. Jr., Heirs	Taxes lost to Foreclosure	2008	\$ 108.76
Resolution Trust Corporation	Taxes lost to Foreclosure	2008	\$ 21.92
Greater Little Zion Holiness	Taxes lost to Foreclosure	2009	\$ 290.04
McGhee, Willie L. Jr., Heirs	Taxes lost to Foreclosure	2009	\$ 112.61
Resolution Trust Corporation	Taxes lost to Foreclosure	2009	\$ 222.70

October 2014 Tax Release & Refunds Continued

Oct 2014 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Greater Little Zion Holiness	Taxes lost to Foreclosure	2010	\$ 378.15
Harris, Jackie	Personal Property Billed	2010	\$ 34.78
McGhee, Willie L. Jr., Heirs	Taxes lost to Foreclosure	2010	\$ 112.61
Resolution Trust Corporation	Taxes lost to Foreclosure	2010	\$ 22.70
Greater Little Zion Holiness	Taxes lost to Foreclosure	2011	\$ 362.19
McGhee, Willie L. Jr., Heirs	Taxes lost to Foreclosure	2011	\$ 112.68
Resolution Trust Corporation	Taxes lost to Foreclosure	2011	\$ 22.68
Greater Little Zion Holiness	Taxes lost to Foreclosure	2012	\$ 362.19
McGhee, Willie L. Jr., Heirs	Taxes lost to Foreclosure	2012	\$ 112.68
Resolution Trust Corporation	City Weed Abatement Lien Lost to Foreclosure	2012	\$ 220.00
Resolution Trust Corporation	Taxes lost to Foreclosure	2012	\$ 22.68
Greater Little Zion Holiness	Taxes lost to Foreclosure	2013	\$ 383.86
McGhee, Willie L. Jr., Heirs	Taxes lost to Foreclosure	2013	\$ 119.42
Resolution Trust Corporation	Taxes lost to Foreclosure	2013	\$ 24.04
Boyd, Johnnie Mitchell	Senior Exemption	2014	\$ 821.31
Greater Little Zion Holiness	Taxes lost to Foreclosure	2014	\$ 383.86
McGhee, Willie L. Jr., Heirs	Taxes lost to Foreclosure	2014	\$ 119.42
Regeneration Development	Taxes lost to Foreclosure	2014	\$ 24.04
1/2 Price Outlet	Personal Property Billed	2014	\$ 778.41
			\$ 5,953.17
Real & Personal Property			
Refunds	None		\$ -
Total R & P Property Refunds			\$ -
Total R&P Prop. Rel. & Ref.			\$ 5,953.17
Vehicle Releases			
Ellis, Toni Sovonya Rekkia	Pro-Rate	2013	\$ 12.79
Total Vehicle Releases			\$ 12.79
Vehicle Refunds			
Richardson, James Arthur	Pro-Rate	2013	\$ 25.56
Wilson, James Edward Jr.	Billed in NCVTS (DMV)	2013	\$ 49.20
Total Vehicle Refunds			\$ 74.76
Tot. Veh. Rel. & Ref.			\$ 87.55
Total All Releases & Refunds			\$ 6,040.72

Meetings and Events Calendar

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

Date	Time	Event	Location
Nov 27 th & Nov 28 th	CITY HALL CLOSED	 HAPPY THANKSGIVING 	CITY HALL CLOSED
Dec 1 st	3:30 PM	Henderson Planning Board	City Council Chambers
Dec 2 nd	3:30 PM	Henderson Zoning Board of Adjustments	City Council Chambers
Dec 8 th	9:30 AM	KLRWS Advisory Board Meeting	City Hall Large Conference Room
Dec 8 th	6:00 PM	City Council Regular Meeting	City Council Chambers
Dec 11 th	12:00 PM	Henderson-Vance Parks & Recreation Commission	Aycock Recreation Center
Dec 18 th	7:00 PM	Human Relations Commission	City Council Chambers
Dec 22nd	Meeting Cancelled	City Council Meeting CANCELLED DUE TO HOLIDAYS	Meeting Cancelled
Dec 24th	CITY HALL CLOSED	MERRY CHRISTMAS TO ALL 	CITY HALL CLOSED FOR
Dec 25th	FOR THE HOLIDAYS		THE HOLIDAYS
Dec 26th	DEC 24TH THRU 26TH		DEC 24TH - 26TH
Jan 1st	CITY HALL CLOSED	HAPPY NEW YEAR!!!!	CITY HALL CLOSED
Jan 5 th	3:30 PM	Henderson Planning Board	City Council Chambers
Jan 6 th	3:30 PM	Henderson Zoning Board of Adjustments	City Council Chambers
Jan 8 th	12:00 PM	Henderson-Vance Parks & Recreation Commission	Aycock Recreation Center
Jan 12 th	5:00 PM	Perry Memorial Library Board of Trustees	Perry Memorial Library
Jan 12 th	6:00 PM	City Council Regular Meeting	City Council Chambers
Jan 13 th	3:00 PM	Henderson Community Appearance Commission	City Council Chambers
Jan 15 th	7:00 PM	Human Relations Commission	City Council Chambers
Jan 19th	CITY HALL CLOSED	Martin Luther King, Jr. Birthday	CITY HALL CLOSED
Jan 26 th	6:00 PM	City Council Short Reg. Meeting Work Session to Immediately Follow	City Council Chambers
Jan 28 th	6:00 PM	City Council Strategic Planning Retreat Dinner	TBA

Last Updated 19 November 2014

City Council Action Form

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



Council Meeting: 24 Nov 14 Work Session

19 November 2014

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

FR: Ed Wyatt, Interim City Manager

RE: CAF: 14-125

Consideration of Approval of 1) Resolution 14-92, Authorizing the Execution of a Contract with I. Kruger, Inc. to Perform an Actiflo-Carb Pilot Study at Kerr Lake Regional Water Plant and 2) Ordinance 14-07 FY 15 BA #15 Authorizing Transfer of Contingency Funds for Above Mentioned Study.

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

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

Recommendation:

Approval of:

- Resolution 14-92, Authorizing the Execution of a Contract with I. Kruger, Inc. to Perform an Actiflo-Carb Pilot Study at Kerr Lake Regional Water Plant; *and*
- Ordinance 14-07, FY 15 BA #15 Authorizing Transfer of Contingency Funds for Above Mentioned Study.

Executive Summary:

The City is proceeding with obtaining the Interbasin Transfer Certificate and also preparing for design changes associated with previous plans and specs from the 20 MGD expansion.

With the new regulations that are being looked into by the EPA and State agencies, the 20 MGD upgrade will be the ideal time to look into new technologies, such as the Actiflo-Carb System, that will not only tackle the current treatment obstacles, but also the next generation of treatment challenges. This may ultimately lead to less capital costs in expansion of the plant plus added benefits in requirements plus added benefits in meeting the Stage II Disinfection By-Products Regulations relative to the distribution. The cost of the study which would be performed by I. Kruger, Inc., is approximately \$13,000.

The transfer of funds from the 20 MGD Project Contingency account to the Engineering account will enable the funds to be expended for this pilot test at the Regional Water Plant.

Attachments:

1. Resolution 14-92
2. Ordinance 14-07

RESOLUTION 14-92

AUTHORIZING THE EXECUTION OF A CONTRACT WITH I. KRUGER, INC. TO PERFORM AN ACTIFLO-CARB PILOT STUDY AT KERR LAKE REGIONAL WATER PLANT (PLANT)

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

WHEREAS, this Resolution addresses one of the KSOs: KSO 5 - Reliable Infrastructure; *and*

WHEREAS the City of Henderson, North Carolina (City) and its partners, the City of Oxford, North Carolina and the County of Warren, North Carolina, are seeking issuance from the State of North Carolina (State) for an Interbasin Transfer Certificate as referenced in North Carolina General Statute § 143-215.22L; *and*

WHEREAS in 2005, plans and specifications for expansion of Plant capacity were prepared and an Authorization to Construct was issued by the State; *and*

WHEREAS, certain revisions to these plans and specifications are required to ensure compliance with current State and Federal codes and regulations; *and*

WHEREAS, a pilot study will identify needed, and possibly cost-saving, design changes, some of which could allow the Plant to better comply with the United States Environmental Protection Agency Stage II Disinfection By-Products Rule; *and*

WHEREAS, there are monies available in the existing 20 MGD (millions of gallons of water used each day) Project Contingency fund that may be used for the study.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL THAT IT DOES HEREBY authorize the Mayor or Interim City Manager to execute and sign the attached contract for I. Kruger, Inc. to perform a study at the Plant.

The foregoing Resolution 14-92, upon motion of Council Member ** and second by Council Member **, and having been submitted to a roll call vote received the following votes and was ***** on this the *** day of **** 2014: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

D. Rix Edwards, City Attorney

*Reference: Minute Book 44, pp. **, CAF 14-125*



November 10, 2014

Christy Lipscomb
Director/ORC
Kerr Lake Regional Water System
280 Regional Water Lane
Henderson, NC 27538
Phone: 252-438-2142
Cell: 252-430-9387

Re: ACTIFLO® Carb Pilot Study Proposal

Dear Ms. Lipscomb:

Please find the following pilot proposal and data package for ACTIFLO® Carb pilot testing. This proposal summarizes set-up requirements for our pilot unit and includes an agreement for the cost of pilot testing.

As per the attached documents, the cost for pilot testing is \$4,000 per week excluding transportation. This cost includes pilot plant specialists to run the pilot unit and rental cost of the equipment. The transportation of the unit is an additional \$1,000. Total cost of a 3 week pilot study is \$13,000. The cost of pilot study will be reimbursed by deducting \$13,000 from the price of the full scale system's equipment price, if the customer purchases a full scale system within 24 months of the pilot invoice.

The price excludes sales and/or use taxes. The Customer agrees to provide the necessary tax exemption certificate for sales tax exemption within 30 days after receipt of a pilot agreement executed by all parties. Furthermore, the Customer accepts responsibility for all applicable state and local sales taxes as Kruger is not registered to collect or remit state sales and/or use taxes.

The proposed testing period is to be determined. I. Kruger Inc. reserves pilot studies on a first come, first serve basis. Please sign page 2 and 9 in the proposal and return the attached agreement along with the Customer's Sales Tax Exemption Certificate to reserve a testing period.

If you have any questions on this package, or other requirements for preparation, please do not hesitate to contact me.

Sincerely,

Drew Bostian
Pilot Group Manager, US Municipal Solutions
WATER TECHNOLOGIES

office : +1 919 653-4572 / cell : +1 336 671-0921 / fax : +1 919 677-0082
Kruger Inc. / 4001 Weston Pkwy / Cary, NC 27513 / USA
drew.bostian@veolia.com
www.krugerusa.com / www.veoliawaterstna.com

DEMONSTRATION TEST AGREEMENT

This DEMONSTRATION TEST AGREEMENT (this "Agreement") is made as of the 10th day of November 2014, by and between I. Kruger Inc., ("KRUGER") and Kerr Lake Regional Water System ("Customer").

1. KRUGER has submitted to the Customer, dated November 10th, 2014 (the "Proposal", a copy of which is appended hereto as Attachment A) concerning the use of a mobile ACTIFLO® CARB Pilot Unit (the "Unit") at Kerr Lake Regional Water Treatment Plant located in the City of Henderson, State of North Carolina (the "Facility"), and Customer desires to accept the Proposal on the terms and conditions herein set forth.

2. KRUGER shall at all times maintain ownership of the Unit, but shall make the Unit available at the Facility for a 3 week period, mutually acceptable to KRUGER and the Customer, for the completion of a demonstration test (the "Demonstration") as described in the Proposal. The Customer shall provide, at its sole cost and expense, the personnel, services and other support items necessary to completion of the Demonstration, as described in the Proposal. In consideration for making the Unit available for the Demonstration, the Customer shall pay to KRUGER the sums set forth in the Proposal.

3. KRUGER'S provision of the Unit for completion of the Demonstration shall be subject to all of the terms and conditions set forth in Attachment B hereto, each of which are incorporated by reference as if fully set forth herein. The provisions of Attachment B shall survive the expiration or earlier termination of this Agreement. Initially capitalized words and phrases used in Attachment B without definition shall have the meanings ascribed to such words and phrases in this Agreement.

4. This Agreement may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall be deemed to be one and the same instrument. Any written notice or other written information to be communicated pursuant to or in connection with this Agreement shall be delivered by reputable overnight courier or certified mail, return receipt requested, to the addresses appearing on the signature page of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized representatives to execute and deliver this Agreement as of the day and year first above written.

Facility Legal Name

I. Kruger Inc. d/b/a
KRUGER

By: _____
Print Name:

By: _____
Print Name:

Title: _____

Title: _____

Address: _____

Address: 4001 Weston Parkway

I. Kruger Inc. • 4001 Weston Parkway • Cary, North Carolina 27513
Phone (919) 677-8310 • Fax (919) 677-0082



ATTACHMENT A

ACTIFLO® CARB Technical Proposal

For

**Kerr Lake Regional Water System
Henderson, NC**

The information or data contained in this proposal is proprietary to Kruger and should not be copied, reproduced, duplicated, or disclosed to any third party, in whole or part, without the prior written consent of Kruger. This restriction will not apply to any information or data that is available to the public generally.

November 10, 2014

I. Kruger Inc. • 4001 Weston Parkway • Cary, North Carolina 27513
Phone (919) 677-8310 • Fax (919) 677-0082

11



I) INTRODUCTION

An ACTIFLO® CARB demonstration unit (with a nominal flow rate of 85 gpm @ 15 gpm/ft² will be used to carry out the pilot study in Henderson, NC. The purpose of the pilot study will be to investigate the system's ability to reduce TOC/DOC, DPBs, Taste & Odor, and chloroform; provide operational data; and develop treatment experience with the ACTIFLO® CARB process.

II) THE ACTIFLO® CARB PROCESS

The ACTIFLO® CARB process is a new high performance, compact polishing system using the same micro-sand enhanced flocculation and settling as ACTIFLO® with the addition of fresh and recycled powder activated carbon (PAC) and the MA® hydrocyclone. These two new additions enhance the process' ability to remove taste and odor, color and organic/non-organic matter.

This new design includes a static mixer, pre-contact/coagulation/maturation and a settling tank. Initially the system is charged with >0.5 g/L (TBD) of PAC. Raw water then mixes with a low (3-10 mg/L) fresh PAC dose in the pre-contact tank where 5+ minutes of retention time is required before moving into coagulation tank where coagulant and, if needed, acid/caustic for pH adjustment are added. Water then flows under a wall into the maturation tank where the destabilized suspended solids and PAC mix with polymer, agglomerate and grow into high-density flocs known as micro-sand ballasted flocs, which settle quickly to the bottom of the fourth tank, the settling tank. Efficiency of the settling process is further increased by the use of lamella tubes.

The sludge/micro-sand/PAC mixture collected at the bottom of the tube settler is pumped to the MA® hydrocyclone where the vortex motion and service water separate the sludge/PAC from the micro-sand by centrifugal force. Recovered clean micro-sand is recycled to the maturation tank whereas the separated sludge/PAC is recycled to the pre-contact tank. There a dose equal to that of the fresh PAC dose is extracted as sludge (~ 2% of the influent flow).

The ACTIFLO® CARB process offers a high degree of flexibility, has a very short start up time, reaches steady state quickly, and can accommodate variations in flow rate. Additionally, the use of micro-sand and PAC allow the process to handle sudden variations in water quality, such as turbidity, organic/non-organic matter and temperature.

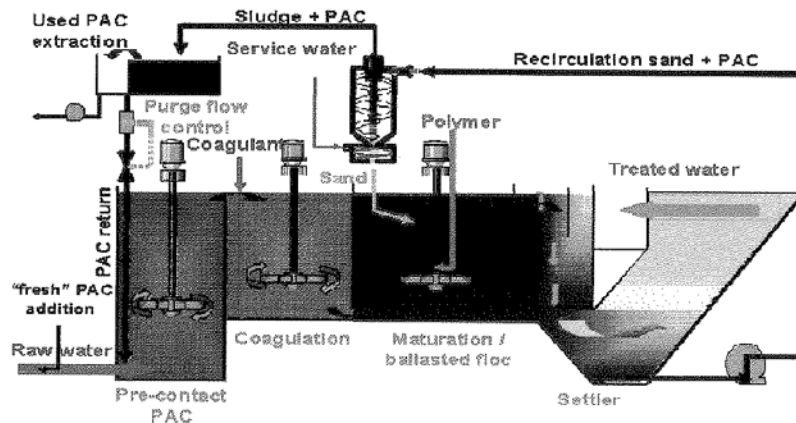


Figure 1: The ACTIFLO® CARB Process

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III) THE ACTIFLO® CARB PILOT UNIT SPECIFICATIONS

a) Equipment – Trailer Number 010

The ACTIFLO® CARB pilot unit contains the following equipment:

- One (1) submersible raw water feed pump with VFD control
- Two (2) coagulation tanks equipped with two (2) coagulation tank mixers
- One (1) maturation tank equipped with one (1) maturation tank mixer and one (1) draft tube
- One (1) manual set of basket strainers
- One (1) tube/plate settling module
- One (1) rubber-lined sand recirculation pump
- One (1) hydrocyclone (MA®)
- One (1) magnetic flow meter for continuous monitoring of raw water flow
- One (1) magnetic flow meter for continuous monitoring of sand recirculation rate
- Two (2) pH meters for raw water pH and coagulated water pH
- Two (2) turbidimeters in-line for raw and settled water turbidities (HACH Optiquant)
- Two (2) TSS probes for monitoring PAC tank and PAC waste tank concentrations
- Two (2) dry/emulsion polymer makeup tanks, with mixers
- Two (2), variable speed, polymer feed pumps
- One (1) coagulant chemical storage tank
- One (1), variable speed, coagulant feed pump
- One (1) pH adjustment chemical storage tank, with mixer
- One (1), variable speed, pH adjustment feed pump
- One (1) MCC
- One (1) PLC based control panel
- One (1) PAC contact tank
- One (1) PAC slurry system

b) Technical Specifications

- **Dimensions:**

Dimensions: 53' in length by 8.0' in width by 13.5' in height
Weight: 39,000 lbs (empty); 60,000 lbs (full)

- **Capacity:**

Nominal Flow: 85 gpm @ 15 gpm/ft²
Maximum Flow: up to 270 gpm

- **Hydraulic Connections:**

INFLUENT:

Kruger Provides: One (1) raw water submersible pump, VFD controlled. The pump is 3' D x 3' H and weighs ~ 400 lbs and has a 70 foot power cord that is plugged into the pilot unit. The pilot unit has one 4" female camlock raw water inlet (located on driver's side of trailer towards the front) and the submersible pump has a 4" male camlock discharge. Kruger will supply 100 feet of layflat 4" hose with male and female camlock ends.

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Client Provides: Equipment (backhoe, bobcat, forklift, etc.) to remove the raw water pump from the back of the pilot unit and place it in the raw water source. If the location of the influent pump is greater than 100 feet (including depth of influent water basin) from the influent pump electrical connection (middle of trailer on the passenger side), the client will need to supply additional cable and junction box to extend the power cable of the pump. If the raw water source is greater than 100 feet away from the pilot unit (including depth of influent water basin) additional flexible hose with 4" male camlock and female camlock fittings must be supplied. If more than one water source needs to be evaluated, it is the client's responsibility to pipe all water sources to the testing site or relocate the pilot unit to a different testing site.

PROCESS SLUDGE:

Kruger Provides: One (1) 4" female camlock discharge fitting (located on driver's side of trailer towards the rear). The pilot unit process sludge is approximately 20 gpm at 0.1 – 0.5% solids. The process sludge is gravity discharged with approximately 5 feet of head.

Client Provides: Enough 4" rigid hose to run the sludge from the pilot unit to the sludge discharge site. This line should have a 4" male camlock fitting that will connect to the 4" female supplied by Kruger. Since the process sludge is gravity discharged it may need to be pumped to the sludge discharge site, if this is the case the client will need to supply a catch container and trash/sludge pump with float system.

EFFLUENT:

Kruger Provides: One (1) 6" female camlock fitting (located on driver's side of trailer towards middle).

Client Provides: Enough 6" hose to go from the pilot unit connection to the ground and then to the discharge site. This 6" line should have a 6" male camlock fitting that will connect to the 6" female fitting supplied by Kruger. The effluent may need to be pumped, or hard piped (PVC) to the discharge site because the effluent is gravity discharged with approximately 4 feet of head; if this is the case, the client will need to supply a discharge pump with a float system capable of handling the peak flow needed for the test.

SERVICE WATER:

Kruger Provides: One (1) garden hose connection (located on driver's side of trailer towards the front) and 100' of garden hose. This connection is connected to the trailer and the service water will supply water to the office sink and polymer feed system.

Client Provides: Potable water to supply the polymer makeup and wash station on the pilot unit. If the potable water source is greater than 100' from the trailer, the client will need additional garden hose.

SINK AND CHEMICAL TANK DRAIN:

Kruger Provides: A 2" male camlock (located on the driver's side of the trailer towards the front) There is approximately 4 feet of head for this line to feed by gravity. Kruger will supply 70 feet of 2" rigid hose.

Client Provides: If the distance from the trailer to the discharge site is greater than 100 feet, the client will need to supply enough 2" rigid hose with male and a female camlock to reach discharge



site. The chemical tank and sink drain may need to be pumped to the discharge site since it is gravity drained and the client will need to supply a sump pump. It could also be easily combined with effluent or sludge if these items are also being pumped

- **Foundation Preparation:**

Client Provides: A level surface, which will support 60,000 lbs (the weight of the pilot unit when filled with water). Pieces of 2" x 10" or 2" x 12" for trailer leveling will be needed.

- **Electrical:**

Kruger Provides: a 70-foot, 480 Volt, 150 Amp electrical supply cable. The electrical cable is 1/0 AWG and consists of three (3) 3f wires and a ground. The diameter of the cable is 1.72 inches. The main electrical junction box is located on the passenger side of the trailer towards the middle.

Client Provides: A 480-volt, 150 Amp service and an electrician who will hard wire the cable to the supply. The client will need to supply any additional cable that is needed to reach the power supply.

- **Miscellaneous:**

One or two personnel will be appreciated on the first two days and the last day to assist in assembling and disassembling some of the larger items.

Kruger has a 400 lbs. submersible pump, with a 70' power cable and 70' of hose available to supply the raw water to the trailer, which is stored in rear of the trailer and is accessible by the trailer's rear bay doors. Special arrangements must be made to unload the pump and lower it into the water source.

c) Equipment and Services Provided by Kruger

- One ACTIFLO® CARB demonstration unit with equipment and instruments as per Section III a.
- An operator working 8 hours per working day and 5 working days per week including hook up and packing (excluding weekends and holidays).
- All polymers (floc. aids)
- Microsand (silica sand)
- A summary of operational results.
- Powder activated carbon

d) Equipment and Services Provided by Client

- Raw water source and influent pipe from raw water source to demonstration unit. (One submersible pump is available from Kruger but requires special equipment such as a forklift, to remove the pump from the demonstration unit and lower it into the water source.)
- Sludge discharge pipe
- Effluent water pipe
- Complete responsibility for, and ownership of, all effluents and sludge disposal from the ACTIFLO® CARB pilot unit.
- Utilities: potable water and a 480V electricity supply.
- Clean, level and accessible site
- All chemicals (including coagulants and any pH adjustments) and disposal of excess chemicals

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- Additional equipment which may be required during the pilot testing period which are not installed in the ACTIFLO® CARB demonstration unit.
- All sampling and payment of in-house and outside independent laboratories analysis.
- Manpower and assistance required hooking up and disassembling the pilot unit.
- Operation manpower over the weekends, if necessary.
- A vehicle to move the pilot unit trailer if it is necessary to relocate testing sites during the study

e) Protocol, Data and Visitation

- Both the client/engineer and Kruger must agree upon pilot study protocol prior to the start of the pilot study.
- Kruger reserves the right to all data collected (including ACTIFLO® CARB running conditions and laboratory samples) by the client/engineer or Kruger. All data shall be shared between the client/engineer and Kruger at the time that the data is collected or available.
- Kruger reserves the right to use any collected data in their marketing program.
- Kruger reserves the right to bring visitors to the pilot unit throughout the course of the pilot study.

IV) RECOMMENDED LABORATORY ANALYSIS

It is recommended that the Client/Engineer perform the following lab analysis on collected grab samples:

Influent Water and Clarified Water:

- TSS
- THM & HAA
- Chloroform
- Taste & Odor (MIB & Geosmin)

Kruger will need a rush turnaround on analytical samples collected during the optimization phase. Please verify detection limits with outside analytical labs to ensure they are in the range for your application.



Agreement for ACTIFLO® CARB Pilot Testing

Client: Kerr Lake Regional Water System

Location: Henderson, NC

Date of Testing: To be determined. Availability for a 3 week pilot study begins January 5, 2015.

Cost of Testing: \$4,000 per week (A week being defined as five (5), eight (8) hour days, excluding weekends and holidays).

Freight Cost: \$1,000

Total Cost: The total cost of a 3 week pilot study (one day to set up & one day to disassemble) will be \$13,000. The cost of pilot study will be reimbursed by deducting \$13,000 from the price of the full scale equipment's price, if the customer purchases a full scale system within 24 months of the pilot invoice.

Payment Terms: Billing to be at the completion of pilot testing with payment due net thirty (30) days.

Tax Exemption: The Customer agrees to provide the necessary tax exemption certificate for sales tax within 30 days after receipt of a pilot agreement executed by all parties.

Conditions: All of the conditions as stated in the Demo Test Agreement, Pilot Study Specifications and Proposal package (Attachment A, specifically Section III c-e) and the attached Standard Terms and Conditions (Attachment B) are acceptable to both parties.

Agreed Upon and Accepted By:

I. Kruger Inc.
4001 Weston Parkway
Cary, NC 27513

By: _____

By: _____

Date: _____

Date: _____

P.O. # _____



Pre-Arrival Checklist for the ACTIFLO® Pilot Plant

- ☐ The 480V, 150 Amp electric supply* is hooked up and an electrician is scheduled to be on site the morning of the trailer's scheduled arrival.
- ☐ A suitable site* is available and prepared for arrival. Trailer jack supports (pieces of 2" x 10" or 2" x 12") are on site and available for use.
- ☐ Equipment is on site to move and lower the submersible pumps*. Personnel to operate the equipment are available.
- ☐ Enough 4" PVC pipe or 4" rigid hose is available to run the waste sludge* to the selected disposal location.
- ☐ 4" influent piping or hose* is on site and prepared to hook up.
- ☐ 6" Effluent piping* is on site and ready to hook up. A suitable effluent disposal location is chosen.
- ☐ Potable service water (garden hose connections) is available.*
- ☐ All chemicals* (except flocculant aid polymer) which will be used should be readily available and delivered to the pilot day tanks.
- ☐ Personnel* are scheduled to be on site to assist with hook up of the pilot plant.

* These items are fully detailed in the technical specification section.

Please sign and return this list to Kruger/Kruger. The ACTIFLO® pilot plant will be delivered after the receipt of this document.

Engineer _____ / _____ / _____
 print here sign here date

Client _____ / _____ / _____
 print here sign here date

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ATTACHMENT B TERMS AND CONDITIONS

1. **General.** (a) At all times during the term of this Agreement the Unit shall remain the personal property of KRUGER and shall not, by accession or otherwise, become a fixture or part of the real property at the Facility. At the conclusion of the Demonstration, the CUSTOMER shall permit KRUGER access to the Facility for the time period necessary for KRUGER to remove the Unit. (b) The CUSTOMER shall procure all licenses, permits and approvals necessary to the performance of any Demonstration and shall be responsible for complying with all laws and regulations of governmental authorities and agencies affecting any such Demonstration, including without limitation, rules and regulations concerning safety and environmental matters. Notwithstanding the provisions of paragraph 1 (b) herein, KRUGER shall be responsible for any violation of law, rule or regulation caused by the Unit or KRUGER employees.

2. **Confidentiality; Ownership of Results.** All results, information, data, procedures, formulas, compilations, methods, techniques and processes, whether in writing or otherwise, relating to the Unit or any Demonstration ("Information") shall be received and maintained in confidence by the CUSTOMER, and/or any of its consultants or engineers, and shall not (with the exception of a lawful order of a court of competent jurisdiction or as required to be disclosed by CUSTOMER to any governmental agency in connection with its efforts to obtain any permits, licenses or approvals) be disclosed, directly or indirectly, by any such recipient, except to those of their employees who need to receive such information to enable the CUSTOMER to evaluate the results of any Demonstration. The CUSTOMER shall not, nor shall it permit its consultants or engineers to use or permit the use of any of such Information for any purpose other than to evaluate the results of and Demonstration. All Information, including results, data, discoveries, inventions, and improvements, whether or not patentable or copyrightable, any and all expressions of computer programs, manuals, data bases and all forms of computer hardware, firmware and software, conceived, made, first reduced to practice, or developed by either party arising out of the conduct of any Demonstration shall be the sole and exclusive intellectual property of KRUGER with respect to any and all countries, their territories and possessions.

3. **Warranty.** NO WARRANTIES, INCLUDING BUT NOT LIMITED TO, WARRANTIES REGARDING PERFORMANCE OR WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, HAVE BEEN GIVEN OR SHALL BE IMPLIED HEREIN REGARDING THE UNIT, THE INFORMATION, ANY DEMONSTRATION OR THE RESULTS OF ANY DEMONSTRATION.

4. **Indemnification.** KRUGER shall indemnify, defend and hold harmless CUSTOMER from and against any and all claims, demands, actions and causes of action, including without limitation, claims on account of personal injury, including death, or damage to or loss of tangible property of third parties to the extent caused by the negligent or other wrongful acts or omissions of KRUGER. CUSTOMER shall indemnify, defend and hold harmless KRUGER from and against any and all claims, demands, actions and causes of action, including without limitation, claims on account of personal injury, including death, or damage to or loss of tangible property of third parties to the extent caused by the negligent or other wrongful acts or omissions of CUSTOMER.

5. **Limitation of Liability.**

(a) Except for the obligation of Kruger and CUSTOMER to indemnify each other for any personal injury or third party property damage claims pursuant to paragraph 4, the aggregate liability of either party, including without limitation for or with respect to their affiliates and employees, arising out of or in connection with the Agreement, any Demonstration or the Unit, including without limitation liability based upon or arising from indemnification or contribution, breach of contract or warranty, strict liability, negligence or other tort, or any other legal or equitable theory, shall not exceed the greater of (i) the amount paid by the CUSTOMER to KRUGER for the Demonstration; or (ii) \$50,000.

(b) Notwithstanding anything to the contrary herein, in no event shall either party be liable to the other for consequential, incidental, indirect, special, exemplary or punitive damages of any kind, or for loss of profits, revenues or product, or loss of use of any property (whether by shutdown, operation at less than capacity or otherwise), regardless of whether any of the foregoing damages are based directly or indirectly upon indemnification or contribution, breach of contract, strict liability, negligence or other tort, or any other legal theory or equitable claim.

6. **General Provisions.** The Agreement, together with the Attachments thereto, represents the entire agreement between the parties with respect to the subject matter thereof, and supersedes all prior negotiations, purchase orders, representations or agreements, whether written or oral. The Agreement and these terms and conditions may not be amended except by mutual written agreement of KRUGER and the Customer. No course of performance or failure to strictly enforce any term shall be construed as a waiver thereof. Waiver of any term shall not constitute a waiver of any other term or a continuing waiver. The Agreement, including its Attachments, shall be binding on the parties' respective successors and assigns; provided that the CUSTOMER may not assign, delegate or permit any other transfer thereof without KRUGER'S prior written consent. The Agreement and its Attachments shall be governed by and construed in accordance with the laws of the State of North Carolina, without regard to its conflict of laws provisions.

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ORDINANCE 14-07

FY 2014—2015 BUDGET AMENDMENT # 15 AN AMENDMENT TO THE CIP REGIONAL WATER FUND AUTHORIZING TRANSFER OF CONTINGENCY FUNDS FOR THE KERR LAKE REGIONAL WATER PLANT 20 MGD EXPANSION PROJECT

WHEREAS, the City Council of the City of Henderson on 11 June 2014 adopted the FY14-15 Annual Operating Budget; *and*

WHEREAS, the Council has created and uses a Capital Improvements Fund for active capital projects related to the Regional Water Fund, said fund referred to as 46: CIP Regional 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:

FUNDUS: 46: CIP Regional Water				Ordinance 14-07 FY 14-15 Budget Amendment # 15			
CIP REGIONAL WATER FUND REVENUES: 46				Original Budget	Current Budget	Amendment	Revised
Department	Line Item	Code					
935: 20 MGD Project	NC Sales Tax Refund	46-935-411035		\$ 150,600	\$ 175,300	\$ -	\$ 175,300
935: 20 MGD Project	Investments	46-935-444010		\$ 11,368	\$ 37,254	\$ -	\$ 37,254
935: 20 MGD Project	Investments-Centura	46-935-444020		\$ 159,142	\$ 159,142	\$ -	\$ 159,142
935: 20 MGD Project	Interest 2004 Raw Water Loan	46-935-444040		\$ -	\$ 2,164	\$ -	\$ 2,164
935: 20 MGD Project	From Regional Water Fund	46-935-461064		\$ 801,704	\$ 801,704	\$ -	\$ 801,704
935: 20 MGD Project	From CIP Regional 20 MGD	46-935-461066		\$ -	\$ 42,000	\$ -	\$ 42,000
				\$ -	\$ -	\$ -	\$ -
Total Revenues			935: Total	\$ 1,122,814	\$ 1,217,564	\$ -	\$ 1,217,564
							\$ 1,217,564
CIP REGIONAL WATER FUND EXPENDITURES: 46				Original Budget	Current Budget	Amendment	Revised
Department	Line Item	Code					
935: 20 MGD Project, Created 10 April 2006 via Budget Ordinance, unnumbered and Ordinance 09-59							
20 MGD Project	Contingency	46-935-509900		\$ -	\$ 52,750	\$ (13,000)	\$ 39,750
20 MGD Project	Planning / Design	46-935-510100		\$ 13,636	\$ 13,636	\$ -	\$ 13,636
20 MGD Project	Legal / Administration	46-935-510200		\$ 60,622	\$ 62,622	\$ -	\$ 62,622
20 MGD Project	Engineering	46-935-510301		\$ 1,048,556	\$ 1,088,556	\$ 13,000	\$ 1,101,556
				\$ -	\$ -	\$ -	\$ -
Total Expenditures				\$ 1,122,814	\$ 1,217,564	\$ -	\$ 1,217,564
							\$ 1,217,564
			Variance			\$ -	
Reference:				Notes:			
935: 20 MGD: See Ordinance approved 10 April 2006, Minute Book **, p756 and Ordinance 09-59, Minute Book **, pp 655-656.				This project was apparently re-started on 10 April 2006. Only two appropriations have been made to it during this period of time as noted to the left. Income exceeded the original estimate and has never been amended into the project. This amendment has the effect of incorporating those funds and allocating same to project contingency. Additionally, the transfer exceeded available dollars and it appears the former finance director became confused with the several line items transferring funds from Regional to 46 CIP. This amendment corrects that \$150,000 error. Additionally, there is \$2,163.26 in unbudgeted revenues for 46-466-444-010 Interest (4002 Raw Water Loan) that has been sitting idle for apparently sometime. This amendment allocates said money to the 935 20 MGD project as a revenue source for said project and for additional funding for project contingency.			
24 Nov 2014; Res 14-92; Ord 14-07; BA#15				This amendment serves to transfer \$13,000 of contingency funds to the Engineering line item to pay for an Actiflo-Carb Pilot Study at the KLRWP to be performed by I. Kruger, Inc.			

The foregoing Ordinance 14-07, 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 24th day of November 2014: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther McCrackin, City Clerk

*Reference: Minute Book 42, p.**; CAF 14-125*

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 14-07 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: _____
Edward A. Wyatt, Interim City Manager