



AGENDA

Henderson City Council Regular Meeting

Monday 8 June 2015, 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, Sr.
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) 11 May 2015 Regular Meeting [*See Notebook Tab 1*]
- b) 18 May 2015 Special Called Meeting
- c) 19 May 2015 Special Called Work Session
- d) 21 May 2015 Budget Work Session #1

VII. PUBLIC HEARING – Continued

- a) Consideration of Approval of Ordinance 15-12, Rezoning Certain Property at 456 Spring Valley Road from R-20, Low Density Residential, to RA, Residential/Agricultural Use. (*CAF 15-31-A*) [*See Notebook Tab 2*]
 - Public Hearing
 - Ordinance 15-12

VIII. PUBLIC HEARING - New

- a) Consideration of Approval of Ordinance 15-19, Amending the Zoning Ordinance to Include Design Standards on Solar Farms and Add Section 675B Solar Farms and Section 1002 to the City Zoning Code. (*CAF 15-44*) [*See Notebook Tab 3*]
 - Public Hearing
 - Ordinance 15-19
- b) Consideration of Approval of Ordinance 15-27, Text Amendment Removing Solar Farms Use 20.7 in Residential Agricultural (RA) Zoning Districts. (*CAF 15-67*) [*See Notebook Tab 4*]
 - Public Hearing
 - Ordinance 15-27
- c) Consideration of Approval of Ordinance 15-05, Amending the Zoning Ordinance Section 310A Table of Permitted Uses to Allow Schools with a Special Use Permit in the I2 District. (*CAF 15-60*) [*See Notebook Tab 5*]
 - Public Hearing
 - Ordinance 15-05

IX. PUBLIC COMMENT PERIOD ON AGENDA ITEMS

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

X. NEW BUSINESS

a) Consideration of Approval of Resolution 15-41, Approving in Concurrence with NCDOT the Bid Award to the Lowest Responsible Bidder for the Chavasse Widening Project and the Funding of \$87,000 for the Excess Expenses over the Estimated Cost of \$700,000 (WBS Element: 38404). (CAF 15-69) [See Notebook Tab 6]

- Resolution 15-41

b) Consideration of Approval of Ordinance 15-29, FY15 Budget Amendment #29 Amending the General, Water, Sewer and Regional Water Funds to Reflect the Reimbursement to the City by Builders Mutual Insurance Company for Repairs to a Damaged Water Main. (CAF 15-68) [See Notebook Tab 7]

- Ordinance 15-29

c) Consideration of Approval of Ordinance 15-31, FY15 Budget Amendment #30, Closing Out the 2013 BJA Bulletproof Vests Grant, the 2014 BJA Grant, and the 2014 Governor's Crime Commission Viper/MDT Upgrade Project Grant. (CAF 15-71) [See Notebook Tab 8]

- Ordinance 15-31

d) Consideration of Approval of Resolution 15-30-A, Accepting an Offer of \$10,000 for the Property Known as the Old City Garage Pursuant to N.C.G.S.§160A-269. (CAF 15-49-A) [See Notebook Tab 9]

- Resolution 15-30-A

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.

e) Consideration of Approval of Resolution 15-39, Authorizing an Application for U.S. Department of Justice's 2015-2016 BJA Justice Assistance Grant. (CAF 15-66) [See Notebook Tab 10]

- Resolution 15-39

f) Consideration of Approval of Resolution 15-46, Authorizing the Execution of a Quitclaim Deed for Property Outside City Limits Recorded in Error as Jointly Owned City/County Property. (CAF 15-78) [See Notebook Tab 11]

- Resolution 15-46

g) Consideration of Approval of Resolution 15-42, Issuing Sewer Credit for Outside Watering of Lawns, Plants and Vegetation for the June 1, 2015 through October 31, 2015 Billing Statements. (CAF 15-42) [See Notebook Tab 12]

- Resolution 15-74

XI. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

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

XII. REPORTS

- a) Mayor/Mayor Pro-Tem
- b) City Manager
- c) City Attorney
- d) City Clerk
 - i. Meeting and Events Calendar [See Notebook Tab 13]
 - ii. Monthly Fire Department Report

⁴ Citizen Comment Guidelines for Non-Agenda Items

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- 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.

XIII. CLOSED SESSION

a) Pursuant to G.S. §143-318.11 (a)(6) regarding a Personnel Matter

XIV. ADJOURNMENT

City Council Minutes - DRAFT
Regular Meeting
11 May 2015

PRESENT

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

ABSENT

None.

STAFF PRESENT

Interim City Manager Edward A. Wyatt, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Engineering Director Clark Thomas, Finance Director Kathy Brafford, Public Services Director Mike Ross, Recreation and Parks Director Kendrick Vann, Human Resources Director Cathy Brown, Kerr Lake Regional Water Director Christy Lipscomb and Development Services Director Corey Williams.

CALL TO ORDER

The 11 May 2015 Regular Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:03 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 Simmons led those present in a prayer and the Pledge of Allegiance.

OPENING COMMENTS

Mayor O'Geary said he was pleased to see citizens in attendance this evening. He added it is always good to have citizens come and learn.

ADJUSTMENTS TO/APPROVAL OF AGENDA

Mayor O'Geary asked if there were any adjustments to the Agenda. *A Closed Session pursuant to G.S. §143-318.11(a)(6) for a Personnel Matter will be added to the agenda.* Council Member Rainey moved to accept the Agenda as adjusted. Motion seconded by Council Member Daye, and unanimously approved.

APPROVAL OF MINUTES

Mayor O'Geary asked for any corrections to and/or approval of the minutes. Council Member Daeke moved to approve the 27 April 2015 Short Meeting and Work Session Minutes as presented. Motion seconded by Council Member Simmons, and unanimously approved.

PUBLIC COMMENT PERIOD ON AGENDA ITEMS

The City Clerk advised the Mayor and Council Members that no citizen wished to address Council at this time.

NEW BUSINESS

Proposal to Accept a Negotiated Offer for a Portion of Said Parcel of Land Referred to as the Old City Garage Property and to Advertise for Upset Bids Per North Carolina G. S. §160A-269. (Reference: CAF 15-49; Resolution 15-30)

Interim City Manager Wyatt explained that the Land Planning Committee has met several times to consider an offer from Mr. Cameron Mitchell to purchase property known as the old City Garage. The Committee agreed it would be beneficial to retain a portion of the parcel as the City uses it for storage of rock, excavated concrete and earthen material. Mr. Mitchell is agreeable to purchasing only a portion of the lot which is approximately .960 acres, depending on a final survey. An advertisement must be placed for upset bids prior to Council's final approval of the sale.

Council Member Daeke asked how the property is currently zoned. Development Service Director Corey Williams said B2/B2-A.

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

Council Member Rainey moved the approval of Resolution 15-30, *Proposal to Accept a Negotiated Offer for a Portion of Said Parcel of Land Referred to as the Old City Garage Property and to Advertise for Upset Bids Per North Carolina G. S. §160A-269.* Motion seconded by Council Member Inscoe, and APPROVED by the following vote: YES: Kearney, Coffey, Inscoe, Rainey, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Peace-Jenkins. (See Resolution Book 4, p 201)

(Clerk's Note: Council Member Peace-Jenkins arrived at 6:09 p.m.)

Authorizing Change Order #1 for the High Service Pump Replacement Project in the Amount of \$15,329.70 to Dellinger, Inc., for the Regional Water System, and Authorizing the Transfer of Contingency Funds for said Project. (Reference: CAF 15-63; Resolution 15-37, Ordinance 15-26, Budget Amendment #28)

Interim City Manager Wyatt said this change order is to rectify a situation with the size of the conduit that was intended to be used to house the VFD and Pump wiring which was found to be too small. The original design did not include a larger conduit; thus the change order request.

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

Council Member Coffey moved the approval of Resolution 15-37, **Authorizing Change Order #1 for the High Service Pump Replacement Project in the Amount of \$15,329.70 to Dellinger, Inc., for the Regional Water System**, and Ordinance 15-36, **Authorizing the Transfer of Contingency Funds for said Project..** Motion seconded by Council Member Inscoe, 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 215, Ordinance Book 9, p 245)

Authorizing the Dedication and Acceptance of Sewer Mains Serving Building #10 on Vance Granville Community College Campus. (CAF 15-28, Resolution 15-20)

Interim City Manager Wyatt said Chandler Engineering has worked with the City and Vance Granville Community College to install a new sanitary sewer main and sewer services to provide sewer on the west side of Poplar Creek Road for the prescribed distances: Building #10; 680 feet, 8 inches. The sewer mains have been constructed in accordance to the City's construction standards and inspected. The testing performed deemed the sewer mains acceptable and approval from DENR has been obtained. A one year warranty will be placed on the system as a condition of acceptance by the City.

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

Council Member Inscoe moved the approval of Resolution 15-20, **Authorizing the Dedication and Acceptance of Sewer Mains Serving Building #10 on Vance Granville Community College Campus.** Motion seconded by Council Member Rainey, 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 181)

Appointing the City Clerk as City Tax Collector for the Collection of Outstanding Privilege License Fees. (CAF 15-65, Resolution 15-38)

Interim City Manager explained it is the City Attorney's recommendation that Council appoint the City Clerk as city tax collector in an effort to collect outstanding Privilege License Fees.

Council Member Rainey asked what the ramifications will be if the fees are uncollectable and how many years in arrears these fees can be collected. City Attorney Edwards responded a tax levy can be placed on the property which can be removed and sold at public auction. Attorney Edwards said there is no limitation on back years but Council could certainly set a specific time line.

Council Member Coffey asked for a list of those in arrears, along with the amount due. Mr. Wyatt said a listing would be made available to Council.

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

Council Member Coffey moved the approval of Resolution 15-38, *Appointing the City Clerk as City Tax Collector for the Collection of outstanding Privilege License Fees*. Motion seconded by Council Member Daeke, and APPROVED by the following vote: YES: Peace-Jenkins, Daeke, Simmons, Daye, Kearney, Coffey, Inscoc and Rainey. NO: None. ABSTAIN: None. ABSENT: None. (See Resolution Book 4, p 217)

CONSENT AGENDA

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

Amended Fee Schedule to Include Fire Hydrant Meter Usage Fees Relative to the Policy for the Usage of Fire Hydrant Meters. (CAF 15-26, Ordinance 15-09, Budget Amendment #27) This action allows the Public Services Department to impose fees to reflect the correct prices for the rental, as well as the usage, of Fire Hydrant Meters used in conjunction with the purchase of bulk water by any person(s), firm(s), or corporation(s) other than the City of Henderson on a regular or occasional basis.

Tax Releases and Refunds from Vance County for the Month of April 2015. (Reference: CAF 14-27). This is a routine matter which has been reviewed and approved by the Finance Director, and is listed below.

Column1	Column2	Column3	Column4
April 2015 Tax Releases & Refunds			
Name	Reason	Tax Year	Amount
Real & Personal Property			
Releases			
Dailey, Mary L	Pers. Prop. Billed in Error	2010	34.78
Dailey, Mary L	Pers. Prop. Billed in Error	2011	31.62
Dailey, Mary L	Pers. Prop. Billed in Error	2012	34.78
Dailey, Mary L	Pers. Prop. Billed in Error	2013	36.86
Carolina Quality Rent	Correct Ownership	2014	(282.01)
Vick, Jeffery Lee	Correct Ownership	2014	282.01
Williams, Robert W	Correct Value	2014	124.29
Total R&P Property Releases			\$ 262.33
Real & Personal Property			
Refunds			
None			-
Total R & P Property Refunds			\$ -
Total R&P Prop. Rel. & Ref.			\$ 262.33

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

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

Council Member Coffey thanked Public Service Director Ross for establishing the hydrant meter fee policy.

PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

The City Clerk advised the Mayor and Council Members that one citizen wished to address Council at this time.

Mr. Jon Davis, 9 Butterwick Place, Durham, NC Mr. Davis is a developer of solar energy and wished to speak to Council about the technical aspects of solar. He said solar will not endanger the community but will enhance the community as it produces electricity. He said this is a way for farmers to diversify and felt solar will be here in the community for the long haul. Mr. Davis ended by saying he felt solar has run into many negative road blocks and would like to make it work for this area.

Mayor O'Geary thanked Mr. Davis for his comments.

REPORTS

- a) Mayor/Mayor Pro-Tem – Mayor Pro-Tem Rainey was approached by a concerned citizen regarding the City parks. The concern is locked parks; parks that are unsafe and lack play equipment such as slides and swings. Mr. Rainey said he would like to see what can be done to make the parks safer. Recreation & Parks Director Kendrick Vann said his

staff is currently assessing all the parks within the City. He mentioned there are safety issues at Kings Daughter Park. Mr. Vann said the web page is being updated to show present condition and anticipates gradual changes to make the parks safer.

Mr. Rainey commended Mr. Vann for the progress he is making and suggested an article in the paper to promote the clean-up at Fox Pond Park so citizens would feel safer going there.

Council Member Coffey asked if any local businesses have stepped forward to help make improvements

Mayor O'Geary asked Mr. Vann to keep Council updated on his progress with improvements at the various parks.

- b) Interim City Manager (No Report)
- c) City Attorney (No Report)
- d) City Clerk – (No Report)

OTHER

Council Member Peace-Jenkins commented on the National Day of Prayer saying it was the best turnout at City Hall that she had ever seen.

CLOSED SESSION

Council Member Rainey moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(6) for a Personnel Matter. Motion seconded by Council Member Inscoe and unanimously approved.

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

Before adjourning, Interim City Manager asked if Council would be agreeable to taking one meeting date set aside for budget discussions to hold a work session regarding solar farms. It was the consensus of Council to meet on Tuesday, May 19, 2015 to discuss solar farms which is scheduled for a public hearing on June 8, 2015.

With no further business Mayor O'Geary asked if Council was prepared to adjourn

ADJOURNMENT

Council Member Daye moved for adjournment. Motion seconded by Council Member Simmons, and unanimously approved. The meeting adjourned at 7:12 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk

DRAFT



City Council Minutes Special Called Meeting 18 May 2015

PRESENT

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

ABSENT

None

STAFF PRESENT

Interim City Manager Edward A. Wyatt, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Finance Director Katherine C. Brafford, Assistant Finance Director Michelle Daniels, Recreation & Parks Director Kendrick Vann, Youth Services Director Donna Stearns, Development Services Director Corey Williams, Fire Chief Danny Wilkerson, Assistant Fire Chief Steve Cordell, Police Chief Marcus Barrow, Engineering Director Clark Thomas, Public Services Director Mike Ross, and Kerr Lake Regional Water Director Christy Lipscomb.

CALL TO ORDER

The 18 May 2015 Special Called Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:00 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

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

NEW BUSINESS

Presentation of Proposed FY 2013-2014 Budget

Mayor O'Geary asked Interim City Manager Wyatt to begin the presentation.

Mr. Wyatt thanked Council for the opportunity to present the proposed FY15-16 budget and said he would like to present an overview of the budget via a PowerPoint presentation. He thanked Assistant Finance Director Michelle Daniels for putting the presentation together and at this time he also recognized the entire budget team which consisted of Finance Director Kathy Brafford, Assistant City Manager Frank Frazier, Human Resources Director Cathy Brown and Executive Assistant Patricia Pearson. The PowerPoint presentation is incorporated by reference and hereby made part of these minutes.

Mr. Wyatt highlighted areas beginning with saying this proposed budget does not include any property tax or sanitation fee increase. It does recommend a 5% increase for Regional Water, 4% increase in the Water Fund and a 9% increase in the Sewer Fund. He said the total budget for FY15-16 is \$37,942,000. Mr. Wyatt said these increases would necessitate fee increases in the Fee Schedule. He also pointed out this budget includes employee salary increases and the County's increases in the City's portion of E-911 and the Board of Elections. Specifically, he mentioned the current cost associated with the Workers' Compensation deductible. He touched on things like existing Debt Service and the need to use \$325,000 of Fund Balance to balance the FY15-16 budget. Mr. Wyatt recommended \$10,000 for the Downtown Development Commission felt it would appropriate for Council to request certain actions by the Commission if the recommendation is approved.

Mr. Wyatt purposefully drew Council's attention to the General Fund which has a recommended budget of \$15,397,900 which is less than FY14-15 current budget by .05%. Overall, the property tax rate remains at \$.62 and the sales tax continues to remain flat. Mr. Wyatt pointed out the City's largest revenue sources do not cover the costs associated with the largest service areas: Public Safety, and Cultural and Public Services.

Mr. Wyatt went on to say employees are being asked to continually do more with less and it will be no different in the coming year. Chemical costs, gasoline expense and other routine costs to keep the City running are all anticipated to increase in the coming year.

The loss of privilege license fees significantly reduced revenue although the General Assembly is looking at options to allow municipalities a method to re-coup at least some of these lost dollars. Mr. Wyatt also referenced annexation saying there are many areas currently outside the city that would benefit from being annexed into the City.

Another area of concern mentioned is that only \$20,000 has been budgeted for the dilapidated and deteriorated housing stock.

SUMMARY

Minute Book 43

18 May 2015 Special Called Meeting (Budget Presentation) Minutes

Page 2 of 3

A summary of the 4 major funds is as follows:

General Fund - \$15,397,900 with no recommended property tax or sanitation fee increase
Regional Water Fund - \$4,499,500 with a recommended 5% rate increase
Water Fund - \$6,851,700 with a recommended 4% rate increase
Sewer Fund - \$5,032,300 with a recommended 9% rate increase.

The Kerr Lake Regional Water Advisory Board has approved the 5% increase.

FUTURE

On the brighter side, Mr. Wyatt found the Capital Improvements Plan (CIP) a step in the right direction as it will encourage growth; the City's involvement with the Economic Development Commission and pending legislation regarding E-911 double taxation and sales tax laws may generate significant revenue if the General Assembly approves these measures.

In conclusion, Mr. Wyatt thanked Council for their attentiveness during his presentation. He again thanked the Budget Team and asked the City Clerk to distribute the Budget Workbooks, along with a tri-fold summary of the budget.

Council Member Kearney asked for a copy of the PowerPoint presentation. It was suggested the City Clerk place both the presentation and the tri-fold summary on the City's web page.

Mayor O'Geary asked if Council had any questions. There was no further discussion so Mayor O'Geary asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Inscoe moved for adjournment. Motion seconded by Council Member Rainey and unanimously approved. The meeting adjourned at 7:08 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk



City Council Minutes Special Called Meeting 19 May 2015

PRESENT

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

ABSENT

Council Member D. Michael Rainey

STAFF PRESENT

Interim City Manager Edward A. Wyatt, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Development Services Director Corey Williams and Planner Robert Harris.

CALL TO ORDER

The 19 May 2015 Special Called Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:00 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

The City Clerk called the roll and advised Mayor O'Geary a quorum was present. The City Clerk also advised the format would change so the Closed Session could be held first.

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

CLOSED SESSION

Council Member Inscoe moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(4) for an Economic Development matter. Motion seconded by Council Member Daeke and unanimously approved.

Council Member Kearney moved for Council to convene in open session. Motion seconded by Council Member Daye, and unanimously approved.

Mayor O'Geary asked the Clerk to proceed.

OLD BUSINESS

Solar Farms Discussion

Development Director Williams began the discussion by providing a brief timeline of the solar farm issue. This came before the Planning Board in January. Then in February it went before Council where the issue was remanded back to the Planning Board for further information. Since February there have been several Planning Board discussions, including a work session. Mr. Williams said on May 4th the Planning Board approved a Text Amendment to not allow solar farms in RA zoning districts.

Mr. Williams then reviewed the draft ordinance which incorporates many points from the North Carolina Solar Energy Development template. He pointed out the ordinance includes the following requirements: 1) site plan, 2) setbacks, 3) screening and fencing, 4) signage, 5) noise, 6) transmission lines, 7) annual inspection, 8) decommissioning, 9) security bond, and 10) definition (size of components).

Council Member Daeke felt the screening (live plants such as trees/hedges) should be at least 6 feet on the first day rather than allowing the screening to grow over a period of three years. Council Members Kearney and Coffey agreed.

Council Member Coffey has no problem with solar farms as long as they are screened and not in the middle of the City.

Council Member Kearney brought up the issue of unsightly, bare spots as trees/hedges do die but felt solar farms are acceptable if kept from view of the public.

Council Member Inscoe suggested a fee for the annual inspection and asked who would do the inspection. Mr. Williams said his department would be responsible and after a brief discussion, \$1,000 was suggested as the annual fee.

After further discussion, the following restrictions were requested by Council.

- 8 foot screening required in RA with a process in place to replace the trees/hedges by the City at the expense of the property owner with the ability to enforce civil penalties
- \$1,000 annual inspection fee
- Property owner responsible for upkeep

There was then a discussion regarding what should be approved first by Council during the upcoming public hearing. It was decided that the design standards would be approved first with the text amendment coming next.

Mr. Williams then distributed a list of solar farms in the area along with applications at the State Clearing House.

Council Member Coffey asked if the Clearing House list of solar farms indicates application has been made but no action has been taken. Mr. Williams said that was correct.

Mr. Williams asked for and received verification from Council regarding the sequence that they would like to consider these issues at the Public Hearing. The consensus was the sequence should be to continue the Public Hearing starting with the design regulations, then the rezoning and lastly the text amendment.

There were no further questions so Mayor O'Geary asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Coffey moved for adjournment. Motion seconded by Council Member Daye, and unanimously approved. The meeting adjourned at 6:57 p.m.

James D. O'Geary
Mayor

ATTEST:

Esther J. McCrackin
City Clerk



City Council Minutes

Henderson City Council Budget Work Session #1 - DRAFT

21 May 2015

PRESENT

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

ABSENT

Council Members James C. Kearney, Sr.

STAFF PRESENT

Interim City Manager Edward A. Wyatt, Assistant City Manager, Frank Frazier, City Clerk Esther J. McCrackin, Finance Director Katherine Brafford, Assistant Finance Director Michelle Daniels, Development Service Director Corey Williams, Recreation and Parks Director Kendrick Vann, Engineering Director Clark Thomas, Public Services Director Mike Ross, Fiscal Compliance Officer Edna Vaught and Kerr Lake Regional Water Director Christy Lipscomb.

CALL TO ORDER

The 19 May 2015 Henderson City Council Budget Work Session #1 was called to order by Mayor James D. O'Geary at 6:00 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

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

OPENING REMARKS

Mayor O'Geary welcomed everyone and said Council Member Inscoe would like to make a few remarks.

Mr. Inscoe commended the Manager and staff for the budget presentation saying it was very concise. He said he hoped all the Council has had an opportunity to review the materials. Personally, he found the information provided was very helpful in preparing Council to make decisions. Mr. Inscoe is pleased there is no tax or sanitation increases. His suggestion, which was agreed upon by Council, was to begin by asking each member for their concerns regarding the presented budget.

GENERAL REVIEW AND DISCUSSION

Concerns expressed were as follows:

Every Council Member express concerns regarding the funds set aside for demolition

Council Member Coffey expressed concern regarding the proposed funding of the Downtown Development Commission.

Council Member Inscoe asked for clarification regarding the proposed Sewer increase and asked what percent equaled debt service.

Council Member Peace-Jenkins is pleased with the budget other than the demolition issue.

Council Member Daeke had questions about the sewer increase and the cost increase with health insurance.

Council Members Simmons and Daye had no questions other than demolition.

Interim City Manager Wyatt said it is important for the City to maintain a broker to negotiate health insurance and from his past experience Mr. Wyatt has found Mr. Phil Burnett gives more service than normally provided.

In reference to the demolition budget, Mr. Wyatt said he hears Council loud and clear, and agreed \$20,000 is an insignificant amount.

As far as the proposed salary increase, Mr. Wyatt reminded Council that this is a modification of the recommended Plan and even this has been reduced by delaying the increase by three (3) months. He commented that more staff and better equipment is needed to maintain the expected level of service and commended the limited staff for its "can-do" attitude.

Council Member Inscoe returned the discussion to demolition and asked if the \$.50 increase in sanitation fees earmarked for demolition approved in the FY14-15 budget still exists. If so, he asked how much that generates for demolition. The response was approximately \$32,000. He said his next suggestion would not make the Public Services Director happy but wondered if the Storm Sewer budget could be reduced by \$30,000 to supplement the demolition budget.

Council Member Daeke commented the \$30,000 was an insignificant amount for storm water and wondered where the funds would come from for storm water if \$30,000 was given to demolition.

(Clerk's Note: Council Member Rainey arrived at approximately 6:30 p.m.)

Council Member Coffey expressed concern regarding the FY14-15 expenses submitted by the Downtown Development Commission. There was a brief discussion regarding the DDC with Development Service Director Williams sharing the Commission is currently working on several projects, including a possible grant application which would re-establish *Main Street* eligibility. Council Member Inscoe asked about the part-time position mentioned in conjunction with the grant and Mr. Williams responded the part-time position would need to become full time in the 4th year of the grant. Mayor O'Geary questioned about the sustainability of funding of a full time position.

Council Member Inscoe turned the discussion back to demolition and asked about taking an additional \$10,000 from Fund Balance. Mr. Wyatt said he had no problem with this. Council Member Daeke asked after the proposed funds are withdrawn from the Fund Balance what percent remains. Finance Director Brafford responded approximately 29.88%

Assistant City Manager Frazier respectfully asked Council to consider taking \$10,000 from Street Resurfacing rather than Storm Water which was acceptable to Council.

At this time Mayor O'Geary asked for the consensus of Council to take an additional \$10,000 from Street Resurfacing, \$10,000 from Fund Balance and specifically earmark \$32,000 from sanitation fees to provide an additional \$52,000 for demolition in FY15-16. The consensus was as follows: YES: Coffey, Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Kearney.

In response to Council Member Inscoe's question regarding the 9% increase in Sanitation, Mr. Frazier said that increase is 100% debt service. Council Member Daeke commented that the proposed increase from FY14-15 was reduced last year and wondered about the necessary increase for next year's budget. Mr. Inscoe reminded all that the debt service regarding the recreation center will be removed next year.

Discussion now turned to the increase in health insurance. Following a brief discussion, Council Member Daeke said he spoke to Mr. Philip Burnette today who indicated the health insurance increase has been further reduced to a 14.9% increase. Mr. Daeke asked staff for a breakdown of how this will impact the employee's paycheck and also requested information on what the cost difference would be for a \$1,500 deductible.

Council Member Coffey asked if the insurance broker expense was bid out. Mr. Wyatt said it was not and added other brokers would be more expensive from his experience. Council Member Daeke said he has found jumping around ultimately does not save any in the long run.

SUMMARY

In conclusion, Council was agreed to add \$52,000 to the demolition budget as described in the above consensus, and to cancel all budget meetings until the Public Hearing on June 15th.

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

ADJOURNMENT

Council Member Coffey moved for adjournment. Motion seconded by Council Member Peace-Jenkins and unanimously approved. The meeting adjourned at 6:56 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: 8 June 15 Regular Meeting

20 February 2014

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

FR: Ed Wyatt, City Manager

**RE: CAF: 15-31-A:
Consideration of Approval of Ordinance 15-12, Rezoning Certain Property at 456
Spring Valley Road from R-20, Low Density Residential, to RA,
Residential/Agricultural Use**

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- **Key Strategic Objective 3:** Revise and align land use and sign ordinance.

Recommendation:

- Approval of Ordinance 15-12, Rezoning Certain Property at 456 Spring Valley Road from R-20, Low Density Residential, to RA, Residential/Agricultural Use.

Executive Summary

A rezoning application concerning 456 Spring Valley Road (Property) in Henderson, North Carolina (City) was submitted on January 12, 2015 by Spring Valley Farm, LLC (Petitioner). The application, as modified during a presentation to the City Planning Board (Board) by the Petitioner's representative, requests approximately 40.60 acres of the Property be rezoned from R-20, Low Density Residential, to RA, Residential/Agriculture Use. The requester seeks the rezoning so it may apply for a special use permit to allow establishment of a solar farm. The 40.60 acres are within the City's extraterritorial jurisdiction.

The Board conducted a February 2, 2015, public hearing on the matter. One person, who lives near the Property, spoke against the rezoning due to concerns regarding a solar farm's potential impact on the value of surrounding properties, as well as the potential visual impact. By a four-to-one vote, the Board approved the request subject to final action by the City Council.

The City Council conducted a public hearing (February 23, 2015) on the matter of rezoning. After much discussion for the rezoning and opposition, City Council remanded this issue back to the Planning Board for a Special Meeting to establish design standards and for the Public Hearing to be continued until such time as the Planning Board presented those proposed standards back to Council. Council Action Form 15-44 and Ordinance 15-19 Amending the Zoning Ordinance to include Design Standards on Solar Farm is ready for City Council's review and approval, and therefore Ordinance 15-12 (rezoning) awaits their decision.

Attachments:

1. Ordinance 15-12
2. Planning Board Minutes
3. Aerial Map Detailing Proposed Rezoning & Other information
4. R 20 & R A Permitting Uses

ORDINANCE 15-12

After receiving the recommendation of the City of Henderson, North Carolina (City) Planning Board, which was made following an advertised public hearing on the proposed rezoning, City Council Member _____ introduced the following Ordinance, which was seconded by City Council Member _____ and reads:

AN ORDINANCE REZONING A PART OF A TRACT OF LAND AT 456 SPRING VALLEY ROAD FROM R-20 (LOW DENSITY RESIDENTIAL) TO RA (RESIDENTIAL / AGRICULTURAL) USE

The City Council ordains:

Section 1: The City zoning map, as referenced in the City Code, be amended by rezoning 40.60 acres of the land located at 456 Spring Valley Road, as noted in the attached survey map, and which is a portion of the land identified by the Vance County, North Carolina Tax Office by Property Identification Numbers 0207 01005, 0207 01008 and 0207 2002A.

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

Ordinance 15-12, upon motion of Council member _____ and seconded by Council Member _____, and having been submitted to a roll call vote and received the following votes and was **APPROVED/DISAPPROVED** on this the ____ day of _____, 2015: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

D. Rix Edwards., City Attorney

**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 15-12*, Rezoning a 60.70+/- Acre tract located at 456 Spring Valley Road from R-20 (Low Density Residential) to RA (Residential /Agricultural District, adopted by the Henderson, City Council in Regular Session on ** ** 20** (See *Minute Book 4**, p. **). This Ordinance is recorded in *Ordinance Book # 9* pp. **.

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

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



City of Henderson

Planning and Community Development Department
Post Office Box 1434 / 134 Rose Avenue / Henderson, NC 27536-1434
Phone: (252) 430-5723 FAX: (252) 492-7935

DRAFT

MINUTES

HENDERSON PLANNING BOARD
MONDAY, February 2, 2015 – 3:30 P.M.
CITY HALL – COUNCIL CHAMBERS

DRAFT

Members Present – Michael Rainey, Horace Bullock, Arthur Henderson, Jimmie Ayscue, Keith Coffey (Alternative), Phil Walters.

Members Absent – Marguerite Anduze, Arnold Bullock, Rick Easter

Staff Present – Development Service Director: Corey Williams, Robert Harris: Planner, Karen Foster: Zoning Administrator, Jamie Grissom: Administrative Assistant, City Attorney: Rix Edwards

- (1) **CALL TO ORDER** – Meeting was called to order by Chairman Michael Rainey. Roll was called. A quorum was present.
- (2) **APPROVAL OF MINUTES**: Minutes were tabled from January 5, 2015 because Planning Board members did not receive them in their packets. Motion was made by Mr. Jimmie Ayscue and seconded by Mr. Arthur Henderson to table the minutes from January 5, 2015 meeting. It was voted unanimously 6-0.

(3) **BUSINESS – DISCUSSION**

Old Business:

Case (PB 03-15): A recommendation to include Greenhouses in all Residential Districts.

Executive Summary:

There is interest in urban farming practices and the current City Zoning Ordinance does not address the potential use of urban agriculture. The ideal is to allow greenhouses in residential districts especially neighborhoods with blighted conditions. The objective is to review and allow greenhouses in residential districts to provide a livelier and less blighted community. Attached is a letter of support from North Carolina Cooperative Extension Vance County Director, Mr. Morris White, information concerning greenhouses from two other municipalities in North Carolina and photos of urban greenhouses. This petition to amend the City Zoning Ordinance is a staff recommendation.

Staff Recommendation for Greenhouses / Hoop-Houses

Greenhouses / Hoop-houses allowed in all districts as an accessory structure that does not exceed 20% of the primary structure (Shall comply with section 624B).

Greenhouses / Hoop-houses as a primary use or exceeds the 20% of the primary dwelling is allowed with a Special Use Permit in the following districts: B-2, B-2A, B-4, O-I, O-IA, R-6, R-8, R-8M, R-11, R-15M, R-20, R-40, R-A, I-1, and I-2.

Corey Williams, Development Services Director, introduced the item. Mr. Williams handed out the information pertaining to the text amendment. Mr. Rainey opened the public hearing for all parties of interest to comment. Marian Williams and Ardis Crews, citizens for community gardens, provided a presentation to the Planning Board in reference to having the “community gardens” in residential neighborhoods.

Motion was made by Mr. Horace Bullock and seconded by Mr. Jimmie Ayscue to approve the text amendment. It was voted unanimously 6-0.

This recommendation now goes before the City Council for final decision on February 23, 2015.

New Business:

- 1. Case (PB04-15): Public Hearing: Recommendation to rezone properties from R-20 (Low Density Residential) to R-A (Residential/Agricultural Use) Zoning District located at 456 Spring Valley Road, 60.70+/- acres, (PIN #'s: 0207 01008, 0207 01005, 0207 02002A).**

Corey Williams, Development Services Director, introduced the item. Mr. Williams reviewed the packet of information pertaining to the rezoning request. Mr. Rainey opened the public hearing for all parties of interest to comment. Mr. David Neill (an attorney for Smith Moore Leatherwood, LLP at 434 Fayetteville Street, Suite 2800, Raleigh NC 27601) spoke in favor of the rezoning and provided details on solar farms. Solar Farms are allowed in the R-A district with a special use permit. He answered all the Board’s questions concerning this matter. Mr. Bill Edwards (550 Spring Valley Lake Road Henderson, NC 27536) spoke in opposition of solar farms. His concerns were: Solar farms will provide no jobs or revenue for the City of Henderson or Vance County. His second concern is a solar farm would be an eyesore within the community and possibly devalue the surrounding land. He made reference to the 2030 Comprehensive Plan which discusses the integrity of the land being rural density.

The public hearing was then closed by Mr. Rainey.

Motion was made by Mr. Keith Coffey and seconded by Mr. Jimmie Ayscue to approve the rezoning. Mr. Michael Rainey, Mr. Jimmie Ayscue, Mr. Arthur Henderson and Mr. Keith Coffey all voted for the rezoning. Mr. Bullock was against the motion. Mr. Phil Walters abstained. It was approved 4 to 1.

This recommendation goes before the City Council for final decision on February 23, 2015.

2. Carey Chapel Crossing Preliminary Plat original approval. (Handout will be providing during meeting).

This item was tabled by planning staff to a later date.

3. Subdivision / Zoning Interpretation

Corey Williams, Development Services Director, introduced the item. Mr. Williams asked for some guidance on what exempt subdivision maps go to Planning Board and what can be accomplished administratively. He requested permission of the Planning Board to sign plats that are exempt from both the Subdivision and Zoning Ordinance.

Motion was made by Mr. Phil Walters and seconded by Mr. Arthur Henderson to approve the subdivision request. It was voted unanimously 6-0.

(4) ADJOURNMENT:

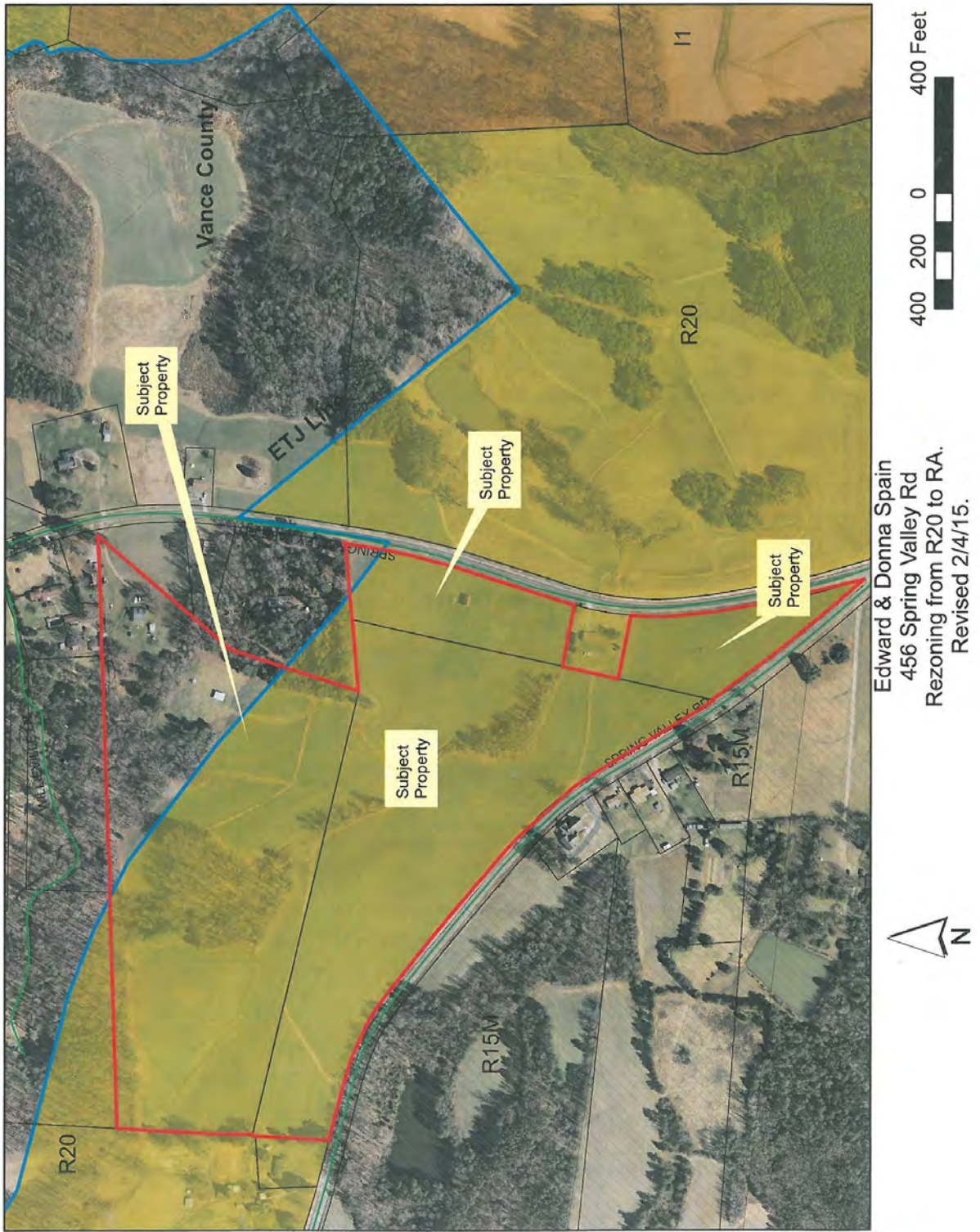
At 4:35 PM a motion to adjourn the meeting was made by Mr. Horace Bullock and seconded by Mr. Jimmie Ayscue. The motion carried.

NEXT MEETING: March 2, 2015 @ 3:30 PM

Minutes respectfully submitted by

DRAFT

Corey K. Williams
Development Service Director



Edward & Donna Spain
456 Spring Valley Rd
Rezoning from R20 to RA.
Revised 2/4/15.



CITY OF HENDERSON
PLANNING & COMMUNITY DEVELOPMENT

P.O. Box 1434 / 134 Rose Avenue • Henderson, NC 27536 • Phone: (252) 430-5723 • Fax: (252) 492-7935



REZONING APPLICATION

*Fee: Zoning Map Amendment to Residential District:	\$350.00, plus \$50.00 acre, or part thereof
Zoning Map Amendment, other:	\$350.00, plus \$100.00 acre, or part thereof

Date Jan. 13, 2015

Case # _____

Site Address: Intersection of Spring Valley Road and Spring Valley Lake Road

APPLICANT / OWNER INFORMATION

Applicant Name: <u>Spring Valley Farm, LLC</u>	Property Owner Name: <u>Edward & Donna Spain</u>
Mailing Address: <u>c/o Beth Trahos, Smith Moore Leatherwood, LLP</u>	Street Address: <u>456 Spring Valley Road</u>
City, State Zip: <u>434 Fayetteville St., Suite 2800, Raleigh, NC</u>	City, State Zip: <u>Henderson, NC 27537</u>
Contact phone #: <u>(919) 755-8760</u>	Contact phone #: _____
Email Address: <u>beth.trahos@smithmoorelaw.com</u>	Email Address: _____

PROPERTY INFORMATION

The undersigned hereby submits the following information including a map (Tax Map or Survey) showing the area/parcels to be rezoned to demonstrate that the proposed rezoning is in accord parcels requested in the petition.

	PIN #	Existing Zone	Proposed Zone	Acres
1	0207 01008	R-20	RA	25.33
2	0207 01005	R-20	RA	19.02
3	0207 02002A	R-20	RA	16.35
4				
5				Total: 60.70

Total acres to be rezoned 40.60 +/-

Have any of the parcels proposed to be rezoned been the subject of a rezoning proposal within the past year? YES_ NO

Explain why the proposed change is needed or desirable. *(Please attach additional sheets if necessary.)*

Please see attached.

APPLICANT'S JUSTIFICATION FOR REZONING

In reviewing a proposal for a change, the Planning Board and the City Council will consider the character of the area to be rezoned, the peculiar suitability of the land, the effect that the rezoning might have on the public facilities and services, and the general health, safety, and welfare. The specific text considered in a rezoning is, considering all the uses and development standards in each zone, what zone best achieves or is most in harmony with the comprehensive plan.

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.

City of Henderson: Zoning Ordinance-Section 905.1. 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.

Any petition to rezone land shall be signed by all owners of the land proposed to be rezoned, or by their authorized agents. All petitions shall be accompanied by a fee as set out above and which shall be sufficient to defray the administrative costs incurred in processing the application, notifying adjacent property owners (if and when required), and publishing notices of public hearing as required herein. The Zoning Administrator and/or Planning Director shall determine if petition is complete.

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

I certify on this date 1/12/15 that all the information presented to me in this petition/application is accurate to the best of my knowledge, information, and belief. Further, I understand that, should this petition/application be approved, no site activity can take place until a site plan and/or any other land development permits are issued.

Jackson NAFTEL
Applicant Print Name

[Signature]
Applicant Signature

Donna Spain
Edward Spain
Owner Print Name

Donna Spain
Edward Spain
Owner Signature

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



City of Henderson

Planning and Community Development Department

Post Office Box 1434
134 Rose Avenue
Henderson, NC 27536-1434
Phone: (252) 430-5725 FAX: (252) 492-7935

January 23, 2015

Dear Property Owner:

You have property located near or adjacent to the property highlighted below.

Notice is hereby given that the Henderson Planning Board will hold a public hearing on Monday, February 2, 2015 at 3:30 p.m. in the City Hall Council Chambers located at 134 Rose Avenue.

Business to be discussed as follows:

Case (PB04-15): Public Hearing: Recommendation to rezone properties from R-20 (Low Density Residential) to R-A (Residential/Agricultural Use) Zoning District located at 456 Spring Valley Road, 60.70+/- acres, (PIN #'s: 0207 01008, 0207 01005, 0207 02002A).

Sincerely,

Robert Harris
Planner

PB 04-15: Adjacent Property Owners from R20 to RA

OWNNAME	OWNNAME2	OWNADD1	OWNCTY	ST	ZIP	DEEDACRE	PIN
BAILEY ANNE BASKETT		609 SPRING VALLEY RD.	HENDERSON	NC	27536	32.00	0207 03008
BUCHANAN NATHANIEL THOMAS		879 SPRING VALLEY RD.	HENDERSON	NC	27536	2.69	0207 03024
EDWARDS W H JR	EDWARDS BETTIE N	550 SPRING VALLEY LAKE RD	HENDERSON	NC	27537	2.37	0207 02002
FARMER CAROLYN B		122 PINEVIEW RD	HENDERSON	NC	27537	28.18	0207 03009
JMFMF LLC		PO BOX 1208	HENDERSON	NC	27536	42.01	0207 03010
JOHNSON LYNNA A.		551 SPRING VALLEY LAKE RD	HENDERSON	NC	27536	0.69	0202 02001E
JOURNIGAN WILLIE HERBERT		585 SPRING VALLEY LAKE RD	HENDERSON	NC	27537	16.75	0202 02064
LAWSON MARY		195 SPRING VALLEY LAKE RD	HENDERSON	NC	27537	0.92	0207 01006
ROBERSON TALTON P.		1195 NEWTON DAIRY RD.	HENDERSON	NC	27537	5.54	0207 01007
SPAIN EDWARD F	SPAIN DONNA C	456 SPRING VALLEY ROAD	HENDERSON	NC	27537	35.36	0207 01005
SPRING VALLEY METHODIST CHURCH		955 SPRING VALLEY RD	HENDERSON	NC	27537	0.00	0207 03010A
STEVENSON JOHN BRYAN		476 SPRING VALLEY LAKE ROAD	HENDERSON	NC	27537	0.46	0207 02005
VAN ZANDT JOHN E		901 SPRING VALLEY ROAD	HENDERSON	NC	27536	0.69	0207 03025
WALTERS JAMES N.		1260 SPRING VALLEY ROAD	HENDERSON	NC	27536	0.89	0207 01004A

STATE OF NORTH CAROLINA
CITY OF HENDERSON

BEFORE THE
CITY COUNCIL

IN RE: Rezoning to RA to allow a Solar Farm
Parcel ID#: 0207 01008; 0207 01005; and 0207 02002A
Address: Intersection of Spring Valley Road and Spring Valley Lake
Road, North Carolina

**STATEMENT OF JUSTIFICATION IN SUPPORT OF THE
REZONING APPLICATION**

NOW COMES THE PETITIONER, Spring Valley Farm, LLC, by and through counsel of record, and respectfully requests approval of its application to rezone 40.60± acres of the property described above to RA. In support of this request, Petitioner provides the following information:

I. Introduction

The applicant proposes to construct a solar farm on approximately 40.60± acres of the 60.70± acre site. The property is currently owned by Mr. and Mrs. Edward Spain. The property is located at the intersection of Spring Valley and Spring Valley Lake Roads. The property is currently bisected by the City of Henderson's Extra-territorial Jurisdiction (ETJ) boundary with the majority of the site being within the City of Henderson's ETJ and currently zoned Residential-20 (R-20). (The remainder of the subject property, which is not proposed for rezoning, is located in Vance County and currently zoned Agricultural-Residential. A legal description specifically identifying the property subject to rezoning is attached.) The applicant proposes to rezone the subject property to Residential and Agricultural (RA) and to request a special use permit for the solar farm use. The RA zoning district allows a solar farm as a Special Use in addition to homes and other uses similar to the existing R-20 zoning district.

The proposed solar farm will be maintained and will promote the public health, safety, or general welfare. Solar farms are regularly located in residential and agricultural areas. Solar farms are good neighbors. Solar panels mounted on racks are less than 10 feet tall at their highest point, much lower than the average home or barn.

Solar farms consume practically no city or county services: they require no seats in schools or on school buses, no special police protection, and no sewage disposal. They produce virtually no refuse or recycling needs, no demand for water, no light pollution, and no emissions of any kind.

The power generated from the solar farm will be sold to the power company for use by consumers in place of power produced by non-sustainable means. Solar energy is a clean, cheap, unlimited resource with little environmental impact. The demand for power will not decline.

II. Statement in Support of Application

The proposed RA zoning is consistent with the area to be rezoned. The subject property is located at the edge of City of Henderson's ETJ with a small portion of the site being located in Vance County. (The property within Vance County is not included within this application. Please see the attached legal description of the area subject to the proposed rezoning for more detail.) The RA zoning is most consistent with the Vance County zoning in the area A-R, which also permits solar farms subject to a special use permit, in addition to homes.

The proposed solar farm conforms with the general plans for physical development of the city's planning jurisdiction in this area. The subject property is located within the Rural Density Area under the City of Henderson 2030 Comprehensive Plan. The Rural Density area is not contemplated for urban-style development until utilities are extended. The plan recommends that these outlying areas should retain their rural character. Solar farms make good transitional land uses. They allow property owners to maintain large lots while generating income for themselves. Solar farms preserve rural character.

We respectfully request that the City Council approve the proposed rezoning to RA as requested.

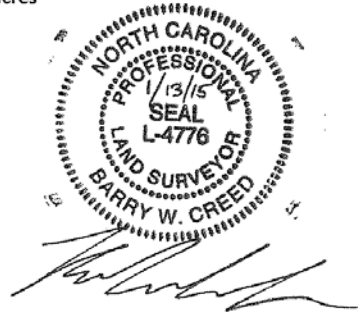
LEGAL DESCRIPTION FOR BATTING LINE

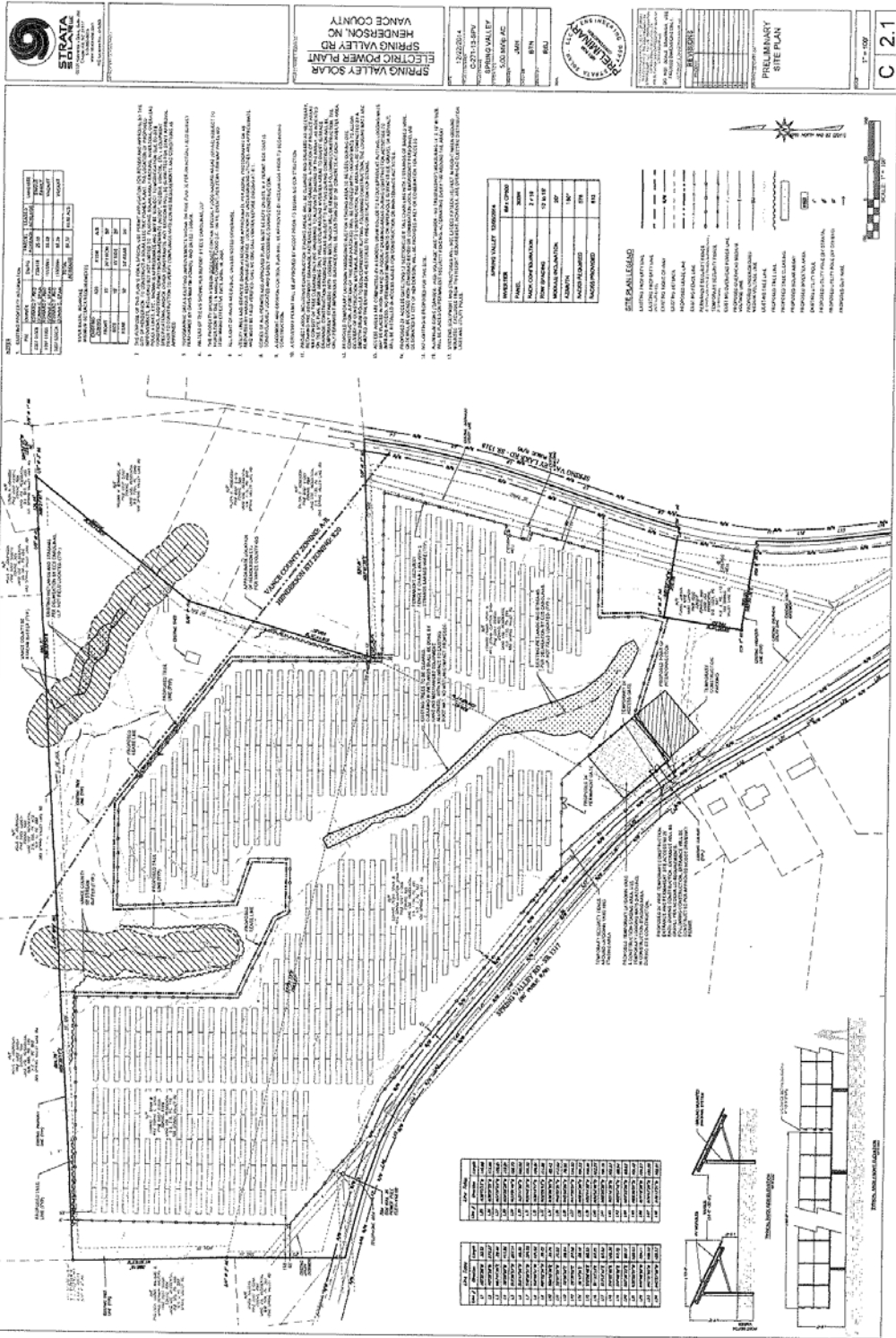
STRATA SOLAR, LLC - SPRING VALLEY SITE

BEGINNING at an existing 3/4" iron pipe, said iron having North Carolina grid coordinate Nad 83(2011)North = 952,403.609, East = 2,177,757.067, said iron being the southwest corner of Willie H. Journigan (D.B. 666, Pg. 473) and in the eastern property line of Philemon Harris Walters & James Norman Walters (D.B. 525, Pg. 660); thence along said property line of said Willie H. Journigan the following two (2) courses and distances: 1) North 86°35'17" East 884.75 feet to an existing 3/4" iron pipe, 2) North 86°33'50" East 46.90 feet to the intersection of the batting line; thence leaving said Journigan property line and along said batting line the following seven (7) courses and distances: 1) South 57°22'28" East 167.16 feet to a point, 2) South 52°57'18" East 154.06 feet to a point, 3) South 51°14'39" East 124.86 feet to a point, 4) South 50°28'32" East 104.47 feet to a point, 5) South 50°52'46" East 100.86 feet to a point, 6) South 50°44'39" East 114.11 feet to a point, 7) South 49°24'39" East 122.19 feet to a point, said point being on the western property line of Talton P. Roberson (D.B. 1130, Pg. 28); thence leaving said batting line and along said Talton P. Roberson (D.B. 1130, Pg. 28) the following three (3) courses and distances: 1) South 16°14'31" West 272.57 feet to an existing 1/2" iron rod, 2) North 87°41'35" East 527.81 feet to an existing 1/2" iron rod, 3) North 87°41'35" East 29.40 feet to a point in the centerline of Spring Valley Lake Road (NCSR 1318); thence along said Spring Valley Lake Road (NCSR 1318) centerline the following six (6) courses and distances: 1) South 8°59'00" West 117.22 feet to a point, 2) South 12°26'57" West 117.35 feet to a point, 3) South 12°26'57" West 89.79 feet to a point, 4) South 16°47'55" West 98.30 feet to a point, 5) South 18°09'51" West 301.05 feet to a point, 6) South 16°49'41" West 121.52 feet to a point, said point being the northeast corner of Furnie Lawson & Mary Lawson (D.B. 1074, Pg. 561); thence leaving said Spring Valley Lake Road (NCSR 1318) centerline and along said Furnie Lawson & Mary Lawson property lines the following five (5) courses and distances: 1) North 81°02'34" West 30.72 feet to an existing concrete monument, 2) North 81°02'34" West 200.05 feet to an existing 5/8" iron rod, 3) South 9°00'18" West 199.60 feet to an existing concrete monument, 4) South 80°55'39" East 200.09 feet to an existing concrete monument, 5) South 80°55'39" East 30.76 feet to a point in the centerline of said Spring Valley Lake Road (NCSR 1318); thence leaving said Lawson property and along said Spring Valley Lake Road (NCSR 1318) centerline the following ten (10) courses and distances: 1) South 2°07'55" West 71.55 feet to a point, 2) South 2°56'52" East 99.94 feet to a point, 3) South 6°36'02" East 97.58 feet to a point, 4) South 6°47'51" East 96.19 feet to a point, 5) South 10°08'46" East 98.55 feet to a point, 6) South 11°33'33" East 97.25 feet to a point, 7) South 13°12'44" East 97.50 feet to a point, 8) South 16°05'40" East 100.38 feet to a point, 9) South 19°49'02" East 97.75 feet to a point, 10) South 22°36'22" East 99.17 feet to the intersection of Spring Valley Road (NCSR 1317); thence leaving said Spring Valley Lake Road (NCSR 1318) and along said Spring Valley Road (NCSR 1317) the following twenty eight (28) courses and distances: 1) North 38°59'01" West 100.03 feet to a point, 2) North 40°48'50" West 104.11 feet to a point, 3) North 41°01'00" West 106.02 feet to a point, 4) North 40°27'49" West 109.37 feet to a point, 5) North 39°15'13" West 110.69 feet to a point, 6) North 38°31'55" West 113.28 feet to a point, 7) North 37°37'23" West 109.81 feet to a point, 8) North 34°56'39" West 112.21 feet to a point,

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9) North 33°01'49" West 102.75 feet to a point, 10) North 31°11'59" West 100.52 feet to a point, 11) North 30°42'30" West 101.32 feet to a point, 12) North 30°19'17" West 100.81 feet to a point, 13) North 32°06'13" West 111.85 feet to a point, 14) North 36°26'55" West 82.43 feet to a point, 15) North 42°07'21" West 117.60 feet to a point, 16) North 45°50'26" West 78.00 feet to a point, 17) North 47°30'04" West 124.33 feet to a point, 18) North 49°24'39" West 101.33 feet to a point, 19) North 50°44'39" West 100.91 feet to a point, 20) North 50°52'46" West 103.27 feet to a point, 21) North 50°28'32" West 101.19 feet to a point, 22) North 51°14'39" West 102.57 feet to a point, 23) North 52°57'18" West 98.94 feet to a point, 24) North 57°22'28" West 98.63 feet to a point, 25) North 65°20'01" West 101.42 feet to a point, 26) North 71°12'38" West 101.27 feet to a point, 27) North 74°47'20" West 100.55 feet to a point, 28) North 76°17'21" West 102.91 feet to a point, said point being the southwest corner of Edward Frank & Donna C. Spain (D.B. 1150, Pg. 991); thence leaving said centerline of said Spring Valley Road (NCSR 1317) and along said Edward Frank & Donna C. Spain the following three courses and distances: 1) North 0°32'28" West 30.52 feet to an existing 1/2" iron pipe, 2) North 0°32' 28" West 273.27 feet to an existing 3/4" iron pipe, 3) North 1°35'03" West 398.19 feet to the point and place of **BEGINNING**. Containing 54.155± acres





THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR CONFORMANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

Line #	Direction	Length
L1	N08°13'50"E	46.90
L2	S57°22'28"E	167.16
L3	S59°57'10"E	154.06
L4	S31°44'38"E	174.06
L5	S50°20'33"E	104.47
L6	S50°23'46"E	100.08
L7	S09°44'39"E	174.17
L8	S49°24'39"E	122.19
L9	S16°44'31"E	272.57
L10	N87°41'35"E	572.81
L11	N89°41'35"E	26.40
L12	S9°59'00"E	117.22
L13	S12°26'57"E	117.55
L14	S12°28'57"E	88.79
L15	S16°47'55"E	94.30
L16	S18°09'51"E	307.05
L17	S16°49'41"E	121.52
L18	N01°02'54"E	301.29
L19	N01°02'54"E	200.05
L20	S09°07'18"E	196.60
L21	S00°55'39"E	200.09

Line #	Direction	Length
L22	S09°54'39"E	30.79
L23	S70°55'55"E	71.55
L24	S7°56'52"E	93.84
L25	S5°36'30"E	97.59
L26	S6°47'21"E	96.19
L27	S10°00'56"E	96.55
L28	S17°33'33"E	97.29
L29	S17°24'44"E	97.50
L30	S16°05'40"E	100.38
L31	S19°49'02"E	97.29
L32	S22°36'22"E	94.17
L33	N08°59'01"E	106.03
L34	N40°48'50"E	104.11
L35	N41°07'00"E	106.02
L36	N40°27'49"E	109.37
L37	N39°15'33"E	110.69
L38	N36°31'55"E	111.28
L39	N37°37'21"E	109.81
L40	N34°56'38"E	112.27
L41	N33°01'49"E	102.25
L42	N37°11'59"E	106.52

Line #	Direction	Length
L43	N50°42'30"E	101.32
L44	N50°19'17"E	103.81
L45	N38°08'13"E	111.85
L46	N38°26'55"E	82.43
L47	N42°07'21"E	117.60
L48	N49°50'29"E	78.00
L49	N47°30'04"E	124.33
L50	N50°44'39"E	103.91
L51	N50°44'39"E	103.91
L52	N49°32'46"E	103.27
L53	N50°28'32"E	101.19
L54	N51°44'39"E	102.57
L55	N33°57'18"E	98.94
L56	N57°22'28"E	94.63
L57	N65°20'01"E	101.42
L58	N71°12'38"E	101.27
L59	N74°47'20"E	103.55
L60	N08°17'21"E	102.91
L61	N05°22'28"E	30.52
L62	N02°22'28"E	271.27

SHEET 2 OF 2

DAVIS • MARTIN • POWELL
ENGINEERS & SURVEYORS
 6415 OLD PLANK RD, HIGH POINT, NC 27265
 (336) 886-4821 | WWW.DMP-NC.COM | LICENSE: F-0215

EXHIBIT MAP FOR
STRATA SOLAR, LLC -
SPRING VALLEY SITE
 RE-ZONING MAP

PROPERTY OF
EDWARD FRANK SPAIN &
WIFE DONNA CLAYTON SPAIN

Spring Valley Road
 Henderson, North Carolina
 Henderson Township, Vance County



RA Permitted Uses (Non Urban Residential & Agricultural Use District)

X - Requires Zoning Permit

S - Requires Special Use Permit

Category	Description	X	S	Category	Description	X	S
1 RESIDENTIAL				5.21	Ball Fields		S
1.1	Single Family Detached	X		5.22	Courts		S
1.2	Duplex	X		5.23	Swimming Pools		S
1.3	Multi-family		S	5.24	Miniature Golf		S
1.6	Unified Residential		S	5.25	Golf Driving Range		S
1.7	HUD Code Home Park		S	5.26	Golf Course		S
2 GROUP HOMES:				5.27	Stables	X	
	CARE FACILITIES			5.28	Go Kart Track		S
2.1 GROUP HOME				5.29	Shooting Range		S
2.11	Tourist Home		S	5.3	Outdoor Theaters		S
2.2 CARE FACILITY				6 RESIDENTIAL-COMMERCIAL			
2.21	Day Care, Nursery-see Sec 610B.3		*S	6.1	Home Occupations	X	
2.22	Pre-School, Kindergarten		S	6.2	Cyber Offices (no walk-in business)	X	
2.23	Family Care Home	X		6.3	Hairdressing, Barber, Dressmaking, Clothing Alterations, Engineer, Architects, and Surveyors		S
2.25	Nursing Home		S				
2.26	Orphanage		S	8 INSTITUTIONAL			
2.27	Other Domiciliary Home		S	8.2	Municipal Offices		S
3 EDUCATIONAL				8.3	Hospital, Sanatorium		S
3.1 SCHOOLS				8.6	Meeting Facilities		S
3.11	Elementary and Middle		S	8.7	Jails & Correctional Facilities		S
3.13	Other Schools		S	9.5 LAUNDRIES			
3.2	Church, Temples		S	9.51	Neighborhood Laundries		S
3.2a	Storefront Church		S	9.6 ANIMAL CARE			
3.3	Museums		S	9.61	Veterinary Clinics	X	
4 EMERGENCY SERVICES				9.62	Kennels	X	
4.1	Police		S	9.7 MISCELLANEOUS			
4.2	Fire		S	9.71	Exterminator Service		S
4.3	Rescue Squad		S	9.72	Blacksmith Shops	X	
4.4	Ambulance		S				
5 RECREATION/ENTERTAINMENT				10 RETAIL			
5.1 WITHIN STRUCTURE				10.3 SPECIFIC RETAIL USES			
5.11	Dance Halls		S	10.35	Florist, Plants	X	
5.12	Clubs, Lodges		S	10.36	Grocery		S
5.14	Stadiums		S	10.46	Rental of Permitted Items* (Unless Otherwise Specified)		S
5.15	Health Spas, YMCA		S		Outside Display*		S
5.16	Auditorium		S	10.47	Repair of Permitted Items* (Unless Otherwise Specified)		S
5.17	Night Club, Tavern, Lounge		S		Outside Display*		S
5.2 OUTSIDE STRUCTURE							

RA Permitted Uses (Continued)

15	WHOLESALE SALES			18.9	Farm Equipment Storage	X	
15.2	Outside Enclosed Structure		S	19	PARKING	X	
15.3	SPECIFIC TYPES			20	UTILITIES & COMMUNICATIONS		
15.32	Dairy Products Distribution		S	20.1	Broadcast, Microwave, Antennas,		
15.33	Garden, Farm Supply		S		Cellular & Telecommunications		
16	STORAGE				Towers less than 50' in height		S
16.1	Within Enclosed Structure	X		20.3	Major public utility		S
16.2	Outside Enclosed Structure		S	20.6	Solar Panels (on premises)	X	
16.3	SPECIFIC TYPES			20.7	Solar Farms (off premises)		S
16.32	Lumber Yards		S	22	FUNERAL RELATED USES		
16.33	Frozen Food Locker	X		22.1	Crematoriums		S
16.34	Tobacco Warehouse	X		22.2	Cemeteries		S
18	AGRICULTURAL			22.4	Monument Sales		S
18.1	AGRICULTURAL & FARMING USES			23	DIFFICULT USES		
18.11	Agricultural farming, including processing		X	23.1	Extractive Uses		S
18.12	Housing for farm workers		S	23.2	Sanitary Land Fills		S
18.21	Tobacco Auction		S	23.4	Manned Solid Waste Convenience Center		S
18.22	Other Auction Sales		S	24	SIGNS		
18.41	Farm Equipment Sales		S	24.1	Off-Premises Advertising		S
18.42	Farm Equipment Repair		S	24.2	Advertising on Premises	X	
18.5	Tobacco Processing		S	24.3	Directional	X	
18.6	Greenhouses	X		25	ACCESSORY USES & STRUCT.	X	
18.8	Seed & Grain Storage	X					



R20 Permitted Uses (Low Density Residential District)

X - Requires Zoning Permit

S - Requires Special Use Permit

Category	Description	X	S	Category	Description	X	S
1	RESIDENTIAL			5.2	OUTSIDE STRUCTURE		
1.1	Single Family Detached	X		5.21	Ball Fields		S
2	GROUP HOMES:			5.22	Courts		S
	CARE FACILITIES			5.23	Swimming Pools		S
2.2	CARE FACILITY			5.26	Golf Course		S
2.21	Day Care, Nursery-see Sec 610B.3		*S	18	AGRICULTURAL		
2.22	Pre-School, Kindergarten		S	18.1	AGRICULTURAL & FARMING USES		
2.23	Family Care Home	X		18.11	Agricultural farming, including processing		X
3	EDUCATIONAL			18.12	Housing for farm workers		S
3.1	SCHOOLS			20	UTILITIES & COMMUNICATIONS		
3.11	Elementary and Middle		S	20.3	Major public utility		S
3.13	Other Schools		S	20.6	Solar Panels (on premises)	X	
3.2	Church, Temples		S	22	FUNERAL RELATED USES		
3.2a	Storefront Church		S	22.2	Cemeteries		S
4	EMERGENCY SERVICES			24	SIGNS		
4.1	Police		S	24.2	Advertising on Premises	X	
4.2	Fire		S	24.3	Directional	X	
4.3	Rescue Squad		S	25	ACCESSORY USES & STRUCTURES	X	
4.4	Ambulance		S				
5	RECREATION/ENTERTAINMENT						

City Council Action Form

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



Council Meeting: 8 June 15 Regular Meeting

3 June 2015

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

FR: Ed Wyatt, City Manager

RE: CAF: 15-44
Consideration of Approval of Ordinance 15-19, Amending the Zoning Ordinance to include Design Standards on Solar Farms and Add Section 675B Solar Farms and Section 1002 to the City Zoning Code.

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

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

Recommendation:

- Approval of Ordinance 15-19, Amending the Zoning Ordinance to include design standards on Solar Farms and add Section 675B Solar Farms and Section 1002 to the City Zoning Code

Executive Summary:

On February 23, 2015, the City Council instructed the Planning Board and staff to draft an ordinance on Solar Farms Design Standards / Supplementary Regulations. After three public hearings (March 9, April 6, and May 4), a Planning Board work session (April 28) and a special work session (May 19) with City Council, Ordinance 15-19 is now ready for a Public Hearing and approval with all changes including City Council's suggestions.

Attachments:

1. Ordinance 15-19
2. Planning Board Minutes March 9, 2015
3. Planning Board Minutes April 6, 2015
4. Planning Board Work Session Minutes April 28
5. Planning Board Minutes May 4, 2015
6. Council Work Session Minutes, May 19, 2015

ORDINANCE 15-19

PROVIDING SUPPLEMENTARY USE REGULATIONS AND DESIGN STANDARDS FOR SOLAR FARMS

The City Council of the City Henderson, North Carolina ordains:

Section 1. That the following section be added to the City Zoning Code:

Section 675B. Solar Farms

675B.1 Site Plan.

A site plan, drawn to scale, must be approved by the Zoning Administrator. The plan shall show the proposed layout of solar collectors, panels, structures, (including inverter or electrical panel structures), screening, fencing, existing vegetation and landscaping related equipment. The plan shall also show equipment and landscaping elevations property lines, right-of-way residential structures within 500 feet, required setbacks and names of all adjacent property owners, as listed in current Vance County Tax Records.

675B.2. Setbacks.

Solar collectors located in the I-1, I-2, and I-3 zoning districts shall be a minimum of 50 feet from all road right-of-ways and 25 feet from property lines. Solar collectors located in the R-A zoning district shall be a minimum of 100 feet from all road right-of-ways and 50 feet from property lines. No solar or other energy collectors or solar farm structures (including fencing) shall be located within 100 feet of any residential structure. The maximum height for any solar or other energy collectors and solar farm structure is 20 feet as measured from the grade at the base to its apex.

675B.3. Screening and Fencing (Required).

Plantings for screening in I-1, I-2, and I-3 zoning districts at installation shall be at a minimum of four feet in height. Within three years, these plantings must reach a height of at least eight feet. The spacing of the plantings shall be in a double-row configuration, staggered, with ten-foot spacing between the centers of the main trunks. Existing foliage, such as trees and vegetation, may be used in conjunction with the plantings to create an opaque screening. If so used, the standards provided for plantings apply and must be met. Fencing shall be placed behind the plantings and, if applicable, the foliage. Fencing shall be a minimum of height of six feet of commercial grade to prevent trespassers from entering the area.

Plantings for screening in R-A zoning districts at installation shall be at a minimum six feet in height. Within three years, these plantings must reach a height of at least twelve feet. The spacing of the plantings shall be in a double-row configuration, staggered, with ten-foot spacing

between the centers of the main trunks. Existing foliage, such as trees and vegetation, may be used in conjunction with the plantings to create an opaque screening. If so used, the standards provided for plantings apply and must be met. Fencing shall be placed behind the plantings and, if applicable, the foliage. Fencing shall be minimum 6' in height and commercial grade to keep prevent trespassers from entering the area.

675B.4 Signage

Informational signs of contact shall be place at the main entrance of facility in accordance with section 400 of the sign ordinance.

675B.5. Noise

Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district.

675B.6. Power Transmission Lines

Power Transmission Lines: To the extent practical, all new power transmissions lines to any building, structure or utility connection shall be located underground. Existing above ground utility lines shall be allowed to remain in their current location or connection to utility system.

675B.7. Inspections

Inspections: Each solar facility shall be inspected throughout the year to ensure landscaping meet requirements of ordinance any conditions of Special Use Permit granted by the Board of Adjustment. A \$1000 dollar inspection fee is associated with annual inspection.

675B7. Termination of Uses. Decommissioning Plan,

1. A decommissioning plan shall be submitted by the operator of the farm and the landowner (if different) and submitted with a permit application. The plan shall address the following:
 - (a) Defined conditions upon which decommissioning will be initiated, such as end of lease or cessation of operations.
 - (b) Removal of all equipment, conduits, structures, fencing, roads, and foundations.
 - (c) Restoration of property to condition prior to development of the solar farm.
 - (d) Timeframe for completion of decommissioning activities, not to exceed one year.
 - (e) Description and copy of lease and any other agreement with landowner addressing decommissioning.
 - (f) Name and address of person or party responsible for decommissioning.
 - (g) Schedule for updating of decommissioning plan.
 - (h) A security bond between developer and property owner shall be a part of decommissioning plan for the protection of property owner.

2. A recorded copy from Vance County, North Carolina Office of the Register of Deeds shall be submitted to the City Zoning Administrator prior to commencement of construction of the solar farm.

Section 2. That the following definition be added Section 1002 of the City Zoning Code:

105. Solar Farm. Components, mounted to the ground or other structures, and supporting equipment and structures that can convert solar energy into electric or other usable energy form, not to co-locate with a residential or commercial use on a site with one acre or greater.

The foregoing Ordinance, introduced by ***** and seconded by ***** on this the ____ day of June 2015, and having been submitted to a roll call vote, was approved by the following votes: Ayes: Noes:

Mayor James D. O'Geary

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

D. Rix Edwards, City Attorney



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

REVISED MINUTES HENDERSON PLANNING BOARD MONDAY, March 9, 2015 – 3:30 P.M. CITY HALL – COUNCIL CHAMBERS

Members Present – Horace Bullock, Arthur Henderson, Jimmie Ayscue, Keith Coffey (Alternative), Phil Walters, Marguerite Anduze, & Arnold Bullock.

Members Absent – Michael Rainey & Rick Easter

Staff Present – Development Service Director: Corey Williams, Robert Harris: Planner, Karen Foster: Zoning Administrator, City Attorney: Rix Edwards

(1) **CALL TO ORDER** – Meeting was called to order by Vice Chairman Horace Bullock. Roll was called. A quorum was present.

(2) **APPROVAL OF MINUTES**: Minutes were approved for January 5 & February 2, 2015. Motion was made by Mr. Jimmie Ayscue and seconded by Mr. Phil Walters. It was voted unanimously 7-0.

(3) **BUSINESS – DISCUSSION**

New Business:

March 9, 2015: notes from recorded minutes

Case (PB 05-15) Providing Supplementary Use Regulations and Design Standards for Solar Farms.

Executive Summary:

On February 23, 2015, the City Council instructed staff to research and draft a text amendment on Solar Farm Design Standards and seek advisement from the Planning Board. The City

Zoning Ordinance does not address the Regulations and Design Standards. The objective is to suggest supplementary regulations, design standards, and define solar farm for the City of Henderson and Extra-Territorial Jurisdiction.

Corey Williams, (Development Services Director) introduced the item and reviewed the packet of information pertaining to the text amendment. The text amendment would allow specific design standards and regulations for Solar Farms. The Board of Adjustment would have some minimum standards of criteria on what the solar farms requirements are and where they are located within the City & ETJ limits.

Mr. Horace Bullock opened the public hearing for all parties of interest to comment.

Mr. David Neill (an attorney for Smith Moore Leatherwood, LLP at 434 Fayetteville Street, Suite 2800, Raleigh NC 27601, behalf of Strata Solar and the owner) spoke in favor of the text amendment and provided a handout on buffer yards and landscaping screening requirements. He recommended approval based on the proposal. He answered all the Planning Board's questions concerning this matter.

Mr. Bill Edwards (550 Spring Valley Lake Road Henderson, NC 27536) spoke in opposition of solar farms. He provided a list of proposed solar farms. Several are proposed in the ETJ area and the county. Martin Creek Road is in operation and Spring Valley Road is proposed. The Planning Board voted to approve the spot rezoning not knowing the impact. He said: the City of Henderson is declining in population, Vance County has 253 miles and 25% of it is Kerr Lake. This is not related to tax based or sales tax and revenue. Mr. Walters recused himself from the voting. Then Mr. Bill Edwards started to accuse the Planning Board of not taking a look at the Spring Valley site. He said: "the lease will be up before it is concealed". He then discussed the traffic concerns on how many people use Spring Valley Road every day.

Mr. Louis Iannone (a Stata Solar engineer) offered to work with staff on any type of buffer needed on this site. Plan view, elevation view and engineering analysis are the key components in determining where a specific site is located. The applicant started referring to his site on Spring Valley Rd. Buffer is 8 to 10 feet or whatever the Planning Board requires. The density of the plan will meet the Planning Board requirements. Mr. Walters asked a question concerning landscaping requirements? How many years will it take the trees to grow without seeing the panels? It depends on the tree size. Mr. Dave Neill asked where the list is originated and Mr. Bill Edwards received the information from the NC Utility Commission Docket. Mr. Lewis Iannone then disagreed with Mr. Bill Edwards saying "this is not reliable source". He started explaining how the Utility Commission works. They will offer the homeowner to lease your land. Finally, Duke Energy will decide on where these grids or solar panels are placed.

Mr. David Neill answered the question about screening. He quoted from the Vance County Ordinance "the screening is not mentioned." Strata Solar have proposed for the Spring Valley site: a buffering staggered two rows deep of minimum 4 feet height on day of hood of screening with an opaque view in 3-5 years. They have a 30 year leasing contract.

Question was asked by a Planning Board member: What type of maintenance agreement is required? Strata Solar replied “we have a department on just maintenance issues”. The Planning Board continued to discuss this Spring Valley site and not the text amendment. Corey reminded the Planning Board the text amendment is not about a site specific area. It will be designed as a special use permit to the Board of Adjustment. They will not be unlimited amount of solar panels.

Mr. Bill Edwards said that Strata Solar wants this site because power substation supply is close by and then said “there are no 30 year contracts on leasing”.

Mr. Edward Spain corrected Mr. Bill Edwards about the lease agreement. He discussed it with his lawyer.

Mr. Stuart Litvin, (Director of the Henderson-Vance Economic Development Commission) agreed with city’s staff recommendations (especially with the section on termination use). The public hearing was then closed by Mr. Horace Bullock.

Mr. Phil Waters requested an expert opinion from Mr. Bob Leiker to provide Solar Energy information. The motion was made by Mr. Walters and second by Mrs. Marguerite Anduze to table the text amendment to April 6, 2015.

Before the meeting was adjourned, Corey Williams discussed the calendar with the Planning Board. Due to holiday conflicts, the Planning Board will meet on September 14, 2015 and December 7, 2015.

Finally, the meeting was adjourned at 4:15 PM.

(4) ADJOURNMENT:

At 4:15 PM a motion to adjourn the meeting was made by Mr. Horace Bullock and the motion was carried.

NEXT MEETING: April 6, 2015 @ 3:30 PM

Minutes respectfully submitted by

Robert Harris
Planner



City of Henderson

Planning and Community Development Department

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

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**APPROVED MINUTES
HENDERSON PLANNING BOARD
MONDAY, APRIL 6, 2015 – 3:30 P.M.
CITY HALL – COUNCIL CHAMBERS**

Members Present – Michael Rainey, Horace Bullock, Arthur Henderson, Jimmie Ayscue, Keith Coffey (Alternative), Phil Walters, Marguerite Anduze.

Members Absent – Arnold Bullock & Rick Easter

Staff Present – Development Service Director: Corey Williams, Robert Harris: Planner, Karen Foster: Zoning Administrator, City Attorney: Rix Edwards

(4) **CALL TO ORDER** – Meeting was called to order by Chairman Michael Rainey. Roll was called. A quorum was present.

(5) **APPROVAL OF MINUTES**: Minutes were approved for March 9, 2015. Motion was made by Mr. Horace Bullock and seconded by Mr. Jimmie Ayscue. It was voted approval 6-0.

(6) **OLD BUSINESS –WORK SESSION**

Mr. Corey Williams introduced to the Planning Board the agenda packet and the special guests. Mr. Bob Leiker and Mr. Tommy Cleveland are to provide information to the Planning Board about solar development.

Mr. Bob Leiker (Renewable Program Manager, State Energy Program which is in the Department of Natural Resources) discussed with the Planning Board that North Carolina is 4th in the nation in solar capacity. There are concerns on Solar Farms such as: setbacks, definitions, decommissioning plans, aviation issues, landscaping and screening, and runoff, residential, industrial and commercial developments.

Mr. Tommy Cleveland (Clean Energy Technology Center at NC State University, Professional Engineer) spoke about the template ordinance and the different types of levels a solar facilities

and where it's classified. Level 1 is a residential house on a rooftop or a parking lot system is permitted use by right. Level 2 is less than ½ acre of ground in residential area or industrial areas have no size limits and no public hearing is needed. Level 3 is considered a solar farm and is usually approved as a public hearing by a special use or conditional use permit. Setback requirements range from 15 to 50 feet back from property lines. He then discussed FAA requirements which included Glare Study Analysis, visibility issues, decommissioning plan and secure bonds.

Corey Williams discussed with the Planning Board the changes from the previous draft ordinance. We looked at the best practices. Site plan, screening, fencing, vegetation, and landscaping requirements are required on the recorded plat the Zoning Administrator approves. The draft ordinance include: setback requirements 100 feet from the right-of-way based on the template ordinance, wanted to be consisted with Vance County, fencing requirements were a height ordinance of four feet for trees is required, and double row tree configuration screening. The decommissioning plan was drafted from the template ordinance. The zoning ordinance already has a violation penalty. We looked at the FAA piece and the Oxford Henderson Airport is two miles from ETJ area. These are low small flying planes.

Mr. Walters asked Mr. Tommy Cleveland about secure bonds? Mr. Walters wanted language added to the solar draft ordinance if a particular solar farm failed who has the responsibility to clean up the site? Mr. Rainey spoke up and said "this is an ordinance of trying to establish the do's and don'ts with construction process and not the financial issues between the landowner and the company". Mr. Rainey asked for legal advice from Mr. Rix Edwards (City Attorney) on what could be required about the decommissioning plan.

Mr. Cleveland discusses the decommissioning plan in detail. Mr. Walters asked a question on the location of these sites in North Carolina? Are they successful in other states? Mr. Cleveland answered some of these proposed sites are not constructed. Mr. Cleveland spoke about a gradual decrease in solar usage overtime. The panels are usually produced over a 25 year period time. The average solar panel life span is unknown. The invertors have a shorter life span of 10 years. The technology with the solar panels is about 30 years. Once the system is constructed, the solar panels are usually not replaced however, some particular sites require upgrades.

Mr. Rainey asked about certain restrictions within Vance County and City of Henderson? Mr. Williams replied: Vance County is similar to design, regulations, and restrictions. They had some complaints with their ordinance. How many actual farms are in Vance County? There are 8 approximately solar farms within Vance County and City of Henderson. Mr. Walters asked question concerning tax credits and financial terms. Mr. Bob Leiker answered them. Mr. Rainey reminded the Planning Board they are getting off track about financial obligations.

Mr. Walters describes as an industrial site not an agricultural farm site. How did we come up with the term "farm"? In the template ordinance, they refer to it as a solar energy system or facility. The City gets no tax money from it no matter what use is there. Mr. Rainey reminded the Planning Board to concentrate on what the ordinance requirements are such as: screening, setbacks, decommissioning plan, and so forth to be sent to the City Council.

Mr. Walters asked about what happens if a site is caught on fire? Mr. Cleveland responded these materials are ground mounted panels and are produced and not enough combustible material there. With these setbacks it is unlikely to burn elsewhere.

Mr. Williams read the definition to the Planning Board on solar farms. In April 2012, the Planning Board and City Council approved a special use permit in I1, I2, I3 and RA zoning districts. We are coming back to include the supplemental regulations on solar farms.

Mr. Walters ask question referring to noise regulations. Mr. Cleveland responded: during the daytime hours noise is measured at ½ to 1 megawatt and at night it is zero sound.

Item 2.2 Planning Board Agenda: Review Draft Ordinance on Solar Regulations was decided by the Planning Board to table it until after the public hearing.

(4) PUBLIC HEARING

- Case (PB05-15): Public Hearing: Providing Supplementary Use Regulations and Design Standards for Solar Farms.

On February 23, 2015, the City Council instructed staff to research and draft a text amendment on Solar Farms Design Standards and seeks advisement from the Planning Board. The current City Zoning Ordinance does not address the regulations and design standards. The objective is to suggest supplementary regulations, design standards, and define solar farm for the City of Henderson and the Extra-Territorial Jurisdiction. The Planning Board reviewed this item on March 2, 2015. During this meeting the Planning Board decided to invite a person that specializes in solar template development. Staff has revised the draft ordinance and has two individuals coming to the meeting on April 6, 2015 at 3:30 PM. The objective for this meeting is to gather information, review the draft ordinance, and pass or deny this draft ordinance. This is public hearing in addition to the workshop.

Mr. Michael Rainey opened the public hearing for all parties of interest to comment.

Mr. David Neill (an attorney for Smith Moore Leatherwood, LLP, at 434 Fayetteville Street, Suite 2800, Raleigh NC 27601) spoke in favor of the text amendment. Also, he introduced Ms. Kathryn Parker (2812 Fowler Ave., Raleigh NC 27607, Landscaper, designer for Strata) to the Planning Board. Strata's first concerns were the setback requirements, of a 100 foot from the edge of the right-of-way minimum as a base standard with the opportunity upon a showing of the Board of Adjustment to have additional screening and would like the Board to consider reducing the 100 foot setback requirement. The second concern was in Section 675B.3: Screening and Fencing of the drafted ordinance is the planting distance of five feet being too short. If you plant these bushes five feet apart, it will reduce the trunk growth for each tree. The requirement is intended to be 10 trees in each row at 10 feet apart. Strata requirement is a glare study to be completed at the proposed location. The Fire Chief requires them to have a shared key lock system.

Mr. Walters asked Solar: What type of ground cover is typically put in for this site? Ms. Parker responded during the warm season they plant Bermuda Rye or Fescue grass is what they place. Furthermore, maintenance issues were discussed on mowing the grass, fertilizing and soil testing.

Mr. Lewis Iannone (50101 Governors Drive, Chapel Hill NC 27526, Strata solar engineer) goes through an extensive engineering process before Duke Energy agrees on the particular site. He then discusses financial terms and how the entire project is paid off in 10 years. The tax credits pay for the majority of the project up front with rest of it having equality in or Strata borrowing the money from the bank. It's a real estate development project. State credit expires this year and federal credit expires next year.

Mr. Rainey reminded everyone at the public hearing that we are here vote on and discuss the draft ordinance standards and regulations. We are not here to vote on a specific location site.

Mr. Bryan Alsop (192 Lake Road, Henderson NC 27536, opposition against proposal) started comparing the City of Henderson with Vance County's jurisdiction on solar farms. He presented the Planning Board with a handout. He asked a question: what kind of voltage output does a solar farm usually have? Mr. Cleveland answered it's whatever the distribution lines have that are connected. All existing lines are through a substation. They are packaged with the invertors. He discusses the impact on radio frequency and federal communication issues. In addition, he wants both the city and the county to have similar regulations on solar farms.

Mr. Walters (Planning Board member) had a question based on the information and knowledge you have should these solar farms only be for industrial use? Mr. Bryan Alsop replied this land should be considered industrial use only.

Mr. John Davis (Strata Solar, Durham, NC, and former Progress Energy) is an expert in transmission lines. We are placing four times less power than what is circulating around the City of Henderson. No nuclear transformer will be located here.

Mr. Bill Edwards (550 Spring Valley Lake Road Henderson, NC 27537) spoke in opposition of solar farms. He communicated to the Planning Board there are 4 proposed solar farms located within one mile of his residence. Also, he reminded the Planning Board in 2010, the 2030 Comprehensive Plan represents this area as residential growth. Residential area does not reflect where solar farms are located. Solar farms should be allowed in I1, I2, and I3 industrial uses only.

Mr. Edward Spain (456 Spring Valley Road, Henderson, NC 27537), communicated to the Planning Board that there is no noise, pollution, and water or sewer availability. "He was never offered by the City of Henderson or Vance County services for water or sewer. Without these components it becomes very difficult to build a house".

The public hearing was then closed at 5:10 by Mr. Michael Rainey.

Discussion:

Mr. Michael Rainey could not vote on the drafted ordinance without additional language. We will call a special meeting if needed.

Corey Williams (Planning Director) asked the chairman “what direction should planning staff take”? Do we need to discuss FAA requirements, security bond terms, additional safety issues, minimum setbacks, additional screening and landscaping issues? Mr. Rainey asked Corey if he looked at all the different counties and Corey responded “yes, we did”. FAA regulations are complex and many counties or staying away from regulations with aviation.

Mr. Walters made a comment concerning back in the spring of 2012, the Planning Board was given a task on where solar farms should be located within the zoning ordinance. The Planning Board agreed to have a special use permit in the following zoning districts I1, I2, I3 and RA. “I no longer feel comfortable with this text amendment and motioned to the Planning Board to recommend a new text amendment allowing solar farms in I1, I2, and I3 zoning districts only. No residential zones for solar farms are allowed within City of Henderson and ETJ areas”. This would clarify the regulations and design standards.

A new motion was presented by Mr. Phil Walters to recommend a new text amendment to the zoning ordinance to allow ground mounted solar installations in I1, I2, and I3 area by special use permit and not in any residential district within the City of Henderson and the ETJ areas. Mr. Bullock seconded the motion. He wanted to take this amendment to the Council for approval.

However, Mr. David Neill (communicated to the Chairman, Mr. Rainey) said “there has been no formal legal notice for this new text amendment”. Mr. Rainey asked Mr. Rix Edwards (City Attorney) for legal advice. He replies “you have two separate actions and a new proposal”. The Planning Staff would advertise the new text amendment for public notice and the draft ordinance would be tabled for another hearing. Mr. Rainey asked Mr. Rix Edwards does it require a public hearing. Mr. Rix Edwards replied “yes it does”. Mr. Rainey asked: Do we have to vote to place this item on the agenda for next month? Mr. Rix Edwards said “yes”.

Mr. Rainey made a motion to table the draft ordinance presented by planning staff. A motion was made by Mr. Jimmie Ayscue and seconded by Mr. Bullock to table this text amendment. The vote was passed unanimously.

Next, Mr. Rainey motioned to the Planning Board by Mr. Walters a new text amendment to allow solar farms in the I1, I2, and I3 zoning districts as a special use permit. Mr. Bullock seconded the motion again. The vote was passed unanimously.

Corey Williams (Planning Director) asked the (Chairman), Mr. Rainey: Do you want a special meeting? Two weeks is the minimum amount of time for a public hearing. Mr. Bullock made the recommendation to have it in May.

(4) ADJOURNMENT:

At 5:20 PM a motion to adjourn the meeting was made by Mr. Bullock. The motion carried.

NEXT MEETING: May 4, 2015 @ 3:30 PM

Minutes respectfully submitted by

Robert Harris
Planner



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DRAFT MINUTES FOR WORK SESSION HENDERSON PLANNING BOARD TUESDAY, APRIL 28, 2015 – 3:30 P.M. CITY HALL – COUNCIL CHAMBERS

Members Present – Michael Rainey, Horace Bullock, Arthur Henderson, Jimmie Ayscue, Keith Coffey (Alternative), Phil Walters, Arnold Bullock, Marguerite Anduze.

Members Absent – Rick Easter

Staff Present – Development Services Director: Corey Williams, Robert Harris: Planner, Karen Foster: Zoning Administrator, City Attorney: Rix Edwards

This is not a public hearing for public comment.

(7) **WORK SESSION**

Mr. Corey Williams introduced to the Planning Board the Regulations regarding additional Supplementary Use Regulations (Article 600B). FAA and security bonds were not placed in the draft ordinance therefore; there is no clear way of regulating these requirements. Mr. Williams presented to the Planning Board the following sections of the City's ordinance.

675B.2. Setbacks.

Setbacks in all industrial districts are 50 feet from road right-of-way, 25 feet from property lines. Also, in Residential Agricultural District are 100 feet from right-of-way and 50 feet from the property lines. The maximum height for any solar or other energy collectors and solar farm structure is 20 feet as measured from the grade at the base to its apex.

675B.3. Screening and Fencing (Required)

Screening and fencing are required.

Minimum height of any planting shall be at least four feet upon installation and within three year, planting shall reach a height of 8 feet. The spacing of the planting shall be in a double-row

configuration, staggered, with ten-foot spacing between the centers of the main trunks. Existing trees and vegetation may be used in conjunction with these requirements to create an opaque screening. **Fencing shall be placed behind planting screening or vegetation with the intent to shield fencing with vegetation.**

Mr. Williams asked the Planning Board if the word “farm” was the correct word for these facilities or should this be called **a solar facility**?

Mr. Rainey asked the Planning staff for clarification on where solar farms are located and if most of the properties are within the ETJ.

Mr. Walters mentioned a newspaper article in the Henderson Dispatch concerning solar farms and distance requirements. The article stated that Vance County has proposed a distance of a ½ mile from one solar facility to another located in their Residential Zoning District.

Mr. Horace Bullock asked if there were any requirements concerning minimum lot sizes for a large solar facility. Mr. Williams explained the NC Template Ordinance having three levels on solar farms. Level 1 is used for personal use, accessory and is allowed by right. Level 3 is for large solar facilities and requires as a special use permit. Level 2 is for smaller areas less than 10 acres and requires a special use permit.

Mr. Walters provided 3 handouts.

- Definition of a Ground-mounted Solar Power Energy System “Solar Farm” from a neighboring county
- NC Department of Environment and Natural Resources on renewable energy
- Large Scale Solar Applications.

Mr. Williams continued the conversation about minimum size requirements with Mr. Horace Bullock. Mr. Williams stated, “If you disturb over a ½ acre of land a grading and erosion control plan is required and may require a special use permit”.

Mrs. Marguerite Anduze wanted to know who checks on the solar farms concerning safety. Mr. Williams’s response was that he did not know of any safety requirements however, there may be a fire and building safety inspection.

Mr. Rainey wanted to know what constitutes a solar facility for commercial use. Mr. Williams said, “The NC Template Ordinance states there are different levels indicating a farm versus a personal use. Solar panels are used in public buildings such as schools to reduce cost in power output”.

Mr. Walters discussed noise regulations and what was allowable? Wind turbines are 50 decibels. There is not a lot of noise however a hum can be heard. The solar draft ordinance should address the noise issue and not exceed 50 decibels. Another item is setbacks from a residential area, church, school and athletic facility. Mr. Walters requested at least a 500 foot setback from **all** these facilities and a 300 foot setback from any business or commercial enterprise. **Also, Mr. Walters wanted to require all solar panels and invertors, along with power lines, placed**

underground. In addition, he requested an informational sign posted at the entrance listing property owners and emergency contacts.

Mr. Rainey reminded the Planning Board that not many people like changes and sometimes we need to accept development.

Mr. Williams requested clarification on distance requirements of 500 feet in all industrial zoning districts from the Planning Board. Mr. Williams reminded the Planning Board that schools and churches are allowed in I2 zoning districts and that both the I2 and RA districts have different setback requirements.

Mr. Walters requested language concerning the decommissioning of a site and security bonds. He stated concerns about protecting the land owner from abandonment.

Mr. Williams was then instructed by the Mr. Rix Edwards (City Attorney) to ask a question in a closed session. Mr. Walters and Mr. Horace Bullock motioned to close the session. The Planning Board voted unanimously.

Mr. Walters reopened the discussion with the Planning Board voted unanimously.

Mr. Williams asked the Planning Board for direction on distance requirements, security bonds, and a clear definition on all different levels on what a solar farm is.

Mr. Williams reminded the Planning Board that setbacks in all Industrial districts are 50 feet from road right-of-way and 25 feet from property lines. In addition, Residential Agricultural Districts are 100 feet from the right-of-way and 50 feet from the property lines.

Mr. Walters wanted to change the requirement of the Residential Agricultural District to read: 100 feet from right-of-way and **100 feet from the property lines.**

Mr. Williams asked the Planning Board for clarification on the distance requirements from facility to facility and the security bond. The Planning Board discussed the security bond being a private matter between owners and leasing agent and decided not to take any action on the matter.

Mr. Williams clarified the definition section on solar farms.

The Planning Board tried to come to an agreement for solar farms to be located at least ½ mile apart.

Mr. Rainey requested consent on this proposal. The Planning Board's decision was as follows:

- (5) No's
- (3) Yes's.

Mr. Rainey asked Mr. Williams what would be on the agenda for May 4, 2015.

(8) **ZONING MAP :**

Time did not permit us to discuss the zoning map.

(3) **ADJOURNMENT:**

At 5:10 PM a motion to adjourn the meeting was made by Mr. Jimmie Ayscue and second by Mr. Horace Bullock. The motion carried.

NEXT MEETING: May 4, 2015 @ 3:30 PM

Minutes respectfully submitted by

Robert Harris
Planner



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**DRAFT MINUTES
HENDERSON PLANNING BOARD
MONDAY MAY 4, 2015 – 3:30 P.M.
CITY HALL – COUNCIL CHAMBERS**

Members Present – Michael Rainey, Horace Bullock, Arthur Henderson, Jimmie Ayscue, Keith Coffey (Alternative), Phil Walters, Marguerite Anduze, Arnold Bullock.

Members Absent – Rick Easter

Staff Present – Development Service Director: Corey Williams, Robert Harris: Planner, Karen Foster: Zoning Administrator, City Attorney: Rix Edwards

(9) **CALL TO ORDER** – Meeting was called to order by Chairman Michael Rainey. Roll was called. A quorum was present.

(10) **APPROVAL OF MINUTES**: Minutes were approved and amended for April 6 and April 28, 2015. Motion was made by Mr. Horace Bullock and seconded by Mr. Jimmie Ayscue. It was voted approval 8-0.

(11) **PUBLIC HEARING**

- **Case (PB-06-15): Public Hearing: Text Amendment Section 310A Table of Permitted Uses: Allow schools to be a special use permit in the I2 District.**

Mr. Corey Williams (Development Services Director) introduced the text amendment. Staff had no concerns with the proposal.

Mr. Rainey opened the public hearing for comments on this matter.

Mr. Johnathan Care (attorney for Vance County Charter School) spoke for the item. Vance County Charter School purchased land in an Industrial Zoning District and is expanding the facility to include a high school.

No one spoke against the text amendment.

Mr. Rainey closed the public hearing.

A motion was made by Mr. Jimmie Ayscue and seconded by Mrs. Anduze to approve the text amendment. A unanimous vote was reached.

- **Case (PB05-15): Public Hearing: Providing Supplementary Use Regulations and Design Standards for Solar Farms.**

Mr. Williams reviewed the solar draft ordinance making changes the Planning Board requested. The changes were sizes of the solar farms, greater than 1 acre requires special use permit, different levels in definition section, setbacks, screening and fencing, noise, inspection and the decommissioning plan.

Mr. Walters requested the following additions to the Solar Draft Ordinance 15-19: (1) underground connection panel to panel with exempting pole not included and (2) informational signage placement at the entrance of the facility for emergency contact.

Mr. Horace Bullock included a security bond be added to the decommissioning plan. Mr. Williams spoke to the Planning Board “as long as it does not involve the city or county municipalities over a private matter”.

Mr. Walters requested for churches, schools and athletic facilities to have a setback requirement of 500 feet away from solar panels in Residential Agricultural (RA) Districts only.

Mr. Rainey opened the public hearing for comments on this matter.

Mr. David Neill (an attorney for Smith Moore Leatherwood, LLP, at 434 Fayetteville Street, Suite 2800, Raleigh NC 27601) spoke in favor of the text amendment. Mr. Neill was shocked about the last minute additions. Mr. Neill had no objection with the underground connection language however, he objected to the following: 1) security bonds in the decommissioning plan and 2) churches, schools and athletic facilities have a setback requirement of 500 feet away from solar panels in Residential Agricultural (RA) Districts only. A handout on setbacks was passed to the Planning Board and staff.

Mr. Lewis Iannone (50101 Governors Drive, Chapel Hill NC 27526, Strata solar engineer) objected to churches, schools and athletic facilities having a setback requirement of 500 feet away from solar panels in Residential Agricultural (RA) Districts only.

Mr. Edward Spain (456 Spring Valley Road, Henderson, NC 27537), commended the Planning Board and staff on producing a document on solar ordinances. He told the Planning Board that North Carolina Governor Pat McCrory is recommending expanding the tax credit on solar farms for one year.

Mr. Jim Walters (1260 Spring Valley Road, Henderson, NC 27537), supported the security bond within the decommissioning plan.

Mr. John Davis (Strata Solar, Durham, NC, and former Progress Energy) supported the solar ordinance except the requirements concerning churches, schools and athletic facilities having a setback requirement of 500 feet away from solar panels in Residential Agricultural (RA) Districts only. Also, he objected to the Planning Board's proposal on setback requirements.

Mr. Rainey asked if anyone wanted to speak against the Solar Draft Ordinance. No one spoke.

Mr. Rainey closed the public hearing.

Discussion:

Mr. Rix Edwards (City Attorney) presented the Planning Board options: 1) have Planning staff rewrite the solar draft ordinance and vote later or 2) make the additions, vote on the proposal and have staff rewrite it before the City Council meets next month. The Planning Board opted for the second scenario.

Mr. Williams explained to the Planning Board the site plan information on the plat.

Mr. Phil Walters (Planning Board member), made a motion to approve the solar draft ordinance with additions. The Planning Board requested the following additions to the Solar Draft Ordinance 15-19: 1) underground connection panel to panel with exempting pole not included, 2) informational signage placement, 3) a security bond added to the decommissioning plan between the landowner and the developer and does not involve the city or county governments, and 4) separation of 500 feet away from churches, schools and athletic facilities in Residential Agricultural (RA) Districts from solar panels.

Mr. Jimmie Ayscue said, "that seems to be the only issue is the last request".

Mr. Rainey suggested the Planning Board have consent on the 500 foot separation on the proposal concerning the churches, schools and athletic facilities. Mr. Edwards (City Attorney) provided advice to Mr. Rainey concerning the proper procedure.

The Planning Board's decision was as follows:

- (6) No's (Mr. Michael Rainey, Mr. Horace Bullock, Mr. Arthur Henderson, Mr. Jimmie Ayscue, Mrs. Marguerite Anduze, Mr. Arnold Bullock).
- (2) Yes's. (Mr. Phil Walters, Mr. Keith Coffey)

The motion died because of lack of support.

Mr. Rainey eliminated the proposal concerning churches, schools and athletic facilities in Residential Agricultural (RA) Districts only have a setback requirement of 500 feet away from solar panels.

The motion was second by Mr. Keith Coffey. A unanimous vote was reached on the first three additions.

- **Case (PB-07-15): Public Hearing: Text Amendment on not allowing solar farms in RA Zoning Districts.**

Mr. Rainey opened the public hearing for comments on this matter.

Mr. Bill Edwards (550 Spring Valley Lake Road Henderson, NC 27537) supported the text amendment. Mr. Edwards reminded the Planning Board the 2030 Comprehensive Plan represents this area as residential growth. Residential area does not reflect where solar farms are located. Solar farms should be allowed in I1, I2, and I3 industrial uses only. He has a petition of 32 property owners on Spring Valley Lake Road that support the text amendment.

Mr. Jim Walters (1260 Spring Valley Road, Henderson, NC 27537), supported the text amendment. He provided a (handout) map to the Planning Board staff had created on where all solar farms are located in Vance County. "Solar farms are industrial applications".

Mr. Williams provided information to the chairman concerning the solar map which was produced by the City of Henderson Development Services Department.

Mr. Rainey asked if anyone wanted to speak against the proposed text amendment.

Mr. Stuart Litvin (Director of Economic Development Commission, 1775 Graham Ave, Henderson, NC 27536), discussed policy not individual projects. Mr. Litvin is a firm believer in property owners leasing their land for financial reasons. Vance County does not have provisions prohibiting solar farms in residential agricultural zoning districts.

Mr. David Neill (an attorney for Smith Moore Leatherwood, LLP, at 434 Fayetteville Street, Suite 2800, Raleigh NC 27601) simply stated "this is a terrible idea". Solar farms make low noise, traffic, and are appropriate uses in Residential Agricultural Districts rather than in high concentrated industrial areas.

Mr. Lewis Iannone (50101 Governors Drive, Chapel Hill NC 27526, Strata solar engineer) agrees with Mr. Neill's testimony. He encouraged the Planning Board to vote against the text amendment.

Mr. Frank Hester (1656 St. Andrews Church Road, Henderson, NC), opposed the text amendment. Solar farms provide a use to the land that is not usable. He suggested to the Planning Board a solar farm would be environmentally clean and safe to the general public.

Mr. John Davis (Strata Solar, Durham, NC, and former Progress Energy) opposed the text amendment. Mr. Davis reminded the Planning Board the property is located in the ETJ area and an existing substation is near the proposed property. There is no water or sewer availability in the Spring Valley Farms area for future subdivisions.

Mr. Edward Spain (456 Spring Valley Road, Henderson, NC 27537), opposed the text amendment. There are a lot of permitted uses for Residential Agricultural (RA) Zoning Districts.

Mr. Rainey closed the public hearing.

Discussion:

Mr. Rainey asked staff for clarification on the solar map. The blue line indicates the Extra Territorial Jurisdiction (ETJ) area. The orange line is the city limits area. There are 9 proposed sites in Vance County and 4 inside the ETJ area. There may be potential rezoning cases concerning solar facility areas.

Mr. Phil Walters (Planning Board member), made a motion to approve the text amendment. Mr. Horace Bullock seconded the motion. The Planning Board's decision was as follows:

- (3) No's (Mr. Arthur Henderson, Mrs. Marguerite Anduze, & Mr. Arnold Bullock).
- (4) Yes's. (Mr. Phil Walters, Mr. Horace Bullock, Mr. Jimmie Ayscue, Mr. Keith Coffey)

The motion was carried and approved.

(4) ADJOURNMENT:

At 5:20 PM a motion to adjourn the meeting was made by Mr. Jimmie Ayscue and second by Mr. Horace Bullock. The motion was carried.

NEXT MEETING: June 1, 2015 @ 3:30 PM

Minutes respectfully submitted by

Robert Harris
Planner



City Council Minutes Special Called Meeting 19 May 2015

PRESENT

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

ABSENT

Council Member D. Michael Rainey

STAFF PRESENT

Interim City Manager Edward A. Wyatt, City Attorney D. Rix Edwards, City Clerk Esther J. McCrackin, Assistant City Manager Frank Frazier, Development Services Director Corey Williams and Planner Robert Harris.

CALL TO ORDER

The 19 May 2015 Special Called Meeting of the Henderson City Council was called to order by Mayor James D. O'Geary at 6:00 p.m. in the R. G. "Chick" Young, Jr. Council Chambers, Municipal Building, 134 Rose Avenue, Henderson, NC.

ROLL CALL

The City Clerk called the roll and advised Mayor O'Geary a quorum was present. The City Clerk also advised the format would change so the Closed Session could be held first.

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

CLOSED SESSION

Council Member Inscoe moved for Council to convene in closed session pursuant to G.S. §143-318.11(a)(4) for an Economic Development matter. Motion seconded by Council Member Daeke and unanimously approved.

Council Member Kearney moved for Council to convene in open session. Motion seconded by Council Member Daye, and unanimously approved.

Mayor O'Geary asked the Clerk to proceed.

OLD BUSINESS

Solar Farms Discussion

Development Director Williams began the discussion by providing a brief timeline of the solar farm issue. This came before the Planning Board in January. Then in February it went before Council where the issue was remanded back to the Planning Board for further information. Since February there have been several Planning Board discussions, including a work session. Mr. Williams said on May 4th the Planning Board approved a Text Amendment to not allow solar farms in RA zoning districts.

Mr. Williams then reviewed the draft ordinance which incorporates many points from the North Carolina Solar Energy Development template. He pointed out the ordinance includes the following requirements: 1) site plan, 2) setbacks, 3) screening and fencing, 4) signage, 5) noise, 6) transmission lines, 7) annual inspection, 8) decommissioning, 9) security bond, and 10) definition (size of components).

Council Member Daeke felt the screening (live plants such as trees/hedges) should be at least 6 feet on the first day rather than allowing the screening to grow over a period of three years. Council Members Kearney and Coffey agreed.

Council Member Coffey has no problem with solar farms as long as they are screened and not in the middle of the City.

Council Member Kearney brought up the issue of unsightly, bare spots as trees/hedges do die but felt solar farms are acceptable if kept from view of the public.

Council Member Inscoe suggested a fee for the annual inspection and asked who would do the inspection. Mr. Williams said his department would be responsible and after a brief discussion, \$1,000 was suggested as the annual fee.

After further discussion, the following restrictions were requested by Council.

- 8 foot screening required in RA with a process in place to replace the trees/hedges by the City at the expense of the property owner with the ability to enforce civil penalties
- \$1,000 annual inspection fee
- Property owner responsible for upkeep

There was then a discussion regarding what should be approved first by Council during the upcoming public hearing. It was decided that the design standards would be approved first with the text amendment coming next.

Mr. Williams then distributed a list of solar farms in the area along with applications at the State Clearing House.

Council Member Coffey asked if the Clearing House list of solar farms indicates application has been made but no action has been taken. Mr. Williams said that was correct.

Mr. Williams asked for and received verification from Council regarding the sequence that they would like to consider these issues at the Public Hearing. The consensus was the sequence should be to continue the Public Hearing starting with the design regulations, then the rezoning and lastly the text amendment.

There were no further questions so Mayor O'Geary asked if Council was prepared to adjourn.

ADJOURNMENT

Council Member Coffey moved for adjournment. Motion seconded by Council Member Daye, and unanimously approved. The meeting adjourned at 6:57 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: 8 June 15 Regular Meeting

3 June 2015

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

FR: Edward A. Wyatt, Interim City Manager

RE: CAF: 15-67:
Consideration of Approval of Ordinance 15-27, Text Amendment Removing Solar Farms Use 20.7 in Residential Agricultural (RA) Zoning Districts.

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

- **Key Strategic Objective 3:** Revise and align land use and sign ordinance.

Recommendation:

- Approval of Ordinance 15-27, Text Amendment Removing Solar Farms Use 20.7 in Residential Agricultural (RA) Zoning Districts

Executive Summary:

On April 6, 2015, the Planning Board instructed staff to research and draft a text amendment to restrict Solar Farms in Residential Agricultural Districts. On May 4, 2015, during a public hearing, and after discussions from concerned citizens and potential developers, a motion was made and approved by the Planning Board to recommend the text amendment to restrict Solar Farms in Residential Agricultural Districts.

Attachments:

1. Ordinance 15-27
2. Statistics / Solar Farm Time Line
3. Petition of opposing Solar Farms in Residential Districts

ORDINANCE 15-27

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 SECTIONS 310 A TABLE OF PERMITTED USES: REMOVING SOLAR FARM USE 20.7 (OFF PREMISES) FROM THE RA (RESIDENTIAL & AGRICULTURAL) DISTRICT

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

Section 1. That Section 310A, Table of Permitted Uses of the Zoning Code 20.7 Solar Farms be amended by removing "S" under RA (Non-Urban Residential & Agriculture Use District).

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

The foregoing Ordinance, introduced by ***** and seconded by ***** on this the 8th day of June 2015, and having been submitted to a roll call vote, was approved by the following votes:
Ayes: Noes:

Mayor James D. O'Geary

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

D. Rix Edwards, City Attorney

SOLAR FARM STATISTICS FOR MUNICIPLITIES AND COUNTIES STUDY

Summary	Zoning Districts Allowed	Zoning Districts Not Allowed
Residential Districts 2 out of 15	Iredell, Wake, Yadkin, Montgomery, Vance, Guilford, Sampson, Perquiman, Town of Williamston, Cities of Henderson, Greenville & Asheboro	Town of St Pauls, Forsyth County, Granville County
Industrial Districts 6 out of 15	Iredell, Granville, Montgomery, Vance, Guilford, City of Henderson	Wake, Yadkin, Sampson, Perquiman, Forsyth County, Town of Williamston, Town of St Pauls, City Asheboro & Greenville
Commercial Districts 4 out of 15.	Wake, Granville, Montgomery, Vance	Iredell, Yadkin, Guilford, Sampson, Perquiman, Forsyth County, Town of Williamston, Town of St Pauls, Cities of Henderson, Greenville, Asheboro

SOLAR FARM TIME LINE

				PLANNING BOARD	CITY COUNCIL
DATE	CASE	DESCRIPTION	PETITIONER	DECISION	DECISION
1/13/2015	PB04-15	Recommendation to rezone properties from R-20 (Low Density Residential) to R-A (Residential/Agricultural Use) Zoning District located at 456 Spring Valley Road, 60.70+/- acres, (PIN #'s: 0207 01008, 0207 01005, 0207 02002A).	Spring Valley Farms	Approved on 2/3/15	Tabled, sent back to Planning Board for design standard requests
2/24/2015	PB-05-15	Text Amendment for Solar Farms Ordinance 15-19 creating design standards and supplementary regulation (Draft 1)	Staff	Hearing is 3/9/15. Decision has not been decided during the March and April Meetings. They continued the item until May 4 2015.	
2/24/2015	PB-05-15	Text Amendment for Solar Farms Ordinance 15-19 creating design standards and supplementary regulation (Draft 2)	Staff	Approved with conditions on 5/4/2015. See minutes for more details.	June 8 hearing date for this item.
5/4/2015	PB07-15	Text Amendment on not allowing solar farms in RA zoning districts.	Planning Board	Approved on 5/4/15.	June 8 hearing date for this item.

Rec'd
4/31/15

WE THE UNDERSIGNED ARE NOT OPPOSED TO LARGE SCALE SOLAR ENERGY SYSTEMS (SOLAR FARMS) OR GREEN TECHNOLOGY BUT BELIEVE IT SHOULD BE RESTRICTED TO I1, I2, OR I3 IN THE CITY OF HENDERSON AND THE EXTRATERITORIAL JURISDICTION (ETJ) THAT AGREES WITH THE 2030 MASTER DEVELOPMENT PLAN ADOPTED BY THE CITY IN 2012.

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Date	Print Name	Address	Signature
1 4-21-15	Johnny Edwards	94 E. Stratford Dr.	Johnny Edwards
2 4-22-15	Kim Edwards	94 E. Stratford Dr.	Kim Edwards
3 4-22-15	Frances DeMent		Frances DeMent
4 4-22-15	Danielle Gwyn	222125 Hwy 158	Danielle Gwyn
5 4/22/15	MANUE FULCHEN	4255 STRATFORD	Manue Fulchen
6 4/22/15	Rita Gupton	335 Tower Road	Rita Gupton
7 4/22/15	Joshua Edwards	498 Carey Chapel rd.	Joshua Edwards
8 4/22/15	Jasmine Edwards	94 E. Stratford Dr	Jasmine Edwards
9 4/23/15	Cynthia Ramsey	495 Coddle Creek Dr	Cynthia Ramsey
10 4/23/15	William T. Henderson	136 Kuba Rd Henderson	William T. Henderson
11 4/23/15	Erin Grimes	1107 Eaves Rd. Henderson	Erin Grimes
12 4/23/15	Lorrie Soukner	1760 Alert Rd. Henderson	Lorrie Soukner
13 4/23/15	Stephanie Callahan	52 Legacy Ln Henderson	Stephanie Callahan
14 4/23/15	MARK EDWARDS	62 E STRATFORD	Mark Edwards
15 4/27/15	Beth Grissom	210 Walker Road Henderson	Beth Grissom
16 4/30/15	Randy L. Poythress	236 Orville St. Henderson	Randy L. Poythress
17 4/30/15	STEVE KING	66 MATTHEWS DR.	Steve King
18 4/30/15	Jessica Chavez	43 Freedom Lane	Jessica Chavez
19 4/30/15	Carol Short	4840 Mc 39 Hwy S	Carol Short
20 4/30/15	Jan Sant	1091 Eaves Rd Henderson	Jan Sant
21 4/30/15	Melissa Ayscough	175 Casai Lane Henderson	Melissa Ayscough
22 4/30/15	Nancy Agnew	54 E STRATFORD DR	Nancy Agnew
23 4/30/15	Michael Campbell	395 Barker Rd	Michael Campbell

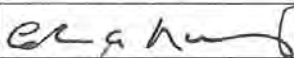


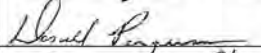



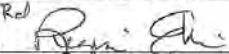
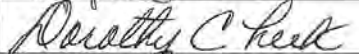

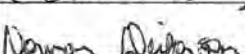
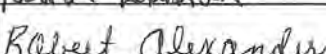
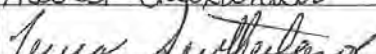
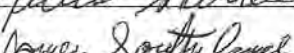
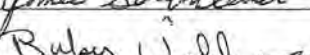
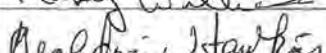
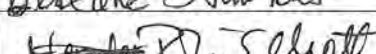
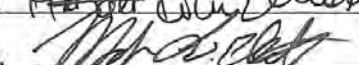
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We also agree with the Planning Board efforts in filing a text amendment to Zoning Ordinance 12-B-06 to not allow Solar Farms in any zoning jurisdiction in the City or ETJ other than I1, I2, or I3 and the requirement of a special use permit.

	Date	Print Name	Address	Signature
14	4-20-15	Daniel Guin	2593 Poplar Creek Rd	Daniel W Guin
2	4/20/15	Faye C Guin	2593 Poplar Creek Rd	Faye C Guin
3	4-21-15	John E. Glover	2645 N.C. 39 Hwy N.	John E. Glover
4	4/21-15	Linwood Calston	400 Dobsony Right	Linwood Calston
5	4-24-15	Elizabeth Harris	933 Daniel Harris	Elizabeth R Harris
6	4-24-15	Victoria E. Moody	903 Roanoke Ave	Victoria E Moody
7	4-24-15	Mary E Wynde	109 Sherwood Rd	Mary E Wynde
8	4-24-15	George C Wynde	109 Sherwood Rd	George C Wynde
9	4-24-15	Lawrence L. Blaine	280 Kelly Rd	Lawrence L. Blaine
10	4-24-15	Steve King	66 Matthews Dr	Steve King
11	4/25/15	Charles S. Sarno	12401 E. Forest Ln	Charles S. Sarno
12	4/27/15	Timothy Julius	1631 Hickory Street	Timothy Julius
13	5/3/15	Scott Burnette	1825 Summit	Scott Burnette
14	5/2/15	Willie Branch	123 Tulip Lane	Willie Branch
15	5/2/15	Robert Hight	215 Harrell St	Robert Hight
16	5/2/15	Bobby Hight	223 Harrell St	Bobby Hight
17	5/2/15	April Stevens	1508 Lynne Ave	April Stevens
18	5-21	Barry Ward	123 Crest Rd	Barry Ward

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	Date	Print Name	Address	Signature
1	5-21-15	Glenn Nunnery	1651 Oakdale Circle Henderson NC	
2	5/25/15	Tricia O'Leary	425 H. Chesapeake Henderson NC	
3	5/25/15	MIKE MOSCHY	97 CAROLINA LN HENDERSON	
4	5/26/15	Donald Perkinson Donald Perkinson	403 EACIE COURT HENDERSON, N.C.	
5	5-26-15	Brenda Coker Brenda Coker	940 Dr. Finch Rd Henderson N.C.	
6	5/27/15	Nancy Wilson	143 Lake Hamm Rd Henderson	
7	5/28/15	Donald Snow	100 CROSS CREEK CT. HENDERSON, NC	
8	5-28-15	Regina Ellis	2471 Satterwhite Pkwy Henderson N.C.	
9	5/29/15	Dorothy Cheek	250 Burnside Rd Henderson NC	
10	6/1/15	Charles Krangay	555 Pine Ridge Rd Henderson, N.C.	
11	6/2/15	Norman Dickerson	55 N. CHAVIS Rd. Kittrell, NC 28544	
12	6/2/15	Robert Alexander	1775 Spring Valley Road	
13	6/2/15	Teresa Southland	2141 Spring Valley	
14	6/2/15	JAMES Southland	2141 Spring Valley	
15	6/2/15	Ruby Williams	1895 Spring Valley Rd Henderson NC	
16	6/2/15	Geraldine Hawkins	12 Brame Rd, Hend	
17	6/2/15	Robin Elliott	1240 Spring Valley Rd	
18	6/2/15	MARK Elliott	1240 Spring Valley Rd	

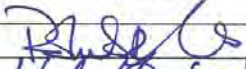

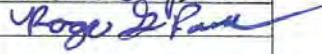
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	Date	Print Name	Address	Signature
1	4/22/15	Patsy Harris	2967 warrenton Rd Henderson	(Patsy Harris)
2	4/22/15	Ollie Harris	2967 warrenton Rd Henderson	Ollie Harris
3	4-29-15	MIKE COGHILL	1021 DANIEL HARRIS RD	MIKE COGHILL
4	5/6/15	DAVID REESE	1506 Hispania Rd	David Reese
5	5/26/15	L. J. GIBSON	1504 Hispania Rd	L. J. Gibson
6	4/2/15	Op Riggan	1140 Spring Valley Lk Rd	Op Riggan
7	6/2/15	Phil H. Walters	1290 Spring Valley Rd	Phil H. Walters
8	6/3/15	James N. Walters	1260 Spring Valley Rd Henderson	James N. Walters

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	Date	Print Name	Address	Signature
1	05/21/15	ROBERTA DOUGLAS	113 E. YOUNG AVE	
2	05/31/15	W.I. GUPTON	" " "	
3	05/21/15	Roger G. Powell	1290 Springvale Rd	

WE THE UNDERSIGNED ARE NOT OPPOSED TO LARGE SCALE SOLAR ENERGY SYSTEMS (SOLAR FARMS) OR GREEN TECHNOLOGY BUT BELIEVE IT SHOULD BE RESTRICTED TO I1, I2, OR I3 IN THE CITY OF HENDERSON AND THE EXTRATERITORIAL JURISDICTION (ETJ) THAT AGREES WITH THE 2030 MASTER DEVELOPMENT PLAN ADOPTED BY THE CITY IN 2012.

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(~~Signature~~)

	Date	Print Name	Address	Signature
1	4/20/15	Tracey Kimbrell	67 Tiny Lane Henderson, NC	Tracey Kimbrell
2	5-27-15	Herman Breedlove	71 Willieville Ln Henderson, NC	Herman Breedlove
3	5/27/15	Jim Williams	112 WESTLAKE DR	[Signature]
4	5/27/15	Norman Manning	2737 Bobbitt Rd	[Signature]
5	5/22/15	HAROLD DAVIS	399 Bellwood Dr	[Signature]
6	5/27/15	William Dennis	408 Bealwood Trail	[Signature]
7	5/27/15	Cheryl Clark	PO BOX 2700	[Signature]
8	5-28-15	[Signature]	P.O. Box 678 Henderson, NC	[Signature]

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	Date	Print Name	Address	Signature
1	5/15/15	W.D. Thurginton	4305 Woodland Rd.	<i>W.D. Thurginton</i>
2	6/15/15	Jean Palam	1805 Peace St	<i>Jean Palam</i>
3	5/15/15	Rick Johnson	1805 Peace St	<i>Rick Johnson</i>
4	5/25/15	KATHY WALTERS	1290 Spring Valley Ln	<i>Kathy Walters</i>

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	Date	Print Name	Address	Signature
1	4/27/15	Bill Edwards	550 Spring Valley Lake Road	Bill Edwards
2	4/27/15	Bettie Edwards	550 Spring Valley Lake Road	Bettie Edwards
3	4/27/15	ARTHUR HUNT	685 SPRING VALLEY LK Rd	Arthur L. Hunt
4	4/27/15	THOMAS HUNT	685 Spring Valley Lake Road	Thomas Hunt
5	4-27-15	DAVID BURNS	950 SPRING VALLEY LAKE	David Burns
6	4-27-15	Benjamin Davidson	1008 Spring Valley Lake Rd	Ben Davidson
7	4-27-15	Lindsey Davidson	1008 Spring Valley Lake Rd	Lindsey Davidson
8	4-27-15	Debbie Pulley	1315 Spring Valley Lake Rd.	Debbie Pulley
9	4-27-15	Kenneth Abbott	1375 Spring Valley Rd	Kenneth Abbott
10	4/27/15	Martha Grissom	1405 Spring Valley Rd	Martha Grissom
11	4/27/15	Roy Grissom	1405 Spring Valley Rd	ROY GRISSOM
12	4/27/15	Seth Seth David	69 Lake Rd	Seth David
13	4/27/15	Amy Wright	69 Lake Rd. HEND	Amy Wright
14	4/28/15	John Stevenson	576 Spring Valley LK Rd	John B. Stevenson
15	4-28-15	ROY MUMMS	140 LAKE RD.	Roy Mumms
16	4-28-15	Mail Mumms	140 Lake Rd.	Mail Mumms
17	4-28-15	Joy Cobb	145 Lake Road	Joy Cobb
18	4-28-15	DEAN COBB	145 LAKE RD	Dean Cobb

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	Date	Print Name	Address	Signature
1	4-28-15	Kenneth Royster	225 Spring Trl Lnw Henderson, NC	
2	4-30-15	Cynthia Joung	585 Spring Valley Lake Henderson, NC	
3	4-30-15	Charles H. Hilliard	1795 Spring Valley Lake Henderson, NC	
4	4-30-15	Ann H. Hilliard	1795 Spring Valley Lake Rd Henderson, NC	
5	4-30	Lucy Bullard	1635 Spring Valley Lake Rd Henderson W	
6	4-30	Rafonso Bullard	1635 Spring Valley Lake Rd Henderson NC	
7	5-3-15	Barbara Collins	26 Lake Road	
8	5-17-15	Tolton Roberson	385 Spring Valley Lk Rd.	
9	5-18-15	Walter Smith	104 W. W. W. Lnw	
10	5-21-15	Linda Allmy	96 W. W. W. Lnw	
11	6-1-15	Steve Hayle	1721 Spring Valley Lk Rd	
12	6-1-15	David Haynie	1721 Spring Valley Lk Rd	
13	6-1-15	Thomas C. Smith	1751 Spring Valley Lk Rd	
14	6-1-15	Lowella H. Smith	1751 Spring Valley Lk Rd	

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	Date	Print Name	Address	Signature
1	4/21/15	BARBARA ALSOP	192 Lake Rd, Henderson	Barbara Alsop
2	4/21/15	BRIAN ALSOP	192 LAKE RD, HENDERSON	Brian Alsop
3	4/21/15	John MARSH	1111 Spring Valley Lake Rd	John Marsh
4	4/22	Virginia Collins	1079 Spring Valley R.	Virginia Collins
5	4/28	Ginger Matthews	1200 Spring Valley Lake Rd	Ginger Matthews
6	4/29	EDGAR FARNELL	1360 SPRING VALLEY RD	Edgar Farnell
7	5/3/15	Deborah C. Hayes	847 Spring Valley Lake Rd.	Deborah C. Hayes

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	Date	Print Name	Address	Signature
1)	4/26/15	CHARMAINE BELTZ	105 LAKE RD	Charmaine Beltz
2	4-26-15	Aaron Beltz	105 Lake Rd.	Aaron Beltz
3	4-26-15	Russel Renshaw	529 Spring Valley	Russel Renshaw
4	4-26-15	Christy Buchanan Yount	891 Spring Valley Rd.	Christy Buchanan
5	4-26-15	Grace Buchanan	879 Spring Valley Rd	Grace Buchanan
6	4-26-15	Tommy Buchanan	879 Spring Valley Rd	Tommy Buchanan
7	4-26-15	Brenda Renshaw	529 Spring Valley Road	Brenda Renshaw
8	4-26-15	Jerry BASKETT	527 Spring Valley Road	Jerry B. Baskett
9	4/26/15	Bonnie Baskett	527 Spring Valley Rd.	Bonnie Baskett
10	4/26/15	Mary Lawson	195 Spring Valley Lake Rd	Mary Lawson By: Bonnie Baskett POA
11	4/26/15	Morgan Baskett	527 Spring Valley Rd	Morgan E. Baskett
12	5/2/15	Allan Buchanan	879 Spring Valley Rd	Allan Buchanan
13	5/3/15	Nathaniel Buchanan	879 Spring Valley Rd	Nathaniel Buchanan
14	5/3/15	Melissa Mosley	929 Spring Valley Rd	Melissa Mosley
15	5/3/15	Jeremiah Mosley	929 Spring Valley Rd	Jeremiah Mosley
16	5/3/15	Ron Dorsey	1249 David Ave	Ron Dorsey
17	5/3/15	Carol Dorsey	1249 David Ave	Carol H. Dorsey
18	5/3/15	Bryan Baskett	525 Spring Valley Rd	Bryan Baskett

WE THE UNDERSIGNED ARE NOT OPPOSED TO LARGE SCALE SOLAR ENERGY SYSTEMS (SOLAR FARMS) OR GREEN TECHNOLOGY BUT BELIEVE IT SHOULD BE RESTRICTED TO I1, I2, OR I3 IN THE CITY OF HENDERSON AND THE EXTRATERITORIAL JURISDICTION (ETJ) THAT AGREES WITH THE 2030 MASTER DEVELOPMENT PLAN ADOPTED BY THE CITY IN 2012.

We also agree with the Planning Board efforts in filing a text amendment to Zoning Ordinance 12-B-06 to not allow Solar Farms in any zoning jurisdiction in the City or ETJ other than I1, I2, or I3 and the requirement of a special use permit.

	Date	Print Name	Address	Signature
1	5/3/15	Steven R. Lawson	195 Spring Valley Lake Rd	<i>Steven R Lawson</i>
2	5/3/15	Spring Valley LMC. By: Jerry Baskett, Trustee	955 Spring Valley Rd	<i>Spring Valley LMC. By - Jerry Baskett Trustee.</i>

City Council Action Form

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



Council Meeting: 8 June 2015 Regular Meeting

4 June 2015

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

FR: Ed Wyatt, City Manager

RE: CAF: 15-60:

Consideration of Approval of Ordinance 15-05, Amending the Zoning Ordinance Section 310A Table of Permitted Uses To Allow Schools with a Special Use Permit in the I2 District.

Recommendation:

- Approval of Ordinance 15-05, Amending the Zoning Ordinance Section 310A Table of Permitted Uses To Allow Schools with a Special Use Permit in the I2 District

Executive Summary:

A text amendment has been requested to allow schools with a special use permit in the I2 zoning district. Similar uses are already permitted in this district. This will expand the potential use of vacant buildings in this district. Each Special Use Permit will only be awarded after review and approval of the Board of Adjustment.

The Planning Board unanimously approved this recommendation during its May 4, 2015 regular meeting.

Attachments:

1. Ordinance 15-05
2. Planning Board Minutes
3. Text Amendment Application

ORDINANCE 15-05

CAF 15-60
Attachment #1

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 SECTIONS 310 A TABLE OF PERMITTED USES: ALLOW OTHER SCHOOLS TO BE PERMITTED IN THE I2 ZONING DISTRICT WITH A SPECIAL USE PERMIT

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

Section 1. That Section 310A, Table of Permitted Uses of the Zoning Code 3.13 Other Schools be amended by adding "S" under I-2 (Industrial Non Park District). Allowing use by 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, introduced by ***** and seconded by ***** on this the 8th day of June 2015, and having been submitted to a roll call vote, was approved by the following votes: Ayes:
Noes:

Mayor James D. O'Geary

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

D. Rix Edwards, City Attorney



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 MAY 4, 2015 – 3:30 P.M.
CITY HALL – COUNCIL CHAMBERS**

Members Present – Michael Rainey, Horace Bullock, Arthur Henderson, Jimmie Ayscue, Keith Coffey (Alternative), Phil Walters, Marguerite Anduze, Arnold Bullock.

Members Absent – Rick Easter

Staff Present – Development Service Director: Corey Williams, Robert Harris: Planner, Karen Foster: Zoning Administrator, City Attorney: Rix Edwards

(1) **CALL TO ORDER** – Meeting was called to order by Chairman Michael Rainey. Roll was called. A quorum was present.

(2) **APPROVAL OF MINUTES**: Minutes were approved and amended for April 6 and April 28, 2015. Motion was made by Mr. Horace Bullock and seconded by Mr. Jimmie Ayscue. It was voted approval 8-0.

(3) **PUBLIC HEARING**

- **Case (PB-06-15): Public Hearing: Text Amendment Section 310A Table of Permitted Uses: Allow schools to be a special use permit in the I2 District.**

Mr. Corey Williams (Development Services Director) introduced the text amendment. Staff had no concerns with the proposal.

Mr. Rainey opened the public hearing for comments on this matter.

Mr. Johnathan Care (attorney for Vance County Charter School) spoke for the item. Vance County Charter School purchased land in an Industrial Zoning District and is expanding the facility to include a high school.

No one spoke against the text amendment.

Mr. Rainey closed the public hearing.

A motion was made by Mr. Jimmie Ayscue and seconded by Mrs. Anduze to approve the text amendment. A unanimous vote was reached.



CITY OF HENDERSON
PLANNING & COMMUNITY DEVELOPMENT

P.O. Box 1434 / 134 Rose Avenue • Henderson, NC 27536 • Phone: (252) 430-5723 • Fax: (252) 492-7935



TEXT AMENDMENT APPLICATION

Date: 20 March 2015

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: 109 W Montgomery St; Henderson NC 27536
 Contact Phone No.: 252-492-3053
 Email Address: jcure@vance.net

ORDINANCE TO BE AMENDED:

Zoning Ordinance Subdivision Ordinance

Section(s) to be amended:

1. 310 A, Table of Uses 2. _____ 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)*

- I. Section No. and Text of the Existing Ordinance:
3.13 Other Schools - Not allowed in I2
- II. Section No. and Text of the Proposed Ordinance:
3.13 Other Schools - add S under I2 Allowed by Special Use Permits
- III. 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 905.1. 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 20 Mar 15 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: 100.00 How Paid: OK Rec'd By: JSC Date Paid: 3/20/15 Check#: 6076 Receipt#: 1178/

PB Date: _____ PB Decision: Approved / Denied CC Date: _____ CC Decision: Approved / Denied

Comments: _____

 Zoning Administrator Date

Enclosure 4.

Section 310 A
 X - Zoning Permit Required
 CITY OF HENDERSON ZONING ORDINANCE

S - Special Use Permit Required
 Table of Permitted Uses

Permitted Use	Special Regulations	Section #	Zoning Districts																				
			I1	I2	I3	B-A	B1	B2	B2A	B3	B4	O1	OIA	R40	R20	R15	R11	R8	R6	RA	R15M	R8M	
1 RESIDENTIAL																							
1.1 Single Family Detached	6698, 3048.3, 510.1.10, 1002.21							*X				X	X	X	X	X	X	X	X	X	X	X	X
1.2 Duplex	510.1.20, 1002.22											X	X	X	X	X	X	X	X	X	X	X	X
1.3 Multi-Family	510.1.30, 6188, 1002.20						S					S	S	S	S	S	S	S	S	S	S	S	S
1.4 "A" HUD Code Home	510.1.40, 6168.1, 1002.46											S	S	S	S	S	S	S	S	S	S	S	S
1.5 "B" HUD Code Home	510.1.50, 6168.2, 1002.46											S	S	S	S	S	S	S	S	S	S	S	S
1.6 Unified Residential	510.1.60, 6188, 1002.95							S				S	S	S	S	S	S	S	S	S	S	S	S
1.7 HUD Code Home Park	510.1.70, 6178, 1002.46a											S	S	S	S	S	S	S	S	S	S	S	S
GROUP HOMES: CARE FACILITIES																							
2.1 GROUP HOME		1002.36										S	S	S	S	S	S	S	S	S	S	S	S
2.1.1 Bed & Breakfast Home or Tourist Home	6728, 510.2.11, 1002.7A											X	X	X	X	X	X	X	X	X	X	X	X
2.1.3 Rooming Home -By less than 9 guests	510.2.13, 1002.8, 1002.80							X				X	X	X	X	X	X	X	X	X	X	X	X
2.1.4 Bed & Breakfast Inns	6738, 510.2.13, 1002.7b							S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
2.2 CARE FACILITY																							
2.2.1 Day Care, Nursery	510.2.21, 6108, 1002.14							*S				*S	*S	*S	*S	*S	*S	*S	*S	*S	*S	*S	*S
2.2.2 Pre-School, Kindergarten	510.2.22, 6108											X	X	X	X	X	X	X	X	X	X	X	X
2.2.3 Family Care Home	510.2.23, 6118, 1002.67							X				X	X	X	X	X	X	X	X	X	X	X	X
2.2.4 Halfway Home	510.2.24							S				S	S	S	S	S	S	S	S	S	S	S	S
2.2.5 Nursing Home	510.2.25, 6118, 1002.71							S				S	S	S	S	S	S	S	S	S	S	S	S
2.2.6 Orphanage	510.2.26											S	S	S	S	S	S	S	S	S	S	S	S
2.2.7 Other Domiciliary Home	510.2.27, 6118, 1002.17, 1002.36, 1002.39							S				S	S	S	S	S	S	S	S	S	S	S	S
2.3 Hotel / Motel	510.2.30, 1002.45							S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
3 EDUCATIONAL																							
3.1 SCHOOLS		6128																					
3.1.1 Elementary and Middle		510.3.11																					
3.1.2 Vocational Schools	510.3.12							X				S	S	S	S	S	S	S	S	S	S	S	S
3.1.3 Other Schools	510.3.13							X				S	S	S	S	S	S	S	S	S	S	S	S
3.2 Churches, Temples	510.3.20, 6148							X	X			X	X	X	X	X	X	X	X	X	X	X	X
3.2a Storefront Churches	6148							X	X			*X	X	X	X	X	X	X	X	X	X	X	X
3.3 Museums	510.3.30							X	X			X	X	X	X	X	X	X	X	X	X	X	X
3.4 Libraries	510.3.40							X	X			X	X	X	X	X	X	X	X	X	X	X	X
3.5 Homeless Shelter	1002.41											S	S	S	S	S	S	S	S	S	S	S	S

**Section 310 A
X - Zoning Permit Required**

CITY OF HENDERSON ZONING ORDINANCE

Permitted Use	Special Regulations	Table of Permitted Uses																					
		11	12	13	B-A	B1	B2	B2A	B3	B4	O1	O1A	R40	R20	R15	R11	R8	R6	RA	R15M	R8M		
4 EMERGENCY SERVICES	615B & 1002.24																						
4.1 Police	510.4.10	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
4.2 Fire	510.4.20	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
4.3 Rescue Squad	510.4.30	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
4.4 Ambulance	510.4.40	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
5 RECREATION AND ENTERTAINMENT																							
5.1 WITHIN STRUCTURE	643B																						
5.10 Electronic Gaming Operations	510.5.18, 670B, 1002.23a					S	S	S	S	S	S												
5.11 Dance Halls	510.5.11, 652B.4					S	X	X	X	X	X												
5.12 Clubs, Lodges	510.5.12					X	X	X	X	X	X	X											
5.13 Indoor Theaters	510.5.13					X	X	X	X	X	X	X											
5.14 Stadiums	510.5.14	X	X			X	X	X	X	X	X												
5.15 Health Spas, YMCA	510.5.15	X	X			X	X	X	X	X	X	X											
5.16 Auditorium	510.5.16	X	X			X	X	X	X	X	X	X											
5.17 Night Club, Tavern, Lounge	510.5.17, 652B, 1002.65					S	S	S	S	S	S												
5.18 Game Room	510.5.18, 651B, 1002.34					S	S	S	S	S	S												
5.19 Skating Rink																							
5.2 OUTSIDE STRUCTURE																							
5.21 Ballfields	510.5.21	X	X			X	X	X	X	X	X	X											
5.22 Courts	510.5.22	X	X			S	X	X	X	X	X	X											
5.23 Swimming Pools	510.5.23	X	X			S	X	X	X	X	X	X											
5.24 Miniature Golf	510.5.24					S	X	X	X	X	X	X											
5.25 Golf Driving Range	510.5.25					X																	
5.26 Golf Course	510.5.26, 621B	X	X			X	X	X	X	X	X												
5.27 Stables	510.5.27, 644B, 1002.84	X	X			X	X	X	X	X	X												
5.28 Go Kart Track	510.5.28, 645B					S																	
5.29 Shooting Range	510.5.29					S	S																
5.3 Outdoor Theaters	510.5.30, 650B					S																	
5.31 Adult Establishments	510.5.31, 600D						X																
6 RESIDENTIAL-COMMERCIAL																							
6.1 HOME OCCUPATIONS	619B & 1002.40																						
6.2 Cyber Offices (No walk-in business)	619B.2																						
6.3 Hairdressing, Barber, Dressmaking, Clothing Alterations, Engineer, Architects & Surveyors, and Mental Health Counseling	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.

Symbol	District	Development Tier					Former Districts
		Rural	Suburban	Urban	Compact Neighborhood	Downtown	
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	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	CD					
Household Living	Manufactured Home	L																							5.3.2D	
	Manufactured home park or subdivision																									5.3.2E
	Upper story residential																									6.10.2, 6.11.3, 6.11.5, 6.11.7, 6.12
Group Living	All group living, except as listed below			m			m	m	m	m	m	m	m	m												
	Commercial dorm						L/m																			5.3.2A
	Congregate living facility						L/m																			5.3.2B
PUBLIC AND CIVIC USES	Group home						L/m																			5.3.2C
	All community service, except as listed below																									
Community Service	Auditoriums																									5.3.3A
	Clubs and lodges																									5.3.3C
	Museums																									5.3.3G
	Day Care Home																									
Day Care	Day care facility																									5.3.3E
	School, Elementary																									
Educational Facilities	School, middle or high																									5.3.3K
	Universities or colleges																									
	Vocational, trade or business schools																									

City of Goldsboro

	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	I&BP-1	I&BP-2	Standards	
Residential Uses																													
P - Permitted																													
S - Special Use																													
C - Conditional Use																													
Accessory dwellings	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				yes	
Condominiums								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					yes	
Dormitories																													
Duplex (two attached units/lot)																													
Home occupations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				yes	
Life care homes, assisted living								C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				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)																													yes
Open space, active or passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				yes	
Cluster Subdivision	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					5.3.2.4	
Residential care facilities including full time convalescent, attendant nursing and/or rehabilitation care																													
Rooming/boarding houses								C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					5.3.4/Ch. 116	
Single family attached																													yes
Single family detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					yes	
Single family manufactured home																													5.6.9
Single family mobile home - nonconforming	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					Sec. 5.2.10	
Single family modular home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					yes	
Special population housing - six or less unrelated persons	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					Sec. 5.2.10	
Special population housing - more than six unrelated persons								C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					Sec. 5.2.10	
Townhouses																													yes
Civic Uses																													
Armories, reserve and national guard																													
Assembly halls, coliseums, civic centers, etc.																													
Cemeteries	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					5.5.4	
Churches																													5.9.4, 5.3.5.2
Clubs, lodges, civic, social - nonprofit																													
Colleges and universities																													

July 23, 2007

CITY OF Goldsboro

	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	I&BP-1	I&BP-2	Standards
P - Permitted																												
S - Special Use																												
C - Conditional Use																												
Community centers - public																												
Fire station																												
Government offices - fed, state, local																												
Hospital																												
Museum and art galleries																												
Library																												
Parks - public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Police station																												
Post office, service facilities																												
Public emergency service centers																												
School, business																												
School, fine arts or martial arts																												
School, private, elementary, secondary																												5.3.4.1 & 5.3.4
School, public, elementary, secondary																												5.3.4.1 & 5.3.4
School, trade, technical or vocational- no outdoor storage or use																												
Agribusiness																												
Bona fide, active farm	P	P	P																									5.3.2.1
Roadside stands for produce grown locally- less than 400 sq. ft. floor area	P	P	P																									
Business/Personal Services																												
Adult Establishment																												5.5.4
Animal hospitals - enclosed pens and runs, freestanding building																												5.5.4
Animal hospitals - enclosed pens and runs, attached building																												5.5.4
Animal hospitals - open pens and runs (sec kennels and pet boarding)																												5.5.4
Apothecary Shop, retail sales incidental																												9.2 Definition
Automobile rental/leasing, no sales																												5.5.4, CBD limited
Automobile repair, service and inspection																												5.5.4, CBD limited
Automobile washing establishment																												5.5.4
Automobile washing establishment, Hand-Wash Only																												

July 23, 2007

City Council Action Form

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



Council Meeting: 8 June 15 Regular Meeting

2 June 2015

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

FR: Edward A. Wyatt, Interim City Manager

RE: **CAF: 15-69**

Consideration of Approval of Resolution 15-41 Approving in Concurrence with NCDOT the Bid Award to the Lowest Responsible Bidder for the Chavasse Widening Project and the Funding of \$87,000 for the Excess Expenses over the Estimated Cost of \$700,000 (WBS Element: 38404)

Ladies and Gentlemen:

Council Goals Addressed By This Item:

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

Recommendation:

- Approval of Resolution 15-41 Approving in Concurrence with NCDOT the Bid Award to the Lowest Responsible Bidder for the Chavasse Widening Project and the Funding of \$87,000 for the Excess Expenses over the Estimated Cost of \$700,000 (WBS Element: 38404)

Executive Summary

The City of Henderson requested the NCDOT widen a portion of Chavasse Avenue (SR 1228) from US#1 Business to Young Avenue. Through its Legislation delegation in 2007, funding was secured in the amount of \$700,000, with the stipulation that the City procure the necessary right-of-way. Easements were obtained by the City and bids were taken by NCDOT on 20 May 2015.

Upon review of the bids by their staff and removal of several items such as traffic signalization and pavement replacement (overlay) which would be paid from different sources within the DOT budget, there is a shortage of approximately \$87,000 of which the City will be responsible.

In previous information relayed to Council on 28 May 2015, it was suggested a portion of the funding come from water distribution, as there is some water main relocation costs associated

with this project; and some use of Powell Bill funds for the sidewalk costs as it would be an allowable use of Powell Bill funds.

Staff met with NCDOT on June 1, 2015 and discussed the Chavasse Avenue and Beckford Drive projects. NCDOT relayed to the City that we could delay reimbursement until late FY16 or just after July 1, 2016, which would help in planning the reimbursement in the upcoming or subsequent budgets.

This is a very important project to complete in aiding pedestrians as well as vehicular traffic; therefore, staff is recommending approval of Resolution 15-41. As you are aware, there is significant economic development that is ongoing in this area as well.

Attachments:

1. Resolution 15-41
2. Resolution 14-16

RESOLUTION 15-41

APPROVING IN CONCURRENCE WITH NCDOT THE BID AWARD TO THE LOWEST RESPONSIBLE BIDDER FOR THE CHAVASSE WIDENING PROJECT AND THE FUNDING OF \$87,000 FOR THE EXCESS EXPENSES OVER THE ESTIMATED COST OF \$700,000 (WBS ELEMENT: 38404)

WHEREAS, the Henderson City Council conducted its Annual Planning Retreat in February 2015 and during said Retreat identified eight Key Strategic Objectives (KSO) and Goals; *and*

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

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

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

WHEREAS, bids were taken for the project and the estimated costs exceeding \$700,000; *and*

WHEREAS, the agreement between the NCDOT and the City states the City is responsible for any costs exceeding \$700,000; *and*

WHEREAS, it estimated that these costs are \$87,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSON: That it does hereby approve awarding the bid for completion of the above mentioned project and commits to provide funding of approximately \$87,000 with the understanding that NCDOT will allow the reimbursement to be made up to FY 17 or just after July 1, 2016.

The foregoing Resolution 15-41 introduced by Council Member ** and seconded by Council Member ** on this the ___ day of _____ 2015, and having been submitted to a roll call vote, was *** by the following votes: YES: . NO: . ABSTAIN: . ABSENT: .

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

D. Rix Edwards, City Attorney

RESOLUTION 12-84

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

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

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

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

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

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

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

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

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

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

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

Reference: Minute Book 42, p.618, CAF 12-124

RESOLUTION 14-16

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

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

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

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

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

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

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

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

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

WHEREAS, the agreement is approved contingent on review and final approval of the bids by the City prior to NCDOT awarding a contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSON That it is supportive of this project and approves it subject to the following conditions:

- The City shall be held harmless for damage and/or liability in connection with construction except for Right of Way acquisition; *and*

- The City shall be entitled to review the bids once they have been received by NCDOT, and NCDOT has advised the City of the amount of local financial contribution necessary, if any, for the project to be considered for bid award; *and*
- Upon receipt of said information, City administration shall advise the City Council of same and at that time, Council will approve a Resolution supporting the project and any financial contributions so required by NCDOT, or approve a Resolution declining participation on the project.

The foregoing Resolution 14-16 introduced by Council Member Inscoe and seconded by Council Member Coffey, on this the 14th day of July 2014, and having been submitted to a roll call vote, was APPROVED by the following votes: YES: Inscoe, Rainey, Peace-Jenkins, Daeke, Simmons, Daye and Coffey. NO: None. ABSTAIN: None. ABSENT: Kearney.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

John H. Zollicoffer, Jr., City Attorney

(Reference: Minute Book 43, p.280)

City Council Action Form

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



Council Meeting: 8 June 15 Reg. Meeting

28 May 2015

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

FR: Ed Wyatt, Interim City Manager

RE: CAF: 15-68

Consideration of Approval of Ordinance 15-29, FY15 Budget Amendment #29, Amending the General, Water, Sewer & Regional Water Funds to Reflect the Reimbursement to the City by Builders Mutual Insurance Company for Repairs to a Damaged Water Main.

Ladies and Gentlemen:

Recommendation:

- Approval of Ordinance 15-29, FY 15 Budget Amendment #29, Amending the General, Water, Sewer & Regional Water Funds to Reflect the Reimbursement to the City by Builders Mutual Insurance Company for Repairs to a Damaged Water Main.

Executive Summary

On February 3, 2015, a 30" regional water main was bored into by a contractor performing underground utility work along the I-85 corridor. There was a major expense incurred by the City to successfully repair this main. The invoice was submitted to the contractor and payment was received in the amount of \$60,092.84. This budget amendment serves to appropriate the funds to the correct accounts.

Attachments:

1. Ordinance 15-29

ORDINANCE 15-29

FY 2014-2015 BUDGET AMENDMENT #29 AMENDING THE GENERAL, WATER, SEWER AND REGIONAL WATER FUNDS TO REFLECT THE REIMBURSEMENT TO THE CITY BY BUILDERS MUTUAL INSURANCE COMPANY FOR DAMAGES TO THE CITY'S WATER MAIN

WHEREAS, the City Council of the City of Henderson on 11 June 2014, adopted its FY 14-15 Operating Budget; *and*

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

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

FUNDS: 10: General Fund; 30: Water Fund; 31: Sewer Fund; 64: Regional Water Fund			Ordinance 15-29			
			FY 14-15 Budget Amendment #29			
10: GENERAL FUND REVENUES			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-14	Budget	Amendment	Revised
	Miscellaneous Revenue	10-100-455010	\$ 8,600	\$ 11,100	\$ 1,480	\$ 12,580
			\$ -	\$ -	\$ -	\$ -
	Total		\$ 8,600	\$ 11,100	\$ 1,480	\$ 12,580
10: GENERAL FUND EXPENDITURES			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-14	Budget	Amendment	Revised
Street	Overtime Pay	10-570-500800	\$ 6,000	\$ 16,200	\$ 900	\$ 17,100
Non-Departmental	Insurance Reserve	10-660-900226	\$ -	\$ 20,200	\$ 580	\$ 20,780
			\$ -	\$ -	\$ -	\$ -
	Total		\$ 6,000	\$ 36,400	\$ 1,480	\$ 37,880
	<i>Variance</i>				\$ -	
30: WATER FUND REVENUES			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-14	Budget	Amendment	Revised
	Miscellaneous Revenue	30-300-455010	\$ 5,000	\$ 5,000	\$ 29,130	\$ 34,130
	Water Revenue	30-300-433410	\$ 2,590,700	\$ 2,590,700	\$ 15,030	\$ 2,605,730
	Total		\$ 2,595,700	\$ 2,595,700	\$ 44,160	\$ 2,639,860
30: WATER FUND EXPENDITURES			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-14	Budget	Amendment	Revised
Engineering	Overtime	30-720-500800	\$ 1,000	\$ 300	\$ 200	\$ 500
Water Distribution	Overtime	30-818-500800	\$ 20,000	\$ 20,000	\$ 1,200	\$ 21,200
Water Distribution	Departmental Supplies	30-818-503300	\$ 18,000	\$ 17,600	\$ 7,100	\$ 24,700
Water Distribution	Capital Outlay < \$5,000	30-818-507400	\$ 4,500	\$ 4,500	\$ 17,800	\$ 22,300
Non-Departmental	Insurance Reserve	30-660-900226	\$ 12,000	\$ 900	\$ 17,860	\$ 18,760
	Total		\$ 55,500	\$ 43,300	\$ 44,160	\$ 87,460
	<i>Variance</i>				\$ -	
31: SEWER FUND REVENUES			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-14	Budget	Amendment	Revised
	Miscellaneous Revenue	31-310-455010	\$ 1,000	\$ 1,000	\$ 6,210	\$ 7,210
			\$ -	\$ -	\$ -	\$ -
	Total		\$ 1,000	\$ 1,000	\$ 6,210	\$ 7,210
31: SEWER FUND EXPENDITURES			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-14	Budget	Amendment	Revised
HWRF	Overtime	31-822-500800	\$ 7,500	\$ 15,500	\$ 400	\$ 15,900
HWRF	Capital Outlay < \$5,000	31-822-507405	\$ 29,400	\$ 29,400	\$ 2,000	\$ 31,400
Sewer Collections	Overtime	31-828-500800	\$ 10,000	\$ 16,000	\$ 1,300	\$ 17,300
Sewer Collections I&I	Overtime	31-829-500800	\$ 6,000	\$ 10,200	\$ 800	\$ 17,000
Non-Departmental	Insurance Reserve	31-660-900226	\$ -	\$ 19,000	\$ 1,710	\$ 20,710
	Total		\$ 52,900	\$ 90,100	\$ 6,210	\$ 96,310
	<i>Variance</i>				\$ -	
64: REGIONAL WATER FUND REVENUES			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-14	Budget	Amendment	Revised
	Miscellaneous Revenue	64-640-455010	\$ 7,000	\$ 7,000	\$ 8,240	\$ 15,240
			\$ -	\$ -	\$ -	\$ -
	Total		\$ 7,000	\$ 7,000	\$ 8,240	\$ 15,240
64: REGIONAL FUND EXPENDITURES			Approved	Current		
<i>Department</i>	<i>Line Item</i>	<i>Code</i>	1-Jul-14	Budget	Amendment	Revised
KLRWS	Departmental Supplies	64-900-503300	\$ 15,000	\$ 15,000	\$ 6,240	\$ 21,240
KLRWS	Capital Outlay < \$5,000	64-900-507400	\$ 4,000	\$ 4,000	\$ 1,000	\$ 5,000
Non-Departmental	Insurance Reserve	64-660-900226	\$ 6,000	\$ 2,300	\$ 1,000	\$ 3,300
	Total		\$ 25,000	\$ 21,300	\$ 8,240	\$ 29,540
	<i>Variance</i>				\$ -	
Reference:			Notes:			
CAF: 15-68; Ord 15-29; BA #29 City Council Meeting 8 June 2015			To amend the budget as a result of the check received from Builders Mutual Insurance Company for repairs that had to be made to the City's 30" water main as the result of damage incurred when Bucks Communication (contractor) accidentally bored through the City's main while performing underground utility work along the I-85 corridor.			

The foregoing Ordinance 15-29 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 8 day of June 2015: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

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

**STATE OF NORTH CAROLINA
CITY OF HENDERSON**

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 15-29 adopted by the Henderson, City Council in Regular Session on 8 June 2015 (Minute Book ** p.**). This Ordinance is recorded in Ordinance Book 9, p. ***.

Witness my hand and corporate seal of the City, this *** day of June 2015.

Esther J. 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

City Council Action Form

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



Council Meeting: 8 June 15 Regular Meeting

2 June 2015

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

FR: Edward A. Wyatt, Interim City Manager

RE: CAF: 15-71

Consideration of Approval of Ordinance 15-31 FY 15 Budget Amendment #30, Closing Out the 2013 BJA Bulletproof Vests Grant, the 2014 BJA Grant, and the 2014 Governor's Crime Commission Viper/MDT Upgrade Project Grant

Ladies and Gentlemen:

Recommendation:

- Approval of Ordinance 15-31, FY 15 Budget Amendment #30, Closing Out the 2013 BJA Bulletproof Vests Grant, the 2014 BJA Grant, and the 2014 Governor's Crime Commission Viper/MDT Upgrade Project Grant

Executive Summary:

Capital Improvement Project and/or Grant Project funds for active capital projects and grant projects are open for the life of the grant or project. Once the project or grant has been completed, it is necessary to "close out" these funds. Ordinance 15-31 officially closes out the following Grant projects:

Fund 55-208: 2013 BJA Bulletproof Vests Grant; The Resolution to accept this grant was approved by Council at its meeting on May 13, 2013. This grant was awarded to assist the Police Department with the purchase of bulletproof vests. The grant budget was initially established by FY 2014 BA #12 which was approved by Council at its meeting on September 23, 2013. Grant match funds in the amount of \$3,177 supplemented the grant with \$2,500 of those match funds coming from the NCLM Bulletproof Vests Grant program, bringing the total project cost to \$7,100. All grant funds have now been received and the grant is ready to be closed out.

Fund 55-209: 2014 BJA Grant; The Resolution to accept this grant was approved by Council at its meeting on August 11, 2014. The grant budget was initially established by FY 2015 BA #3 which was approved by Council at that same meeting. This grant is the result of an annual submission that shares funding between the City and the County in a 60/40 allocation, respectively. This year's allocations were in the amounts of \$10,161 (City) and \$6,774 (County). The City's portion was used to purchase in-car mobile camera audio/video recorders. The Vance County Sheriff's Office was to have used its portion of allocated funds to purchase law enforcement equipment. All grant funds have now been received and the grant is ready to be closed out.

Fund 55-210: 2014 Governor's Crime Commission VIPER/MDT Upgrade Grant; The Resolution to accept this grant was approved by Council at its meeting on September 8, 2014. The grant budget was initially established by FY 2015 BA #6 which was approved by Council at that same meeting. This grant was used to purchase eight (8) Mobile Data Terminals and three (3) VIPER Radios for the Police Department. All grant funds have now been received and the grant is ready to be closed out.

Attachments:

1. Ordinance 15-31

ORDINANCE 15-31
FY 2014-2015 BUDGET AMENDMENT # 30
CLOSING OUT THE FOLLOWING GRANT PROJECTS:
55-208: 2013 BJA BULLETPROOF VESTS GRANT
55-209: 2014 BJA GRANT
55-210: 2014 GOVERNOR'S CRIME COMMISSION
VIPER/MDT UPGRADE PROJECT

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

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

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

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

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

				Ordinance 15-31			
FUNDS: 55: Grants Fund & 10: General Fund				FY 14-15 Budget Amendment #30			
PROJECT: 55-208 BJA Bullet Proof Vests Grant 2013				Part 1			
				Initial Budget	Current		
55-208 BJA Bullet Proof Vests Grant 2013 Revenues				23-Sep-13	Budget	Amendment	Revised
	BJA Grant	55-208-458218		\$ 3,923	\$ 3,923	\$ -	\$ 3,923
	Trans Fr: 10 General Fund	55-208-461010		\$ 6,653	\$ 6,653	\$ -	\$ 6,653
		Total		\$ 10,576	\$ 10,576	\$ -	\$ 10,576
							\$ 10,576
55-208 BJA Bullet Proof Vests Grant 2013 Expenditures				Initial Budget	Current		
				23-Sep-13	Budget	Amendment	Revised
	Bullet Proof Vests	55-208-503605		\$ 10,576	\$ 10,576	\$ (3,476)	\$ 7,100
	Trans To: 10 General Fund	55-208-561010		\$ -	\$ -	\$ 3,476	\$ 3,476
		Total		\$ 10,576	\$ 10,576	\$ -	\$ 10,576
							\$ 10,576
		Variance				\$ -	
FUND 10: GENERAL FUND REVENUES				Approved	Current		
				1-Jul-14	Budget	Amendment	Revised
				\$ -	\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -	\$ -
		Total		\$ -	\$ -	\$ -	\$ -
							\$ -
FUND 10: GENERAL FUND EXPENDITURES				Approved	Current		
				1-Jul-14	Budget	Amendment	Revised
	Asset Forfeitures	Grant Match Funds	10-512-509901	\$ 20,000	\$ 9,279	\$ 3,476	\$ 12,755
		Trans to: 55 Grants Funds	10-512-561055	\$ -	\$ 10,721	\$ (3,476)	\$ 7,245
				\$ -	\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -	\$ -
		Total		\$ 20,000	\$ 20,000	\$ -	\$ 20,000
							\$ 20,000
		Variance				\$ -	
Reference:		Notes:					
CAF 13-50; Resolution 13-37 Council Meeting 13 May 2013		Grant submission authorized					
CAF 13-50-A will ask for grant acceptance. Ord 13-61 and BA #12 will establish the grant project budget upon acceptance. Council Meeting 23 Sept 2013		Approve grant acceptance and establish the grant project budget					
CAF 15-71; Ord 15-31; BA #30 Council Meeting 8 June 2015		Part 1 of the Budget Ordinance serves to amend the project budget and transfer unspent funds back to Asset Forfeitures					

				Ordinance 15-31			
FUNDS: 55: Grants Fund & 10: General Fund				FY 14-15 Budget Amendment #30			
PROJECT: 55-208 BJA Bullet Proof Vests Grant 2013				Part 2			
				Initial Budget	Current		
55-208 BJA Bullet Proof Vests Grant 2013 Revenues				23-Sep-13	Budget	Amendment	Revised
	BJA Grant	55-208-458218		\$ 3,923	\$ 3,923	\$ (3,923)	\$ -
	Trans Fr: 10 General Fund	55-208-461010		\$ 6,653	\$ 6,653	\$ (6,653)	\$ -
		Total		\$ 10,576	\$ 10,576	\$ (10,576)	\$ -
							\$ -
55-208 BJA Bullet Proof Vests Grant 2013 Expenditures				Initial Budget	Current		
				23-Sep-13	Budget	Amendment	Revised
	Bullet Proof Vests	55-208-503605		\$ 10,576	\$ 7,100	\$ (7,100)	\$ -
	Trans To: 10 General Fund	55-208-561010		\$ -	\$ 3,476	\$ (3,476)	\$ -
		Total		\$ 10,576	\$ 10,576	\$ (10,576)	\$ -
							\$ -
		Variance				\$ -	
Reference:		Notes:					
CAF 13-50; Resolution 13-37 Council Meeting 13 May 2013		Grant submission authorized					
CAF 13-50-A will ask for grant acceptance. Ord 13-61 and BA #12 will establish the grant project budget upon acceptance. Council Meeting 23 Sept 2013		Approve grant acceptance and establish the grant project budget					
CAF 15-71; Ord 15-31; BA #30 Council Meeting 8 June 2015		Part 1 of the Budget Ordinance serves to amend the project budget and transfer unspent funds back to Asset Forfeitures					
CAF 15-71; Ord 15-31; BA #30 Council Meeting 8 June 2015		Part 2 of this Budget Ordinance serves to close the grant project					

FUNDS:		55: Grants Fund & 10: General Fund		Ordinance 15-31			
PROJECT:		55-209 2014 GJA Grant		FY 14-15 Budget Amendment #30			
				Part 3			
55-209: 2014 BJA Grant Revenues				Initial Budget	Current	Amendment	Revised
	55-209-458218	55-209-458218	\$ 16,935	\$ 16,935	\$ (16,935)	\$ -	
	Trans Fr: 10 General Fund	55-209-461010	\$ -	\$ 4,299	\$ (4,299)	\$ -	
		Total	\$ 16,935	\$ 21,234	\$ (21,234)	\$ -	
						\$ -	
55-209: 2014 BJA Grant Expenditures				Initial Budget	Current	Amendment	Revised
	Capital Outlay < \$5,000	55-209-507400	\$ 10,161	\$ 14,460	\$ (14,460)	\$ -	
	VC Sheriff Dept Share	55-209-509031	\$ 6,774	\$ 6,774	\$ (6,774)	\$ -	
		Total	\$ 16,935	\$ 21,234	\$ (21,234)	\$ -	
						\$ -	
		Variance			\$ -		
Reference:		Notes:					
CAF 14-61-A; Resolution 14-39-A; Ord 14-39; BA #3 Council Meeting 11 Aug 2014		This ordinance serves to establish the grant project for the 2014 BJA Grant. These funds are to be shared with Vance County on a 60/40 split, City/County respectively. The City's portion will be used to purchase replacement in-car cameras and the County's portion will be used to purchase law enforcement equipment.					
CAF 15-71; Ord 15-31; BA #30 Council Meeting 8 June 2015		Part 3 of this Budget Ordinance serves to close this grant project					

FUNDS:		55: Grants Fund & 10: General Fund		Ordinance 15-31			
PROJECT:		55-210 2014 Gov Crime Comm VIPER/MDT Upgrade Grant		FY 14-15 Budget Amendment #30			
				Part 4			
55-210 2014 Gov Crime Comm VIPER/MDT Upgrade Grant Revenues				Initial Budget	Current	Amendment	Revised
	Gov Crime Comm Grant	55-210-458204	\$ 23,907	\$ 23,907	\$ (157)	\$ 23,750	
	Trans Fr: 10 General Fund	55-210-461010	\$ 7,969	\$ 7,969	\$ (52)	\$ 7,917	
		Total	\$ 31,876	\$ 31,876	\$ (209)	\$ 31,667	
						\$ 31,667	
55-210 2014 Gov Crime Comm VIPER/MDT Upgrade Gr Expenditures				Initial Budget	Current	Amendment	Revised
	Capital Equipment < \$5,000	55-210-507400	\$ 31,876	\$ 31,876	\$ (209)	\$ 31,667	
		Total	\$ 31,876	\$ 31,876	\$ (209)	\$ 31,667	
						\$ 31,667	
		Variance			\$ -		
FUND 10: GENERAL FUND REVENUES				Approved	Current	Amendment	Revised
			1-Jul-14	Budget			
			\$ -	\$ -	\$ -	\$ -	
			\$ -	\$ -	\$ -	\$ -	
		Total	\$ -	\$ -	\$ -	\$ -	
						\$ -	
FUND 10: GENERAL FUND EXPENDITURES				Approved	Current	Amendment	Revised
	Asset Forfeitures	Grant Match Funds	10-512-509901	\$ 20,000	\$ 12,755	\$ 52	\$ 12,807
		Trans to: 55 Grants Funds	10-512-561055	\$ -	\$ 7,245	\$ (52)	\$ 7,193
				\$ -	\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -	\$ -
		Total	\$ 20,000	\$ 20,000	\$ -	\$ 20,000	
						\$ 20,000	
		Variance			\$ -		
Reference:		Notes:					
CAF 14-21-A; Resolution 14-13-A Council Meeting 8 Sept 2014		This amendment established the project budget for a Governor's Crime Commission Grant awarded to the Henderson Police Dept. The local project budget will be \$31,876, of which 75%, or \$23,907 will come from grant funds, with the remaining 25% grant match of \$7,969 to be provided through Federal Asset Forfeiture Funds. The grant will be used to purchase new mobile data terminals and VIPER radios.					
CAF 15-71; Ord 15-31; BA #30 Council Meeting 8 June 2015		Part 1 of the Budget Ordinance serves to amend the project budget and transfer unspent funds back to Asset Forfeitures					

		Ordinance 15-31			
FUNDS: 55: Grants Fund & 10: General Fund		FY 14-15 Budget Amendment #30			
PROJECT: 55-210 2014 Gov Crime Comm VIPER/MDT Upgrade Grant		Part 5			
		Initial Budget	Current		
		8-Sep-14	Budget	Amendment	Revised
55-210 2014 Gov Crime Comm VIPER/MDT Upgrade Grant Revenues					
	Gov Crime Comm Grant 55-210-458204	\$ 23,907	\$ 23,750	\$ (23,750)	\$ -
	Trans Fr: 10 General Fund 55-210-461010	\$ 7,969	\$ 7,917	\$ (7,917)	\$ -
	Total	\$ 31,876	\$ 31,667	\$ (31,667)	\$ -
					\$ -
		Initial Budget	Current		
		8-Sep-14	Budget	Amendment	Revised
55-210 2014 Gov Crime Comm VIPER/MDT Upgrade Gr Expenditures					
	Capital Equipment < \$5,000 55-210-507400	\$ 31,876	\$ 31,667	\$ (31,667)	\$ -
	Total	\$ 31,876	\$ 31,667	\$ (31,667)	\$ -
					\$ -
	<i>Variance</i>			\$ -	
Reference:		Notes:			
CAF 14-21-A; Resolution 14-13-A Council Meeting 8 Sept 2014		This amendment established the project budget for a Governor's Crime Commission Grant awarded to the Henderson Police Dept. The local project budget will be \$31,876, of which 75%, or \$23,907 will come from grant funds, with the remaining 25% grant match of \$7,969 to be provided through Federal Asset Forfeiture Funds. The grant will be used to purchase new mobile data terminals and VIPER radios.			
CAF 15-71; Ord 15-31; BA #30 Council Meeting 8 June 2015		Part 1 of the Budget Ordinance serves to amend the project budget and transfer unspent funds back to Asset Forfeitures			
CAF 15-71; Ord 15-31; BA #30 Council Meeting 8 June 2015		Part 2 of the Budget Ordinance serves to close out the project budget.			

The foregoing Ordinance 15-31, upon motion of Council Member ** and second by Council Member ***, and having been submitted to a roll call vote and received the following votes and was *** on this the _____ day of _____ 2015: YES: ***. NO: **. ABSTAIN: **. ABSENT: **.

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Reference: Minute Book ** p. ***;

STATE OF NORTH CAROLINA CITY OF HENDERSON

I, Esther J. McCrackin, the duly appointed, qualified City Clerk of the City of Henderson, do hereby certify the attached is a true and exact copy of Ordinance 15-31 adopted by the Henderson, City Council in Regular Session on _____ 2015 (*Minute Book* ** p.**). This Ordinance is recorded in *Ordinance Book* **, p. ***.

Witness my hand and corporate seal of the City, this *** day of _____2015.

Esther J. 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

City Council Action Form

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



Council Meeting: 8 Jun 2015 Regular Meeting

22 May 2015

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

FR: Edward A. Wyatt, City Manager

RE: CAF: 15-49-A
Consideration of Approval of Resolution 15-30-A, Accepting an Offer of \$10,000 for the Property Known as the Old City Garage Pursuant to N.C.G.S. §160A-269

Ladies and Gentlemen:

Council Goals Addressed By This Item:

Recommendation:

- Approval of Resolution 15-49-A, Accepting an Offer of \$10,000 for the Property Known as the Old City Garage Pursuant to N.C.G.S. §160A-269

Executive Summary

On May 11, 2015, City Council passed Resolution 15-30, proposing to accept said offer as an opening bid and authorizing the advertisement for upset bids of said offer.

A notice was published by the City in the Daily Dispatch on May 16, 2015 describing the property, the amount and terms of the offer and announcing that upset bids could be presented through May 26, 2015. As no upset bids were offered during the 10 day period, it is recommended that Council accept the offer from Cameron Mitchell of \$10,000 for the above mentioned parcel. The acceptance of the offer is contingent on the preparation of a plat by a North Carolina licensed surveyor by the buyer along with installation of a chain link fence approved by the City within a reasonable time after closing. Buyer will also be responsible for the cost of the advertising associated with the upset bid procedure.

Attachments:

1. Resolution 15-30-A
2. Resolution 15-30

RESOLUTION 15-30-A
ACCEPTANCE OF A NEGOTIATED OFFER FOR A PORTION
OF THE PROPERTY KNOWN AS THE OLD CITY GARAGE
IN ACCORDANCE WITH N.C.G.S. §160A-269

WHEREAS, the City owns a tract of land identified by Vance County Tax Parcel Identification Number 0097 03 008 and described in the records of the Vance County Registrar at Deeds at Book 200, Page 464; *and*

WHEREAS, Mr. Cameron Mitchell has offered to purchase approximately a .960 acre portion (Portion) of this land for \$10,000 and has deposited \$500 with the City Clerk, the requisite good faith deposit as required by Statute; *and*

WHEREAS, on May 11, 2015, the City Council passed Resolution 15-30 proposing to accept said offer and authorized the advertisement of said negotiated offer for upset bids pursuant to G. S. §160A-269; *and*

WHEREAS, a notice was duly published by the City in The Daily Dispatch on the 16th day of May, 2015, containing a description of the property, the amount and terms of the offer and notifying that within 10 days any person may raise the bid in accordance with the Statutes; *and*

WHEREAS, the 10 day period for upset bids thereafter expired on May 26, 2015; *and*

WHEREAS, no further upset bids were made during said period of time and the City Council finds as a fact that the offer of \$10,000.00 is fair and adequate and is as much as said property could reasonably be expected to bring and further finds as a fact that it would be in the best interest of the City to accept said offer for said property.

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

- (1) The offer of Cameron Mitchell to purchase the land hereinabove described “As Is” for the sum of \$10,000.00 be accepted by the City.
- (2) That Mr. Mitchell have a survey conducted to specifically identify the .960 acre portion being purchased.
- (3) Upon completion of the survey, the Mayor may execute a Non-Warranty Deed on behalf of the City, written by the City Attorney, conveying said property “As Is” to Mr. Cameron Mitchell and are further authorized to deliver said Deed to the purchaser upon the payment to the City of the \$10,000.00 purchase price in cash (including the deposit heretofore paid to the City) at a mutually agreeable closing date within 20 days hereafter.

The foregoing Resolution 15-30-A, upon motion of Council Member ** and second by Council Member **, and having been submitted to a roll call vote received the following votes and was ***** on this the *** day of ***** 2015: 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 43, pp. **, CAF 15-49-A*

RESOLUTION 15-30

PROPOSAL TO ACCEPT A NEGOTIATED OFFER FOR A PORTION OF THE FORMER CITY OF HENDERSON, NORTH CAROLINA (CITY) GARAGE PROPERTY IN ACCORDANCE WITH NORTH CAROLINA GENERAL STATUTE §160A-269 (STATUTE)

WHEREAS, the Henderson City Council (Council) conducted its Annual Planning Retreat in January 2015, and during this retreat identified eight Key Strategic Objectives (KSOs) and Goals; *and*

WHEREAS, the City owns a tract of land identified by Vance County Tax Parcel Identification Number 0097 03 008 and described in the records of the Vance County Registrar at Deeds at Book 200, Page 464; *and*

WHEREAS, Mr. Cameron Mitchell has offered to purchase approximately a .960 acre portion (Portion) of this land for \$10,000 and has deposited \$500 with the City Clerk, as required by Statute; *and*

WHEREAS, the City proposes to accept this offer in accordance with the Statute.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL THAT:

1. A notice be published that the Council proposes to accept this offer.
2. The City Clerk is authorized to receive upset bids in accordance with the Statute.
3. City Council may at any time reject any and all offers.
4. Once all N.C.G.S. requirements are met, an offer is accepted, and a survey completed, the Portion shall be conveyed in fee simple by the City to the purchaser within 20 days of acceptance and a non-warranty deed delivered to the purchaser once the complete purchase price is paid.

The foregoing Resolution 15-30, upon motion of Council Member Rainey and second by Council Member Inscoe, and having been submitted to a roll call vote received the following votes and was APPROVED on this the 11th day of May 2015: YES: Kearney, Coffey, Inscoe, Rainey, Daeke, Simmons and Daye. NO: None. ABSTAIN: None. ABSENT: Peace-Jenkins.

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 512, CAF 15-49

City Council Action Form

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



Council Meeting: 8 June 15 Regular Meeting

25 May 2015

TO: The Honorable Mayor James D. O'Geary and Members of City Council
FR: A. Ray Griffin, Jr., City Manager
RE: **CAF: 15-66**
Consideration of Approval of Resolution 15-39, Authorizing an Application for US Department of Justice's 2015-2016 BJA Justice Assistance Grant

Ladies and Gentlemen:

Council Retreats Goals addressed by this item:

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

Recommendation:

- Approval of Resolution 15-39, Authorizing an Application for US Department of Justice's 2015-2016 BJA Justice Assistance Grant

Executive Summary

Chief of Police Marcus Barrow has requested the Council's review and approval of an application to the US Department of Justice's BJA Justice Assistance Grant Program for 2015 to fund the purchase of at least two (2) new In-Car Mobile Camera Audio/Video Recorders to install in two (2) marked police department vehicles currently without in-car camera units.

The grant, which does not require a cash grant match, must be divided with the Vance County Sheriff's Office as a "disparate jurisdiction" per Department of Justice guidelines. The full amount allocated by the Department of Justice is \$15,994.00. We propose to divide this allocation with the Sheriff's Office in the same manner as past US Department of Justice BJA JAG Grants with 60% being allocated to the City of Henderson and 40% allocated to Vance County. Under this dispersion the City of Henderson would receive \$9,596.40 and Vance County \$6,397.60.

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

The grant application must be reviewed by the City Council at least thirty (30) days prior to the grant application being submitted to the US Department of Justice and a time for public comment must be provided. The grant application is due for electronic submission to the US Department of Justice on or before 26 June 2015. The anticipated notification date if the grant is accepted is 1 July 2015. The grant terms would be the same as the Federal Budget Year for 2015-2016: October 1, 2015 to September 30, 2016.

Attachments:

1. Resolution 15-39
2. City of Henderson “Internal Process to Decide Whether Grant Application is Appropriate”.

RESOLUTION 15-39

A RESOLUTION AUTHORIZING THE APPLICATION FOR GRANT FUNDING FROM THE US DEPARTMENT OF JUSTICE BJA JUSTICE ASSISTANCE GRANT PROGRAM FOR 2015

WHEREAS, the Henderson City Council identified eight Key Strategic Objectives (KSO) at its 2015 Strategic Planning Retreat; *and*

WHEREAS, two of the Key Strategic Objectives are addressed by this request as follows: *KSO 2: To Reduce Crime and Provide for a Safe Community*, and *KSO 8: To Provide Sufficient Funds for Municipal Operations and Capital Outlay Necessary to Meet the Needs of Citizens, Customers and Mandates of Regulatory Authorities*; *and*

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

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

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

WHEREAS, the US Department of Justice BJA Justice Assistance Grants Program has announced that funding applications be submitted to their program for consideration for funding in the 2015-2016 Federal Fiscal Year, *and*

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

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

WHEREAS, the City of Henderson has been allocated by the US Department of Justice BJA Justice Assistance Grants Program as eligible to apply for \$15,994.00 in funding.

NOW THEREFORE BE IT RESOLVED by the Henderson City Council that it does hereby authorize the Chief of Police of the Henderson Police Department to submit this application for grant funding in the amount of \$15,994.00, being more fully articulated in *Attachment A* to this Resolution, and authorizes the City Manager to approve said Application and the Memorandum of Understanding with Vance County on behalf of the City (See *Attachment B* to this Resolution).

The foregoing Resolution 15-39, upon motion of Council Member ***** and second by Council Member ***** , and having been submitted to a roll call vote received the following votes and was ***** on this the ___th day of ___, 2015: YES: NO. ABSTAIN: . ABSENT:

James D. O'Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved as to Legal Form:

D. Rix Edwards, City Attorney

*Reference: Minute Book 43, p. ***.*

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION Application Construction	3. DATE RECEIVED BY STATE		State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier
5. APPLICANT INFORMATION			
Legal Name		Organizational Unit	
City of Henderson		Henderson Police Department	
Address PO BOX 1434 134 Rose Avenue Henderson, North Carolina 27536-4142		Name and telephone number of the person to be contacted on matters involving this application Twisdale, Perry (252) 432-6059	
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 56-6001241		7. TYPE OF APPLICANT Municipal	
8. TYPE OF APPLICATION New		9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 16.738 CFDA EDWARD BYRNE MEMORIAL JUSTICE TITLE: ASSISTANCE GRANT PROGRAM		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT Henderson-Vance BJA JAG 2015 Grant	
12. AREAS AFFECTED BY PROJECT City of Henderson, NC; County of Vance, NC			
13. PROPOSED PROJECT Start Date: October 01, 2015 End Date: September 30, 2016		14. CONGRESSIONAL DISTRICTS OF a. Applicant b. Project NC01 NC02	
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
Federal	\$15,994	Program has not been selected by state for review	
Applicant	\$0		
State	\$0		
Local	\$0		

<https://grants.ojp.usdoj.gov/gmsexternal/applicationReview.do?print=yes>

5/14/2015

Other	\$0	
Program Income	\$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
TOTAL	\$15,994	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.		

Close Window

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

The Henderson Police Department and the Vance County Sheriff's Office are applying jointly for the allocated funding of \$15,994.00 under the BJA Justice Assistance Grant Program for 2015. By joint agreement of the local governing bodies of the two agencies (The City of Henderson City Council and the Vance County Board of Commissioners, respectively,) the Henderson Police Department will receive \$9,596.40 in funding and \$6397.60 in funding will be forwarded to the Vance County Sheriff's office. This agreement has been formalized in a Memorandum of Understanding (MOU), a copy of which is included with this application as a PDF file via the Grants Management System.

The Henderson Police Department is requesting to use its portion of allocated funds to fund the purchase of at least two (2) new In-Car Mobile Camera Audio/Video Recording system. These cameras are used by the department to record the activities and vehicle stops of Henderson Police Officers in marked Police Patrol vehicles. The recording of officer's activities is important to provide evidence in criminal cases, defend against improper or false claims filed against officers, and provide video and audio for training purposes, allowing documentation of officers' activities under the Community Revitalization Initiative program.

The Community Revitalization Initiative (CRI) consists of a comprehensive plan of dealing with the high crime rates indicated in the application through specific training, analysis, and investigation strategies for law enforcement. It is also a comprehensive collaboration between law enforcement, the affected communities (through citizen's groups) and rental property managers, private businesses, utility providers, local media and other governmental agencies to help promote both prevention and intervention efforts. The City of Henderson's per

capita Part 1 crime rates are among the highest in NC and higher than many comparatively sized departments in the US.

The Vance County Sheriff's Office is requesting to use its portion of allocated funds to purchase needed equipment for sworn deputies for which budgeted funds are not available. Funds will be used to purchase four (4) Police Rifles, ammo and equipment to be issued to Patrol Deputies.

Budget Worksheet

A. Personnel \$0

Name	Computation	Cost

B. Fringe Benefits \$0

Name	Computation (Rate)	Cost

C. Travel \$0

Purpose	Location	Item	Computation	Cost

D. Equipment \$15,994.00

Item	Computation	Cost
In-Car Video System	2 X \$4,798.20	\$9,596.40
Patrol Rifles and Equipment	4 X \$1,300.00	\$5,200.00

E. Supplies \$0

Supply Item	Computation	Cost
Case .223 55gr Ammo (Duty)	3 X \$311.51	\$934.53
Case .223 55gr Ball Ammo (Training)	1 X \$181.18	\$181.18

F. Construction \$0

Description	Computation	Cost

G. Consultants/Contracts \$0

<i>Consultant Fees</i>			
Name	Service	Computation	Cost
<i>Contracts</i>			
Item	Cost		

H. Other \$0

Description	Computation	Cost

Total Direct Costs \$15,994.00

I. Indirect Costs

No indirect costs are projected for this project.

Budget Summary Page

A. Personnel/Salary Costs	<u>\$0</u>
B. Fringe Benefits	<u>\$0</u>
C. Travel	<u>\$0</u>
D. Equipment	<u>\$15,994.00</u>
E. Supplies	<u>\$0</u>
F. Construction	Unallowable
G. Consultants/Contracts	<u>\$0</u>
H. Other	<u>\$</u>
I. Indirect Costs	<u>\$0</u>
TOTAL PROJECT COSTS	<u>\$15,994.00</u>
Federal Request	<u>\$15,994.00</u>
Applicant Funds, if any, to be applied to this project	<u>\$0</u>

Budget Narrative:

A. Personnel

No Personnel costs are requested with this budget.

B. Fringe Benefits

No Fringe Benefits are requested with this budget

C. Travel

No travel costs are requested with this budget.

D. Equipment

The Henderson Police Department will purchase at least two (2) new In-Car Video Camera/Recorder systems in order to replace two (2) old, outdated systems currently installed in marked patrol vehicles which are scheduled to be decommissioned. The estimated price for each of the designated In-Car Video Systems is \$4,793.20 each.

The Vance County Sheriff's Office will purchase four (4) new Patrol Rifles, equipment and ammo to be issued to patrol Deputies.

E. Supplies

No supplies are requested with this budget

F. Construction

Construction expenses are not allowed under this grant.

G. Consultants/Contracts

There are no supply costs with this grant.

H. Other

There are no other costs with this grant.

I. Indirect Costs

\$0

All budget costs have been based on necessary purchases and reasonable costs for this project. If approved, all budget purchases will be made under the policies and procedures of the City of Henderson Finance or County of Vance Finance Department, State of North Carolina Department of Administration procurement rules and the guidelines of the Bureau of Justice Assistance and the Office of Justice Programs. All program expenditures will be reported on a quarterly basis both in the program's performance measurement reports and any other required financial report (SF-269).

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

The Henderson Police Department and the Vance County Sheriff's Office are applying jointly for the allocated funding of \$15,994.00 under the BJA Justice Assistance Grant Program for 2015. By joint agreement of the local governing bodies of the two agencies (The City of Henderson City Council and the Vance County Board of Commissioners, respectively,) the Henderson Police Department will receive \$9,596.40 in funding and \$6397.60 in funding will be forwarded to the Vance County Sheriff's office. This agreement has been formalized in a Memorandum of Understanding (MOU), a copy of which is included with this application as a PDF file via the Grants Management System.

The Henderson Police Department is requesting to use its portion of allocated funds to fund the purchase of at least two (2) new In-Car Mobile Camera Audio/Video Recording system. These cameras are used by the department to record the activities and vehicle stops of Henderson Police Officers in marked Police Patrol vehicles. The recording of officer's activities is important to provide evidence in criminal cases, defend against improper or false claims filed against officers, and provide video and audio for training purposes, allowing documentation of officers' activities under the Community Revitalization Initiative program.

The Community Revitalization Initiative (CRI) consists of a comprehensive plan of dealing with the high crime rates indicated in the application through specific training, analysis, and investigation strategies for law enforcement. It is also a comprehensive collaboration between law enforcement, the affected communities (through citizen's groups) and rental property managers, private businesses, utility providers, local media and other governmental agencies to help promote both prevention and intervention efforts. The City of Henderson's per

capita Part 1 crime rates are among the highest in NC and higher than many comparatively sized departments in the US.

The Vance County Sheriff's Office is requesting to use its portion of allocated funds to purchase needed equipment for sworn deputies for which budgeted funds are not available. Funds will be used to purchase four (4) Police Rifles, ammo and equipment to be issued to Patrol Deputies.

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

**KNOW BY ALL THESE PRESENT
INTER-LOCAL AGREEMENT BETWEEN THE CITY OF HENDERSON, NORTH
CAROLINA AND THE COUNTY OF VANCE, NORTH CAROLINA
REGARDING GMS APPLICATION NUMBER 2015-H2331-NC-DJ BJA FY 15
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM: LOCAL
SOLICITATION FORMULA PROGRAM AWARD**

THIS AGREEMENT is made and entered into this the ____ day of _____, 2015 by and between the County of Vance, acting by and through its governing body, the Board of Commissioners, hereinafter referred to as COUNTY, and the City of Henderson, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Vance County, State of North Carolina, witnesseth:

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

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

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

WHEREAS, the CITY agrees to provide the COUNTY \$6,397.60 for the Vance County Sheriff's Office from JAG award total of \$15,994.00; *and*

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

NOW THEREFORE, the CITY AND COUNTY AGREE AS FOLLOWS:

SECTION 1: CITY agrees to pay COUNTY a total of \$6,397.60 of JAG funds.

SECTION 2: COUNTY agrees to use \$6,397.60 for the Vance County Sheriff's Office until September 30, 2016 or until such funds are expended.

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

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

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

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

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

CITY OF HENDERSON, North Carolina

COUNTY OF VANCE, North Carolina

James D. O'Geary, Mayor

Archie B. Taylor, Jr., Chairman

Ed Wyatt, Interim City Manager

Robert Murphy, Interim County Manager

ATTEST:

ATTEST:

Esther McCracken, City Clerk

Kelly H. Grissom, County Clerk

Approved as to Legal Form:

Approved as to Legal Form:

D. Rix Edwards
City Attorney

Jonathan Care
County Attorney

CITY OF HENDERSON

INTERNAL PROCESS TO DECIDE WHETHER GRANT APPLICATION IS APPROPRIATE

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

Funding Source: Bureau of Justice Assistance J.A.G. Grants Program FY 2015

Grant/Project Name: BJA JAG 2015

Date Application Due: 8:00 pm EST June 26, 2015

This is a X NEW or RECURRING Grant.

Brief Project Summary:

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

The total allocation for this year is \$15,994.00. The City's portion will be \$9,596.40 and the County \$6,397.60.

The Henderson Police Department is requesting to use its portion of allocated funds to purchase two (2) new In-Car Video Cameras to replace old obsolete units in vehicles being parked as stripped in the upcoming fiscal year. The BJA JAG 2015 will be fully utilized prior to the end of FY 2015 - 2016.

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

The grant applications requires that the Grant Application be reviewed by the City Council and the County Commissioners and be available for review and comment by the public at least 30 days prior to the submission of the application. **Due to the application deadline being 06/26/2015, we are requesting that the grant applications included with this request be added to the agenda for Council review and public comment at the 05/25/2015 Council Meeting.**

Maximum amount available from Funding Source: \$15,994 (both City and County).

Anticipated Award Notification Date: 08/01/2015

Anticipated Grant Term: Start Date: 09/01/2015
Finish Date: 06/01/2016

Amount to be requested: \$15,994 (both City and County)

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

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

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

This grant will not require a match.

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

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

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

Is this project included in:

Departmental Budget	No
Capital Improvements Plan	No

No. This grant was not announced until after the department had submitted its budget request for the FY 2015-2016 fiscal year. The grant will be set up in a separate Grant Project Fund and not as part of the regular budget (510).

Grant funds will be used for the following:

Purchase of two (2) new In-Car Video Cameras for Marked Police Patrol vehicles.

How will the program be funded after the grant expires?

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

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

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

Some additional questions to consider:

Are any other departments within the City of Henderson eligible for this funding?

No.

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

This is a law enforcement project only.

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

No. This is a law enforcement only grant.

City Council Action Form

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



Council Meeting: 8 June 2015 Reg. Meeting

3 June 2015

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

FR: Edward A. Wyatt, Interim City Manager

RE: CAF: 15-78

Consideration of Approval of Resolution 15-46, Authorizing the Execution of a Quitclaim Deed for Property Outside City Limits Recorded in Error as Jointly Owned City/County Property

Ladies and Gentlemen:

Council Retreat Goals Addressed By This Item:

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

Recommendation:

- Approval of Resolution 15-46, Authorizing the Execution of a Quitclaim Deed for Property Outside City Limits Recorded in Error as Jointly Owned City/County Property

Executive Summary:

On 29 May 2015, a request was received from Porcha Brooks of the Vance County Tax Office regarding the execution of a quitclaim deed for a property recorded in Vance County Register of Deeds as owned by the City and County jointly. This property should have been registered as County owned only as it is outside of city limits and not under the City's jurisdiction.

City Attorney Edwards has reviewed this quitclaim deed and found it to be in order and approves the execution of said deed for the property described as: Map #0325 04005; 1 acre off Highway 39 North, Townsville, NC recorded in Book 757, Page 484 in the Vance County Registry.

It is requested Council approve the execution of these quitclaim deeds as requested by Vance County.

Attachment:

1. Resolution 15-46

RESOLUTION 15-46

AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED FOR PROPERTY OUTSIDE CITY LIMITS RECORDED IN ERROR AS JOINTLY OWNED CITY/COUNTY PROPERTY

WHEREAS, the Henderson City Council (Council) conducted its Annual Planning Retreat in January 2015, and during said Retreat identified eight Key Strategic Objectives (KSO) and Goals; *and*

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

WHEREAS, a property located outside of city limits was recorded in error as owned by Vance County and the City of Henderson in error; *and*

WHEREAS, Vance County has requested the City of Henderson to sign a Quitclaim Deed for said property to correct the records; *and*

WHEREAS, it is Council's desire to assist with this process as expeditiously as possible.

NOW THEREFORE BE IT RESOLVED by the Henderson City Council that it does hereby authorize the execution of the Quitclaim Deed for the following property: Map #0325 04005, 1 acre off Highway 39 North, Townsville, NC recorded in Book 757 Page 484 in the Vance County Registry (See *Attachment A* to this Resolution).

BE IT FUTHER RESOLVED THAT the Mayor or his appointee is authorized to sign said Quitclaim Deeds to effect the transfer of said property to the sole ownership of the County of Vance.

The foregoing Resolution 15-46, upon motion of Council Member *** and second by Council Member ***, and having been submitted to a roll call vote received the following votes and was APPROVED on this the 22nd day of June 2015: 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 43, p. ***; CAF 15-78)

This instrument was prepared by: N. Kyle Hicks, a North Carolina Licensed Attorney.
Return after recording to the Closing Attorney: N. Kyle Hicks, P.O. Box 247, Oxford NC
27565

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

STATE OF NORTH CAROLINA

QUITCLAIM DEED

COUNTY OF VANCE

THIS QUITCLAIM DEED, made and entered into this the ____ day of _____,
2015, by and between the **CITY OF HENDERSON**, a North Carolina municipality, party of the
first part, to **VANCE COUNTY**, a body politic and corporate of the State of North Carolina,
whose mailing address is 122 Young Street, Suite E, Henderson, North Carolina 27536, party of
the second part.

WITNESSETH:

That said party of the first part, for and in consideration of the sum of Ten Dollars to it in
hand paid, the receipt of which is hereby acknowledged, has remised and released and by these
presents does remise, release, convey and forever quitclaim unto the party of the second part, its
successors or assigns, all right, title and interest of the said party of the first part in and to that
certain lot or parcel of land situate in Townsville Township, Vance County, North Carolina, and
more particularly described as follows:

Begin at a new iron pipe in the centerline of old Townsville railroad right of way;
run thence along the line of Ralph H. Pegram South 57° 35' 00" West 260 feet to
a new iron pipe; run thence North 22° 51' 40" East 237.52 feet to a new iron pipe
in the centerline of the old Townsville railroad right of way; run thence along the
center of said right of way South 58° 0' 00" East 150 feet to a new iron pipe, the
place of beginning. The same being designated as Lot #2 on the survey for
George Alston, Tammy Alston & Clement Alston, made by Bobbitt Surveying,
P.A., and dated June 3, 1992. Said grantor and grantee herein are the heirs of Zane
Alston.

For further reference, see Deed of record in Book 757, Page 484, Vance County
Registry.

(Map #0325 04005; 1 acre off Highway 39 North, Townsville NC)

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and
appurtenances thereunto belonging unto it, the said party of the second part, free and discharged
from all right, title, claim and interest of the said party of the first part or anyone claiming by,
through or under it.

(A0115353.DOC)

Hopper, Hicks & Wrenn, PLLC, 111 Gilliam St. Oxford NC 27565

IN TESTIMONY WHEREOF, the party of the first part has caused this deed to be duly signed by its Mayor and attested to by its City Clerk, this the day and year first above written.

CITY OF HENDERSON

By: _____
James D. O'Geary, Mayor

Attested to:

Esther J. McCrackin, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF VANCE

I, the undersigned Notary Public in and for the County of _____ and State of North Carolina, do hereby certify that Esther J. McCrackin either () personally known to me or () proven by satisfactory evidence (said evidence being _____), personally appeared before me this day and acknowledged that she is City Clerk to the City of Henderson, a municipal corporation; that she knows the common seal of the corporation; and that, by the authority duly given and as an act of said municipal corporation, the foregoing instrument was voluntarily signed by its Mayor and attested by her as its City Clerk and that the common seal was affixed all by order of the governing body of said corporation; that the said certification is the act and deed of said corporation.

Witness my hand and official stamp or seal, this ____ day of _____, 2015.

Notary Public

Printed or Typed Name of Notary

My commission expires: _____

City Council Action Form

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



Council Meeting: 8 June 15 Regular Meeting

2 June 2015

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

FR: Edward A. Wyatt, Interim City Manager

RE: CAF: 15-74

Consideration of Approval of Resolution 15-42, Issuing Sewer Credit for Outside Watering of Lawns, Plants and Vegetation for the June 1, 2015 through October 31, 2015 Billing Statements.

Ladies and Gentlemen:

Recommendation:

- Approval of Resolution 15-42, Issuing Sewer Credit for Outside Watering of Grass, Plants and Vegetation for the June 1, 2015 through October 31, 2015 Billing Statements.

Executive Summary

For the past several years the City Council has authorized the issuance of sewer credits due to outside watering of grass, plants, and vegetation.

The City Council has offered this credit in an effort to reduce the cost to the customer for such watering. If this policy is adopted, the City Council does have the discretion to discontinue it prior to October if it is not in the City's best interest due to drought and/or implementation of water conservation measures.

Enclosures

1. Resolution 15-42

**RESOLUTION
15-42**

**ISSUING SEWER CREDITS FOR OUTSIDE WATERING OF GRASS,
PLANTS AND VEGETATION**

WHEREAS, the City of Henderson has provided for a sewer credit to its customers for the period of June, July and August provided certain conditions are met, via adopting a “Sewer Credit Due to Outside Watering of Grass, Plants and Vegetation” on 9 June 2008; *and*

WHEREAS, in the past this credit has been extended to include the months of September and October; *and*

NOW, THEREFORE BE IT RESOLVED BY THE HENDERSON CITY COUNCIL THAT IT DOES HEREBY APPROVE the Amended Policy, being more fully articulated in *Attachment A* to this Resolution, for Sewer Credit Due to Outside Watering of Grass, Plants and Vegetation to include the June, July, August, September and October 2015 billing statements.

The foregoing Resolution 15-42, upon motion of Council Member *** and second by Council Member ***, and having been submitted to a roll call vote received the following votes and was APPROVED on this the ** day of *** 2015: YES: . NO: None. ABSTAIN: None. ABSENT:

James D. O’Geary, Mayor

ATTEST:

Esther J. McCrackin, City Clerk

Approved to Legal Form:

D. Rix Edwards, City Attorney

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

Sewer Credit Due to Outside Watering of Grass, Plants and Vegetation Policy

Qualifications

1. A customer whose monthly water and sewer consumption is equal to or greater than 1.5 times the average water and sewer consumption of the preceding six months may request an adjustment to their sewer charges. In no instance shall a customer who has not been on the system for at least six months be eligible for an adjustment.

2. The general time frame for these credits is from the June billing statement through the October billing statement; however the City Council shall set the time frame each year prior to this period and it can be for less than or more than the stated period if circumstances due to water restrictions or any other unforeseen emergency situations that are occurring during these months arise and/or it is not in the City's best interest to allow these adjustments. The City Council also has the discretion to discontinue these "watering credits for sewer" at any time.

3. After City Council approval, the Finance Director or designee shall be authorized to adjust the customer's monthly sewer bill as follows:

- a. The customer's average monthly water and sewer consumption for the preceding six months shall be established and 1.5 times that average shall be used to determine whether or not the customer is eligible for a sewer credit.
- b. If 1.5 times the monthly average usage is less than the usage for the month in question, the customer is eligible for a sewer credit.
- c. The Director of Finance (or her designee) shall be authorized to reduce the customer's monthly sewer charge in question by a maximum of seventy-five (75) percent of the difference between the six (6) months average sewer charge and the monthly sewer charge in question.
- d. The customer must request this adjustment from the collections office after receiving the bill in question and affirm that he/she has been irrigating grass, plants and vegetation but in no case shall a credit be issued for more than the previous two months. Failure to request this adjustment within the allotted time period shall result in no adjustment.
- e. This policy shall not apply to individuals that use water to fill swimming pools or for pressure washing.
- f. This policy shall be effective for the June – October 2015 billing statements.

Meetings and Events Calendar

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

Date	Time	Event	Location
Jun 9 th	6:00 PM	<i>FY 15-16 Proposed Budget Work Session #6 (If Needed)</i>	City Council Chambers
Jun 11 th	12:00 PM	<i>Henderson-Vance Parks & Recreation Commission Meeting</i>	Aycock Recreation Center
Jun 15 th	2:30 PM	<i>Human Relations Commission Meeting</i>	City Council Chambers
Jun 15 th	6:00 PM	<i>Special Called Meeting / Budget Hearing</i>	City Council Chambers
Jun 16 th	6:00 PM	<i>FY 15-16 Proposed Budget Work Session (If Needed)</i>	City Council Chambers
Jun 18 th	6:00 PM	<i>FY 15-16 Proposed Budget Work Session (If Needed)</i>	City Council Chambers
Jun 22 nd	6:00 PM	<i>City Council Short Regular Meeting Work Session to Immediately Follow</i>	City Council Chambers
Jul 3 rd	<i>City Hall Closed</i>	<i>Independence Day Celebration</i>	<i>City Hall Closed</i>
Jul 6 th	3:30 PM	<i>Henderson Planning Board Meeting</i>	City Council Chambers
Jul 7 th	3:30 PM	<i>Henderson Zoning Advisory Board Meeting</i>	City Council Chambers
Jul 9 th	12:00 PM	<i>Henderson-Vance Parks & Recreation Commission Meeting</i>	Aycock Recreation Center
Jul 13 th	5:00 PM	<i>Perry Memorial Library Advisory Board Meeting</i>	Perry Memorial Library
Jul 13 th	6:00 PM	<i>City Council Regular Meeting</i>	City Council Chambers
Jul 14 th	3:00 PM	<i>Henderson Appearance Committee</i>	City Council Chambers
Jul 20 th	2:30 PM	<i>Human Relations Commission</i>	City Council Chambers
Jul 27 th	6:00 PM	<i>City Council Short Regular Meeting Work Session to Immediately Follow</i>	City Council Chambers
Jul 31 st	10:00 AM	<i>Henderson-Vance 911 Advisory Board Meeting</i>	E-911 Operations Center
Aug 3 rd	3:30 PM	<i>Henderson Planning Board Meeting</i>	City Council Chambers
Aug 4 th	3:30 PM	<i>Henderson Zoning Advisory Board Meeting</i>	City Council Chambers
Aug 10 th	9:30 AM	<i>KLRWS Advisory Board Meeting</i>	City Hall Large Conference Room
Aug 10 th	6:00 PM	<i>City Council Regular Meeting</i>	City Council Chambers
Aug 13 th	12:00 PM	<i>Henderson-Vance Parks & Recreation Commission Meeting</i>	Aycock Recreation Center
Aug 17 th	2:30 PM	<i>Human Relations Commission</i>	City Council Chambers
Aug 24 th	6:00 PM	<i>City Council Short Regular Meeting Work Session to Immediately Follow</i>	City Council Chambers
Sept 1 st	3:30 PM	<i>Henderson Zoning Advisory Board Meeting</i>	City Council Chambers

Last Updated 3 June 2015



Henderson Fire Department

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

Daniel E. Wilkerson
 Fire Chief

TO: ED WYATT, INTERIM CITY MANAGER
 FROM: DANIEL E. WILKERSON, FIRE CHIEF
 DATE: JUNE 2, 2015

FIRE SUPPRESSION AND RESCUE ACTIVITY REPORT FOR: MAY 2015

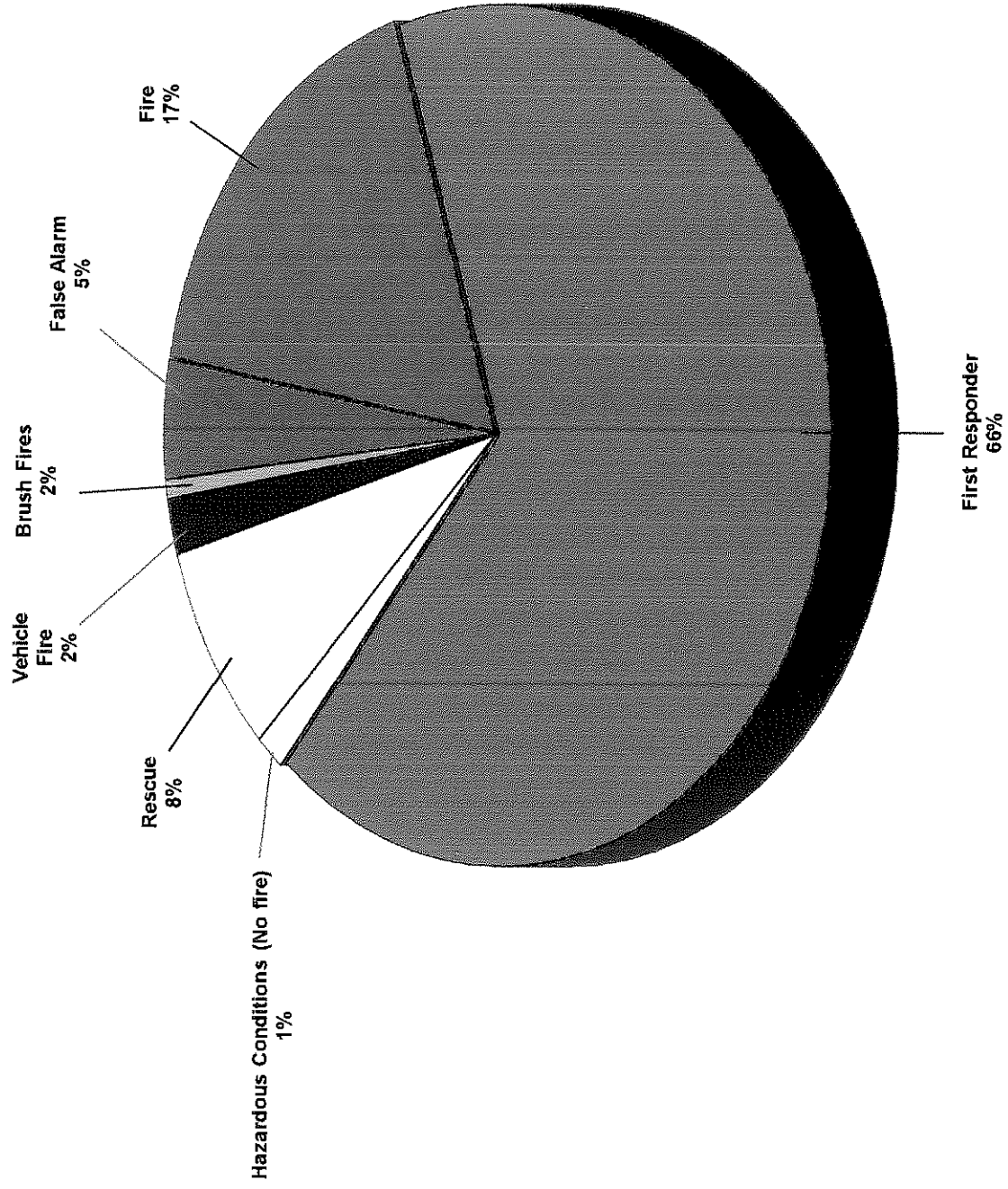
TYPE OF CALL	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
PRIVATE DWELLINGS (1 or 2 Family), Including Mobile Homes	17	32	119
APARTMENTS (3 or More Families)	4	0	9
HOTELS AND MOTELS	0	1	4
ALL OTHER RESIDENTIAL (Dormitories, Boarding Houses, Tents, etc.)	1	0	1
PUBLIC ASSEMBLY (Church, Restaurant, Clubs, etc.)	3	0	12
SCHOOLS AND COLLEGES	1	0	1
HEALTH CARE AND PENAL INSTITUTIONS (Hospitals, Nursing Homes, Prisons, etc.)	1	2	10
STORES AND OFFICES	4	2	21
INDUSTRY, UTILITY, DEFENSE, LABORATORIES, MANUFACTURING	1	0	3
STORAGE IN STRUCTURES (Barns, Vehicle storage Garages, General Storage, etc.)	0	1	1
OTHER STRUCTURES (Outbuildings, Bridges, etc.)	0	0	0
WORKING STRUCTURE FIRE	5	2	20
FIRES IN HIGHWAY VEHICLES (Autos, Trucks, Buses, etc.)	2	3	11
FIRES IN OTHER VEHICLES (Planes, Trains, Ships, Construction or Farm Vehicles)	0	0	0

FIRE OUTSIDE OF STRUCTURES WITH VALUE INVOLVED, BUT NOT VEHICLES (Outside Storage, Crops, Timber, etc.)	0	0	0
FIRES IN BRUSH, GRASS, WILD LAND (Excluding Crops and Timber) With No Value Involved	6	3	15
FIRES IN RUBBISH, INCLUDING DUMPSTERS (Outside structures), With No Value Involved	0	6	10
ALL OTHER FIRES	1	0	7
RESCUE	23	22	121
FIRST RESPONDER	192	144	763
FALSE ALARM RESPONSES (Malicious or Unintentional False Calls, Malfunctions, Bomb Scares)	13	22	77
MUTUAL AID OR ASSISTANCE RESPONSES	9	6	28
HAZARDOUS MATERIALS RESPONSES (Spills, Leaks, etc.)	4	0	17
OTHER HAZARDOUS RESPONSES (Arcing wires, Bomb Removal, Power Line Down, etc.)	0	4	24
ALL OTHER RESPONSES (Smoke Scares, Lock-Outs, Animal Rescues, etc.)	3	1	11
TOTALS	290	251	1285

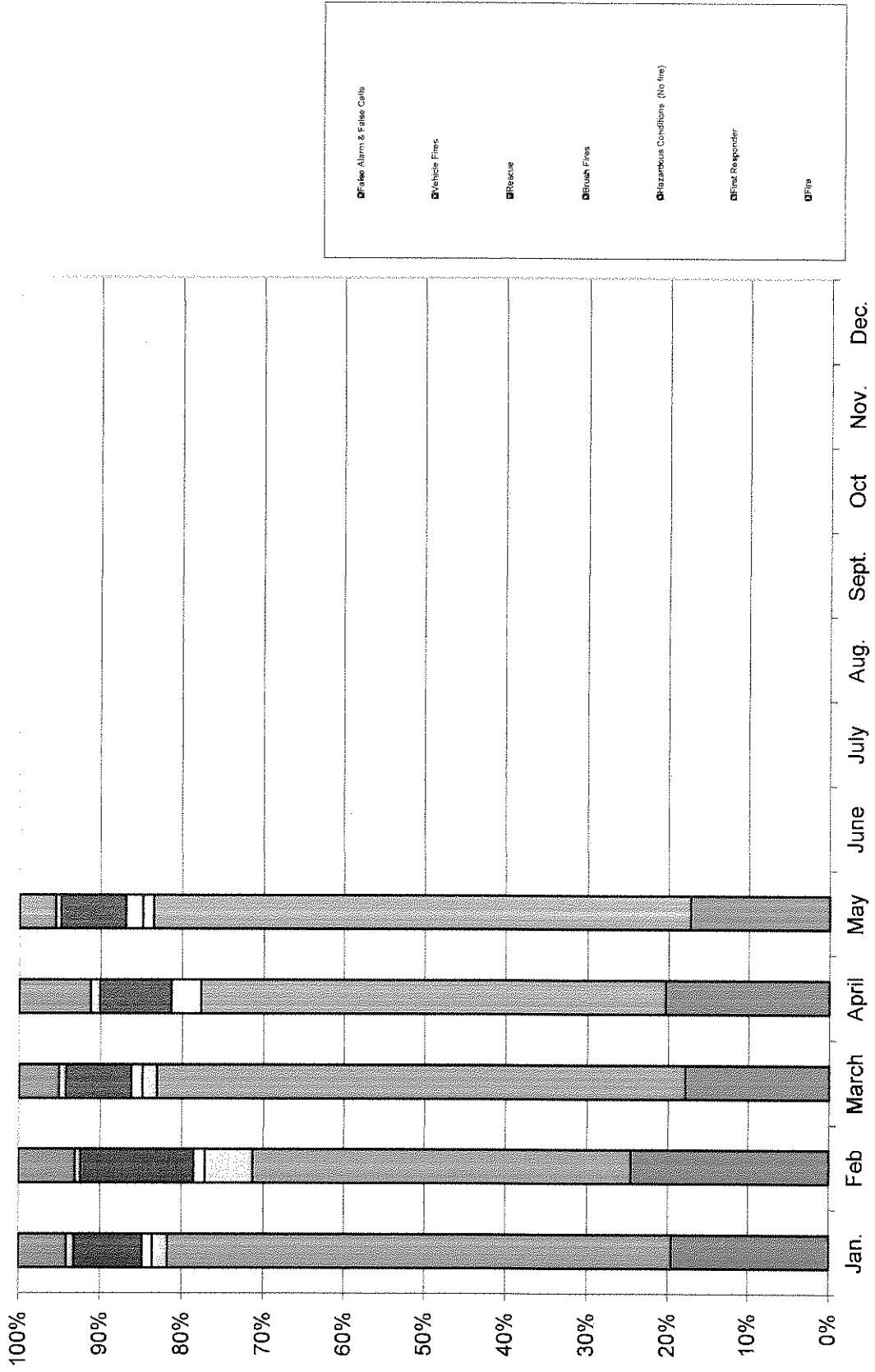
	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
Total Fire Incidents With Property and/or Contents Loss	8	8	46
Total of Property and Contents Value Saved	\$ 12,781,228.00	\$ 479,543.00	\$ 16,789,349.00

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

Incident Summary For May



YEAR TO DATE SUMMARY BY MONTH FOR 2015



INSPECTION ACTIVITIES REPORT FOR:

May, 2015

INSPECTIONS	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
ASSEMBLY	12	4	33
BUSINESS	9	13	67
EDUCATIONAL	0	0	0
HAZARDOUS	0	0	0
INDUSTRIAL	2	0	5
INSTITUTIONAL	4	1	16
MERCANTILE	11	10	51
RESIDENTIAL	2	2	19
STORAGE	1	1	4
DAY CARE	0	0	0
HOME CARE	0	0	0
FOSTER CARE	0	0	0
VACANT	0	0	0
TOTALS	41	31	195

	PRESENT MONTH	PREVIOUS MONTH	YEAR-TO-DATE
CODE VIOLATIONS	46	24	133
FOLLOW UP INSPECTIONS	6	9	37

FIRE PREVENTION ACTIVITY REPORT FOR YEAR OF: 2015

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	TOTALS
Service Calls to Residents	20	10	15	8	700								753
Home Inspections / Door Hanger Follow Ups	2	0	0	0	30								32
Smoke Alarms Installed	11	5	3	4	15								38
Batteries Installed in Smoke Alarms	9	5	12	4	35								65
Carbon Monoxide Alarms Installed	0	0	1	2	2								5
School / Daycare Presentations	1	2	1	1	0								5
Community / Civic Group Presentations	0	3	2	1	0								6
Station Tours	1	0	1	3	0								5
Total Participants in Fire & Life Safety Programs	200	400	350	450	1,000								2,400
Community / Business Displays	1	0	1	0	1								3
Fire Extinguisher Training	0	2	1	0	1								4
Child Safety Seats Inspected	6	3	2	5	2								18
Health Fair/Fire Prevention Week	0	0	0	0	1								1
Shift Coverage Hours	48	0	24	16	56								144
Fire Inspections	24	45	0	0	0								69
Safe Kids Events/Meetings	1	1	0	1	0								3

MONTHLY CITATION REPORT FOR THE MONTH OF: MAY 2015

LOCATION	CURRENT MONTH FIRE LANE	CURRENT MONTH HANDICAPPED	LAST MONTH FIRE LANE	LAST MONTH HANDICAPPED	YEAR TO DATE
Cardinal Plaza					0
Compare Foods					0
Crossroads Shopping Center					0
Dabney Shopping Center					1
Dabney West Mall					1
Golden Corral					0
Guardian Care					0
Henderson Mall					0
Henderson Square					0
Lowe's	0		2		2
Maria Parham Hospital					0
Market Place					0
Northside Plaza					0
Oak St					0
Rose's Norlina Rd					0
Staples					0
Vance County Courthouse					0
Vance Medical Arts Bldg					0
Vance Square					0
Village Square					0
Wal Mart		6	0	2	8
Walgreens					0
TOTALS	0	6	2	2	12

TRAINING DIVISION PRODUCTIVITY - MAY 2015

Henderson Fire Department

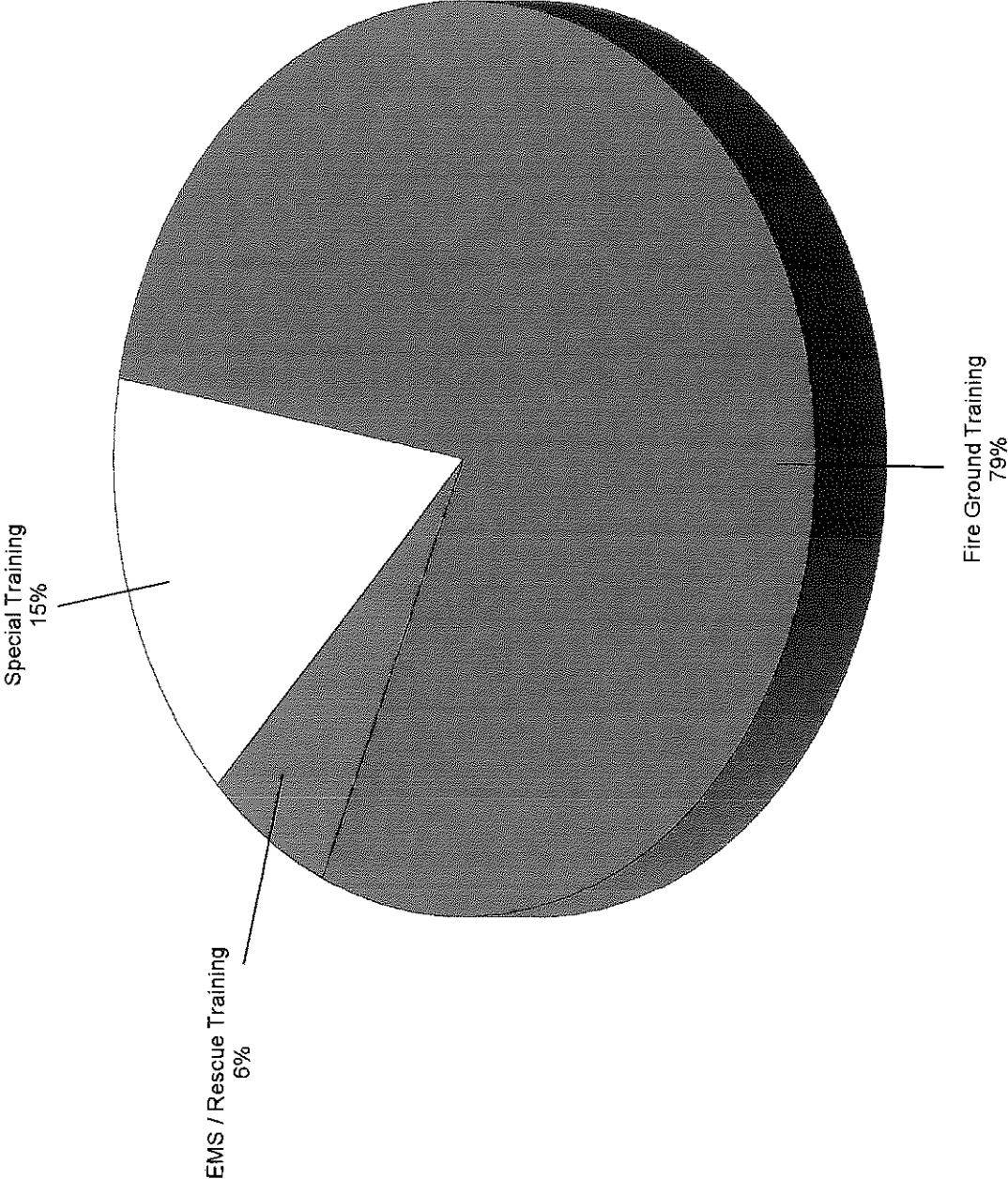
Types of Courses Taught	Course Hours Taught	Man-hours of Training
Fire Ground Training	163.5	949.5
EMS / Rescue Training	12	128
Special Training	32	128

Totals	207.5	1205.5
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	Course Hours Taught	Man-hours of Training
PREVIOUS MONTH TOTAL	217.5	1404

YEAR - TO - DATE TOTAL	836	5021
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Training Hours by Category - May 2015



Fire Department Regulatory Compliance

The Fire Department has met all regulatory compliance items for the month of
May 2015